

January to March 2006
Issued June 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 bulletin provides a summary of 14 findings published by the GPCC between January and March 2006. This includes four appeals that were originally considered in March and April 2005, for which the findings were held back while the Committee reviewed its processes. Of the findings published, none were upheld.

During this quarter the Committee received a wide variety of complaints on a range of editorial issues. Though none were upheld, the Committee identified a number of learning points and management actions. For example:

- We asked that the 'disclaimer' following certain dramas be shown for an adequate time (see page 25).
- We felt it needed to be more prominent that the pages on the website describing different religions were written from an insider perspective (see complaint about the Religion & Ethics website, page 37).
- While we did not uphold a complaint on the contemporary use of the word "gay" to mean "rubbish", we have counselled caution in its use, given its potential to offend gay and lesbian audiences (see page 41).

While we believe complaints handling in BBC management generally to be good, we also noted that in a number of cases appealed to the GPCC, less than perfect complaints handling contributed to the overall feeling of dissatisfaction.



Richard Tait
Chairman of the Governors' Programme Complaints Committee

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Summary of findings (January–March 2006)

Ten O’Clock News

BBC One, 1 August 2005

a) The GPCC appeal

The appellant made a complaint about racism and bias in the *Ten O’Clock News* coverage of two killings. After a response from stage 1, the complaint was escalated to the Editorial Complaints Unit (ECU). The ECU concluded that the complaint fell outside its remit and declined to investigate.

b) The complaint

This complaint concerned the treatment in the *Ten O’Clock News* of two killings. The murder of Anthony Walker was the second news item on the *Ten O’Clock News* on 1 August 2005, while the killing of Richard Whelan was given no national air time. The complainant stated that the two should have been given the same amount of time.

The complainant maintained that this was evidence of “racist and biased news coverage”. He felt that the murder of Anthony Walker was featured because it was alleged that the black man was killed by white men, while the man charged with the murder of Richard Whelan was black.

The Editor of the *Ten O’Clock News* replied to the initial complaint. This letter was based on the response published on the BBC Complaints website.

The complainant escalated the complaint to the ECU, which declined to investigate. The ECU explained that matters of news judgement such as this did not fall within the remit of the ECU. The Head of Editorial Complaints added that, even were he to investigate the complaint, he would not be able to add materially to the Editor’s response.

c) The Committee’s decision

The Committee first reviewed the ECU’s decision not to investigate the complaint. It noted that the ECU remit says:

The ECU does not investigate matters of legitimate editorial discretion (for example, the news judgement about which stories to cover and what prominence to give them) unless the complaint gave reason to believe that the exercise of discretion had given rise to a breach of editorial standards.

The Committee concluded that the ECU’s decision was not justified. This complaint had clearly alleged that the decision not to include the killing of Richard Whelan amounted to bias, and therefore warranted investigation under the ECU remit. As a general principle, the Committee said that the ECU should investigate allegations of bias, including allegations of “bias by omission”, particularly where the allegation related to a specific instance.

Update

Since the GPCC concluded its finding on this complaint, it has had further discussions with management about how to deal with complaints on bias by omission. It has been agreed that the ECU is entitled to decline to entertain such complaints, on the basis that in practice it would amount to the ECU deciding on running orders in bulletins, and this would interfere with legitimate editorial discretion. The GPCC will continue to consider such complaints, but only where the allegation of omission could amount to a serious breach of the Editorial Guidelines, and is neither trivial nor vexatious. As part of this, it will receive a briefing on the complaint from the ECU.

d) Relevant Producers' Guidelines (pre July 2005)

The Committee went on to consider the substance of the complainant's concerns against the requirements of the BBC's editorial standards. It referred, in particular, to the following requirements.

MATTERS OF LAW – RACIAL DISCRIMINATION

Section 70 of the Race Relations Act, 1976, makes it "an offence to publish or distribute written matter which is, or to use in any public place words which are, threatening, abusive, or insulting in a case where hatred is likely to be stirred up against any racial group".

IMPARTIALITY IN GENERAL

Due impartiality lies at the heart of the BBC. It is a core value and no area of programming is exempt from it. All BBC programmes and services should show open-mindedness, fairness and a respect for truth.

The BBC is committed to providing programmes of great diversity which reflect the full range of audiences' interests, beliefs and perspectives.

In order to achieve that range, the BBC is free to make programmes about any subject it chooses, and to make programmes which explore, or are presented from, a particular point of view.

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.

News programmes

The Agreement specifies that news should be presented with due accuracy and impartiality.

Reporting should be dispassionate, wide-ranging and well-informed. In reporting matters of industrial or political controversy the main differing views should be given due weight in the period during which the controversy is active. News judgements will take account of events as well as arguments, and editorial discretion must determine whether it is appropriate for a range of views to be included within a single programme or item.

e) The Committee's decision

The Committee felt that both the killings of Anthony Walker and of Richard Whelan were appalling events.

The question for the Committee was whether there was editorial justification for the decision to report on Anthony Walker in the national news bulletin, and on Richard Whelan only in the regional bulletin.

It concluded that Anthony Walker's murder raised issues of national significance, which made the incident particularly newsworthy. The murder was identified by the police as being clearly racially motivated. This meant that news reporting could immediately and accurately disclose the police's interpretation of motive for the crime. It also led to discussion about how the police had handled the case in contrast to the murder of Stephen Lawrence. These factors meant there was a particular national spotlight on the murder of Anthony Walker, which was also reflected in national newspaper coverage.

The Committee was satisfied that the killing of Richard Whelan – while an equally appalling act of violence and of equal significance to his family and friends – had not raised equivalent issues of national significance. It concluded that the decision not to report on this in the national bulletin had

been editorially justified, while its inclusion in the regional bulletin reflected the horror felt by fellow Londoners. Nevertheless, it agreed with BBC News that the bulletin could have briefly mentioned Richard Whelan, as a linking item to the Walker murder.

The Committee concluded that the reporting on the two deaths had been appropriate within the requirements of the BBC's editorial standards.

The Committee noted that BBC News had responded on *NewsWatch* (bbc.co.uk/newswatch) to audience comments on its coverage and asked that this be drawn to the complainant's attention.

Finding: not upheld.

Today

Radio 4, 17 March 2005, 1 April 2005, 7 April 2005

a) The items

The complaint referred to three separate interviews with the Chancellor, Gordon Brown, on the *Today* programme. These interviews focused on the national Budget and future spending plans.

- Interview 1 with Ed Stourton, 17 March 2005 – Chancellor Gordon Brown reflects on his Budget.
- Interview 2 with James Naughtie, 1 April 2005 – Gordon Brown explains the role of the economy in Labour's election campaign.
- Interview 3 with John Humphrys, 7 April 2005 – discussion based on the issue of spending in the election campaign.

b) The complaint

The complainant felt that Gordon Brown was not challenged sufficiently during these interviews, in particular on allegations he made about the Conservative spending plans.

The complainant made the following points:

- Gordon Brown proceeded to deliver a "self-congratulatory monologue on his magnificent performance as Chancellor".
- He was not asked enough questions by the interviewers, with the content controlled by Gordon Brown.
- The BBC showed partiality by supplying Gordon Brown with three propaganda interviews at peak times, in the immediate run-up to the elections.

The complainant also expressed dissatisfaction with the way his complaint was handled at stage 1.

The Head of the ECU did not uphold the complaint and the complainant appealed to the GPCC.

c) Relevant Producers' Guidelines (pre July 2005)

BBC EDITORIAL VALUES

Impartiality...

Due impartiality lies at the heart of the BBC. All BBC programmes and services should be open-minded, fair and show a respect for truth. No significant strand of thought should go unreflected or under-represented on the BBC.

OUR JOURNALISTIC VALUES

Accurate, robust, independent, and impartial, journalism is the DNA of the BBC. ...the BBC must continue to stand out as a place where people feel they are being told openly and honestly about what is happening in the world; where they can rely on unbiased and impartial reporting and analysis to help them make sense of events; and where a debate can take place in which relevant and significant voices are heard, including those who have uncomfortable questions to ask.

Impartiality and Diversity of Opinion

We report the facts first. Understand and explain their context. Provide professional judgements where appropriate, but never promote our own personal opinions. Openness and independence of mind is at the heart of practising 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. We will always resist undue pressure from all vested interests, and will jealously protect the independence of our editorial judgments on behalf of our audiences. Whatever groups or individuals may wish us to say or do, we will make all decisions based on the BBC's editorial values.

ELECTION GUIDELINES

The BBC has guidelines which apply during the run-up to a General Election in the UK which state: *News judgements at election time are made within a framework of democratic debate which ensures that due weight is given to hearing the views and examining and challenging the policies of all parties.*

d) The Committee's decision

The Committee decided to consider the complaints about these three interviews at the same time as they raised common issues and the complainant had referred to them together. The Committee reviewed the interviews, measuring them against the relevant guidelines.

The Committee agreed that there were valid reasons for featuring an interview with the Chancellor on each of the three occasions highlighted (the morning after the Budget; the day after the last Cabinet meeting before the election; and the day after confirmation from the Prime Minister that, if Labour won the election, Gordon Brown would remain Chancellor). Therefore, these were not "peak-time propaganda interviews", but appropriate days on which to examine the Chancellor's policies and arguments and subject them to high-profile scrutiny.

The Committee agreed that the Chancellor was at times able to give answers of some length, in particular in the interview conducted by Ed Stourton. However, it noted that in this interview, as in the other two, there was a series of searching and piercing questions asked of the Chancellor. For instance, Ed Stourton challenged the Chancellor on: the affordability of the Government's spending plans; Treasury forecasts of corporate tax revenue; whether the upward turn in the economy began under the Conservatives; the number and nature of public sector jobs; and whether this would be Brown's last Budget. The Committee agreed that it was reasonable for there to be a range of interview styles amongst a programme's presenters.

The Committee also believed it was reasonable to allow the Chancellor time to respond to questions and lay out his policies at a time when there was intense scrutiny of the Budget and economic policy was being hotly debated. They did not agree with the complainant that the

Chancellor was allowed to control the content of the interviews; this was done by the interviewers through the questions they asked.

The Committee did not believe that the Chancellor had been allowed to deliver a “self-congratulatory monologue”. Indeed, in the interviews with James Naughtie and John Humphrys he was interrupted on a number of occasions.

The Committee noted that the Ed Stourton interview was followed by a discussion between the presenter, the Economics Editor and the then Political Editor, in which criticism of the Chancellor’s handling of the economy was discussed at length.

The Committee also noted that the interviews took place in the run-up to the election and therefore at a time when senior politicians from all parties were appearing on *Today* on a regular basis. These included the then Shadow Chancellor Oliver Letwin, who was interviewed on five occasions over the same period as the Chancellor’s three interviews.

The Committee agreed that the interviews did not breach the required editorial standards.

Finding: not upheld.

e) Handling of the complaint

The complainant had expressed dissatisfaction at the handling of his complaint at stage 1, citing delays in getting responses and incorrect information about whether he could escalate his complaint to stage 2.

The Committee agreed that it should have been made clearer to the complainant at an earlier stage that he could take the complaint to stage 2. It was unfortunate that the nature of his complaint had been misunderstood at one point and he was informed that he could not take it to the ECU, only to be told later that he could do so.

The Committee asked that the Chairman apologise to the complainant about the delay and confusion when he wrote to him with his finding.

Appeals submitted for reconsideration

The following four appeals were submitted to the Committee for reconsideration.

Prior to reconsidering these four appeals, the Committee members confirmed that they were certain they could and would approach matters impartially and with an open mind. They also confirmed that they would be able to uphold any of the complaints if they thought it justified and would not feel bound by their previous decisions.

Israeli tried for killing UK man

bbc.co.uk, 24 June 2004

a) The article

The article reported on the trial of an Israeli soldier charged with the killing of the British student Tom Hurndall.

b) The complaint

The complainant felt that the article was biased and misleading in stating: "The BBC's Middle East correspondent James Reynolds says there is an inescapable feeling among many that this trial is going ahead because the victim was British, not Palestinian."

In particular, he complained that:

- Included as it was in isolation, this statement falsely implied that no Israeli soldier had ever been – or would be – charged in connection with the death of a Palestinian.
- In fact, prior to this trial another Israeli army officer had been convicted of the death of a Palestinian teenager in the West Bank, as reported on bbc.co.uk in the article 'Israeli army conviction praised'. Other cases were also being investigated.
- The language used in the article indicated that there had been and would be no prosecutions where the victims were Palestinians.
- The article expressed this viewpoint without expressing alternative viewpoints, and without giving the Israeli authorities an opportunity to reply to the allegation made against them.

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

c) Relevant Producers' Guidelines (pre July 2005)

OUR JOURNALISTIC VALUES

Impartiality and Diversity of Opinion

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IMPARTIALITY IN GENERAL

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FACTUAL PROGRAMMES

News programmes

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News programmes should offer viewers and listeners an intelligent and informed account of issues that enables them to form their own views.

ACCURACY

The BBC must be accurate. Research for all programmes must be thorough. We must be prepared to check, cross-check and seek advice, to ensure this.

d) The Committee's decision

The Committee considered the complaint against the required editorial standards. The Committee agreed that the key issue was whether or not James Reynolds' observation, as referred to in the article, had, as the complainant stated, implied that there had never been nor ever would be a prosecution in connection with the death of a Palestinian. There was also a further issue of whether the Israeli authorities should have had a right to reply within the article. The Committee noted that the complainant's claim that the comment implied there never "would be" a prosecution was a new element to the complaint, introduced by the complainant following his review of the additional material supplied to him.

The Committee concluded that James Reynolds' observation did not imply what the complainant alleged. James Reynolds was commenting on public feeling regarding a specific case, not prosecution rates in general. Given the available statistics on deaths and prosecutions, his comment was not unreasonable. Further, the use of the phrase "there is an inescapable feeling among many that the trial is going ahead because the victim was British, not Palestinian" is not an absolute; it does not state that it *is* the case that the trial is going ahead "because the victim is British"; nor does it state that everyone believes this to be the case.

The Committee did feel that the use of the word "many" was imprecise but, it concluded, this did not alter the fact that the sentence did not imply that which the complainant alleged.

The Committee also noted that the fourth sentence of the article ("In recent years, hundreds of civilians have been killed in the conflict but few cases have been investigated.") makes it clear that there have been investigations into previous deaths.

The Committee went on to agree that, given that the piece did not imply what the complainant alleged, there was no need for an Israeli government point of view, as there was no BBC assertion that there had never been nor ever would be prosecutions in connection with the death of a Palestinian for the Government to answer. The Committee noted that the article did refer to the denial of guilt and the fact that the defence lawyers said that a signed confession had been forced under duress. This demonstrated an appropriate acknowledgement of the position of the soldiers in the context of an article focused on this specific case.

Having reviewed all the material, the Committee was satisfied that the article had met the required editorial standards.

Finding: not upheld.

Ten O'Clock News (biography of Yasser Arafat)

BBC One, 11 November 2004

a) The item

This bulletin contained several items about the death of Yasser Arafat. The specific item complained about was an obituary package by Gavin Hewitt. The full transcript is reproduced below, but most of the complaint focuses on a particular sentence, which the complainant argued was inaccurate and led to bias:

"Yasser Arafat grew up in Jerusalem and when the state of Israel was formed, he joined the exodus of Palestinian refugees and never forgot it."

b) The complaint

The complainant maintained that the piece by Gavin Hewitt contained a serious inaccuracy in the account of Yasser Arafat's early years. In particular, he complained that:

- The item suggested that Yasser Arafat lived in Jerusalem until the independence of Israel and joined the refugee exodus when it was formed. In fact he had already returned to Egypt before Israel was formed.
- Furthermore there was no exodus of Arab refugees from Jerusalem in 1948. In fact the Arabs made territorial gains in Jerusalem, forcing the Jews out of significant parts of the city.
- This part of the account was supported by an archive still of refugees which was misleading. The complainant suspected the refugees shown were not Arab refugees from Jerusalem.
- This part of the account of Arafat's life contributed to a myth that Jerusalem was an Arab town prior to the formation of Israel. On the contrary, Jews have constituted the largest group of inhabitants since at least 1840 and a majority since the 1890s.

The Head of Programme Complaints did not uphold the complaint. The complainant appealed to the GPCC.

c) Full transcript

HUW EDWARDS: *President Arafat had dominated his people's struggle for an independent state. He was revered by Palestinians as the father of their nation and his efforts were rewarded when he shared the Nobel Peace Prize. He took the Palestinian people to the edge of a momentous peace deal but his refusal to grasp the opportunity caused deep anger and disappointment in many parts of the world. Gavin Hewitt looks back on an extraordinary life.*

GAVIN HEWITT: *For nearly four decades this man in his trade-mark black and white keffiyeh was the symbol of Palestinian struggle. To some, he was a freedom fighter, to others a terrorist: revered and reviled. Yasser Arafat grew up in Jerusalem and when the state of Israel was formed, he joined the exodus of Palestinian refugees and never forgot it.*

YASSER ARAFAT: *I saw the tragedy of our refugees leaving everything behind them.*

HEWITT: *Tent cities sprung up and from exile Yasser Arafat created the Fatah movement. In 1964 they launched a first minor raid against Israel. Three years later, further humiliation. The Arab armies were destroyed by Israel in the six-day war. The West Bank was seized. More Palestinian territory lost. More refugees. The Palestinian cause seemed hopeless. But by 1969, Yasser Arafat had helped form the Palestine Liberation Organisation and was building a guerrilla force in Jordan.*

YASSER ARAFAT: *We are fighting because we want to live in peace, but we want to live in a just peace.*

HEWITT: *Terror became a tactic to draw attention to their cause. In 1970, three airlines were seized and blown up at Dawson's Field in Jordan, where the PLO had its base. King Hussein was furious and decided to drive out the Palestinians. 3,000 died. The Palestinians called it Black September. In 1972, a group using that name seized 11 Israeli athletes at the Munich Olympics and murdered them. Arafat's direct responsibility was unclear. The Israelis blamed him. But terror was raising the profile of the Palestinian cause. Arafat was invited to the United Nations, wearing fatigues he told the world that he was bearing an olive branch and a freedom fighter's gun. The PLO's new base was Lebanon. Yasser Arafat was enjoying the recognition of being the Palestinian leader. He was trying to build support for a Palestinian state, but he was also building up his forces. In 1982, Israel invaded Lebanon with the aim of destroying the PLO. The Palestinians fought back. But eventually the Israelis had Arafat in their sights and his life was only spared on the insistence of the United States, but the Palestinians were forced out and Yasser Arafat was marginalised in his new base in Tunis. By the late '80s he was showing a more moderate face. He recognised Israel's right to exist and rejected terrorism. Washington started a dialogue with him, but he made a disastrous misjudgement by backing Saddam Hussein in the first Gulf War. But there was an underlying momentum towards peace. In 1993 Arafat was on the White House lawn for a historic handshake with the Israeli leader Yitzhak Rabin. The Palestinians were granted limited self-rule in the West Bank and Gaza, and Arafat, after all the years in exile, was able to return to his homeland. For almost seven years the Israelis thought they might be able to work with Arafat, although his administration was notoriously corrupt, but in 2000 talks to negotiate a Palestinian state collapsed. Both sides blamed each other, but Arafat's response was to encourage a new wave of militancy. There followed a cycle of suicide bombings and Israeli reprisals. The violence has left Palestinians and Israelis further apart than ever, separated by fear and mistrust. The Israelis confined Arafat humiliatingly to his headquarters in Ramallah.*

YASSER ARAFAT: *Is this acceptable? That I can't go outside from the door. Is this acceptable?*

HEWITT: *So he remained until his final days isolated and powerless. Many say this man lacked the courage to take the risks for peace when it was on offer, but he more than any other came to symbolise the hope and grievances of a wounded people.*

d) Relevant Producers' Guidelines (pre July 2005)

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ACCURACY

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e) The Committee's decision

The Committee identified four main elements to the complaint.

- i) The complainant said that the obituary inaccurately stated that Arafat lived in Jerusalem until the independence of Israel and joined the refugee exodus when it was formed. In fact, Arafat had already returned to Egypt before Israel was formed.
- ii) The complainant maintained that the broadcast suggested incorrectly that there had been an exodus of Arab refugees from Jerusalem in 1948. On the contrary, he argued that the Arabs made territorial gains in Jerusalem, forcing the Jews out of significant parts of the city, although the Jews were able to hang [on] to the western part of the city.
- iii) The complainant suspected that the black and white photograph used in the script line "...and when the state of Israel was formed, he joined the exodus of Palestinian refugees and never forgot it" was not of refugees leaving Jerusalem.
- iv) The complainant suggested that this part of the account of Arafat's life contributed to a myth that Jerusalem was an Arab town prior to the formation of Israel. On the contrary, he stated, Jews have constituted the largest group of inhabitants since at least 1840 and a majority since the 1890s.

The Committee agreed with the complainant's view that a key line of script from Gavin Hewitt was: "Yasser Arafat grew up in Jerusalem and when the state of Israel was formed, he joined the exodus of Palestinian refugees and never forgot it."

The Committee thought that this sentence, and the Yasser Arafat clip that followed, were there to underline the effect that the exodus had on Yasser Arafat, rather than to provide a detailed account of his early life.

The Committee acknowledged that there was potentially more than one way of understanding the sentence. This script line could have been clearer.

The Committee noted that the complainant had interpreted the narrative to mean that Arafat had lived in Jerusalem until the independence of Israel and joined the exodus of Palestinian refugees from Jerusalem in 1948. The Committee thought that the passage meant that when Israel was formed, Arafat had joined the exodus of Palestinian refugees. The Committee did not think that the sentence was specific about Arafat's whereabouts at that time and thought it was referring to a general exodus, not specifically from Jerusalem. The Committee noted that the quote from Mr Arafat immediately afterwards – "I saw the tragedy of our refugees leaving everything behind them" – made no reference to Jerusalem, and again appeared to be a reference to an exodus generally and not to one specifically from Jerusalem.

There was a dispute about how many Palestinians had left Jerusalem. The Committee did not think it necessary to consider in detail what the precise scale had been of any such exodus as it did not think that this is what the programme said. The Committee considered the dispute between Israeli and Palestinian sources over the number of Palestinian refugees from Jerusalem and the villages in the immediate vicinity in 1948. The Israelis argued that the true figure was 10,000, the Palestinians said 64,000–80,000. The Committee considered that, whatever the true figure, it was clearly a substantial enough group of people to justify the use of the term "exodus" and would have

been adequate even if the reporter had, as the complainant claimed, referred only to the exodus from Jerusalem.

If a viewer had thought the passage referred to Jerusalem, the Committee did not think there was any implication that the Palestinians leaving Jerusalem had been the majority population. There was no discussion of any sort in the report about the actual population of Jerusalem in 1948 and which community was in the majority.

On whether Arafat had been part of an exodus, the Committee noted that many facts about Yasser Arafat's life are bitterly disputed and there is very little undisputed historical evidence about his childhood and early life. The short summary of his early life in the report was based largely on Yasser Arafat's own version of his childhood and youth, as the Arafat interview that followed illustrated. The Committee thought that it would have been better for the report to have made clearer that the account was based on Arafat's own account.

The Committee was not in a position to reach a definitive view on whether Arafat had been part of any exodus. It noted carefully that one view was that Arafat had already returned to Cairo but that Arafat himself said that he had been in Gaza. The Committee noted that an independent, non-partisan source (the Nobel Prize website) also suggested that Arafat had been in Gaza, which was broadly consistent with Arafat's own account. On balance, taking the substance of the report as a whole, the Committee concluded that the report reflected a reasonable interpretation of a very disputed history and did not breach the required standard of due accuracy.

In relation to the photograph, the Committee noted that it was in the BBC archive as a picture illustrating the general exodus of Palestinian refugees in 1948. There was no indication that it was of the exodus from Jerusalem specifically and it had been chosen to illustrate the general exodus rather than to show refugees leaving Jerusalem. The Committee agreed that this was consistent with its view that the script was not referring to an exodus from Jerusalem specifically either. The Committee did not think that the use of this picture would have in any way misled viewers as it appeared to depict what was being described in the narrative, and did not think that required standards had been breached.

On a general note, the Committee expressed concern that programme makers were using archive photographs (albeit of events nearly 60 years ago) that had no clear provenance and questioned whether material should be held in BBC archives where there was only vague information about its background.

Taking the item as a whole, the Committee did not think that the report breached the required standards of due accuracy and impartiality. Whilst some aspects of the report could have been clearer, given the bitter controversies surrounding Arafat's life, the Committee was not satisfied that the report contained material inaccuracies, nor that it demonstrated bias or was in any way partial.

Finding: not upheld.

News bulletins (9am and others)

Radio 4, 18 April 2004

a) The items

The items complained of reported on the funeral of Abdel Aziz Rantissi, leader of Hamas, killed in an Israeli missile attack on the Gaza Strip the previous night.

b) The complaint

The complainant felt that the reports used biased terminology. In particular, he complained that:

- These bulletins repeatedly described the killing of Hamas leader Abdel Aziz Rantissi by Israeli forces as “murder”.
- The Israeli Government and military had not been given an opportunity to respond to the charge that Rantissi had been “murdered”.
- Rantissi was described as a “militant leader” or “leader of the militant organisation Hamas” rather than a terrorist.
- The reports said that Mr Sharon congratulated the Israeli forces on killing “what he described as a terrorist”.

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

c) Relevant Producers’ Guidelines (pre July 2005)

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We report the facts first. Understand and explain their context. Provide professional judgements where appropriate, but never promote our own personal opinions. Openness and independence of mind is at the heart of practising accuracy and impartiality.

IMPARTIALITY IN GENERAL

Due impartiality lies at the heart of the BBC. It is a core value and no area of programming is exempt from it. All BBC programmes and services should show open-mindedness, fairness and a respect for truth.

The Agreement accompanying the BBC’s Charter specifies that the Corporation should treat controversial subjects with due accuracy and impartiality both in news programmes and other programmes that deal with matters of public policy or of political or industrial controversy. It states that due impartiality does not require absolute neutrality on every issue or detachment from fundamental democratic principles. The BBC is explicitly forbidden from broadcasting its own opinions on current affairs or matters of public policy, except broadcasting issues.

FACTUAL PROGRAMMES

News programmes

The Agreement specifies that news should be presented with due accuracy and impartiality.

Reporting should be dispassionate, wide-ranging and well-informed. In reporting matters of industrial or political controversy the main differing views should be given due weight in the period during which the controversy is active. News judgements will take account of events as well as arguments, and editorial discretion must determine whether it is appropriate for a range of views to be included within a single programme or item.

News programmes should offer viewers and listeners an intelligent and informed account of issues that enables them to form their own views. A reporter may express a professional, journalistic judgement but not a personal opinion. Judgement must be recognised as perceptive and fair. Audiences should not be able to gauge from BBC programmes the personal views of presenters and reporters on controversial issues of public policy.

ACCURACY – ACCURATE LANGUAGE

It is not sufficient that we get our facts right. We must use language fairly. That means avoiding exaggeration. We must not use language inadvertently so as to suggest value judgements, commitment or lack of objectivity.

d) The Committee's decision

The Committee measured the elements of the complaint against the relevant editorial standards.

The Committee examined the six uses of the word “murder” in the bulletins cited in the complaint. It noted that “murder” was one of a range of words used to describe the death of Rantissi. The Committee also noted that in four cases the word was used in the context of describing Hamas’s reaction to the killing. The Committee’s view was that, in these instances, the word was used as part of a quote from Hamas – for example, in the 8am bulletin: “The Palestinian militant group Hamas says it will avenge the murder, by Israel, of another of its leaders.” The use of the word was appropriate and within the guidelines in this attributed context. In two other instances – “The White House has refused to condemn his murder...” (6am bulletin) and “The United Nations, the European Union and Britain condemned the murder...” (9am bulletin) – there was no sense of attribution. The Committee agreed that it would have been preferable not to use this word on these two occasions, as it is an emotive one. Words such as “assassination” or “killing” might have been better. However, the term “murder” was acceptable, if used sparingly and therefore within the guidelines.

The Committee discussed the use of the word “militant” rather than “terrorist” in the reports. It noted that this issue had been discussed by the Committee in March 2003, when considering another complaint by the same complainant. At that time, they had met Mark Damazer (then Deputy Head of News) who explained that BBC editorial policy was to use the word “militant” rather than “terrorist” because the latter ran the risk, in some circumstances, of appearing partial. Although use of the word when reporting the views and comments of third parties was acceptable, BBC management has taken the view that non-attributed use of the word “terrorist”, although not banned, was generally to be avoided. The Committee concurred with this view now as it had done in March 2003, agreeing that use of the word “militant” rather than “terrorist” demonstrated greater impartiality. As such, the reports met the required editorial standards.

The Committee recognised that not everyone would be satisfied with the agreed approach to terminology adopted by BBC News when reporting the Middle East, but agreed that it was satisfied with the decisions that had been made. The Committee noted that the BBC has since issued further guidance on use of the word “terrorist” as part of its continual review of the guidelines.

The Committee noted that none of the bulletins had stated that Mr Sharon had congratulated the army on killing “what he described as a terrorist”, as the complainant originally alleged. The complainant had later pointed out that the 8am bulletin stated: “The Israeli Prime Minister Ariel Sharon is reported to have praised the army for the attack.” However, the Committee agreed that this sentence was substantially different to what was recalled by the complainant. It also took the view that the sentence showed no bias: it simply relayed the reported response of the Israeli Prime Minister to the attack.

The Committee concluded that all the bulletins were balanced and adhered to the relevant editorial guidelines. The Committee noted that the Israeli government’s viewpoint was clearly and fully represented in each bulletin, including clips of Israeli government representatives in two bulletins.

Finding: not upheld.

e) Handling of the complaint

The Committee took the view that it was unfortunate and regrettable that incorrect transcripts had been provided to the complainant in December 2005. Although this error had been rectified a month later, the Committee agreed that it was imperative that accurate information was provided to complainants. The Committee was also of the view that correspondence between the ECU and the complainant had become caught up in unnecessary detail rather than addressing the basic allegations of bias.

Ten O'Clock News BBC One, 10 June 2004

a) The item

This complaint concerns a report by Jeremy Bowen about Operation Rainbow and its aftermath. Operation Rainbow was an Israeli military action in Rafah in the Gaza Strip in May 2004. The action was aimed at stopping weapons being smuggled into Gaza via tunnels from Egypt. It included bulldozing Palestinian houses in the search for the tunnels. The focus of the report was on the impact of Operation Rainbow on the Palestinian residents of Rafah.

b) The complaint

The complainant felt that the report was biased because it did not contain sufficient balance of views from the Israeli perspective. In particular, he complained that:

- The only pictures shown were of the suffering of Palestinian residents. The weapons-smuggling tunnels were mentioned in the commentary but there were no pictures of them. Nor were there pictures of the suffering of Israelis caused by the smuggled weapons.
- The mention of the arms-smuggling tunnels was prefaced by the phrase “the Israelis say” – as if to imply it might not be true.
- There was no mention of the fact that the smuggled weapons are used in attacks on Israelis inside the pre-1967 borders. Viewers may therefore assume that the Israeli army action is solely to protect the Gaza Atrip settlements, which they may think unjustified.
- The report showed a Palestinian woman who could not understand why her house had been destroyed a mile from the Egyptian border. The report failed to mention that very long tunnels had been found in Rafah. Nor did it mention other possible reasons for its destruction.
- The report did not include any response by the Israeli government or army to the criticisms.

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

c) Relevant Producers' Guidelines (pre July 2005)

Impartiality and Diversity of Opinion

We report the facts first. Understand and explain their context. Provide professional judgements where appropriate, but never promote our own personal opinions. Openness and independence of mind is at the heart of practising accuracy and impartiality.

IMPARTIALITY IN GENERAL

Due impartiality lies at the heart of the BBC. It is a core value and no area of programming is exempt from it. All BBC programmes and services should show open-mindedness, fairness and a respect for truth.

The Agreement accompanying the BBC's Charter specifies that the Corporation should treat controversial subjects with due accuracy and impartiality both in news programmes and other programmes that deal with matters of public policy or of political or industrial controversy. It states that due impartiality does not require absolute neutrality on every issue or detachment from fundamental democratic principles. The BBC is explicitly forbidden from broadcasting its own opinions on current affairs or matters of public policy, except broadcasting issues.

The Agreement accompanying the BBC's Charter specifies that the Corporation should treat controversial subjects with due accuracy and impartiality both in news programmes and other programmes that deal with matters of public policy or of political or industrial controversy. It states that due impartiality does not require absolute neutrality on every issue or detachment from fundamental democratic principles. The BBC is explicitly forbidden from broadcasting its own opinions on current affairs or matters of public policy, except broadcasting issues.

News programmes should offer viewers and listeners an intelligent and informed account of issues that enables them to form their own views. A reporter may express a professional, journalistic judgement but not a personal opinion. Judgement must be recognised as perceptive and fair. Audiences should not be able to gauge from BBC programmes the personal views of presenters and reporters on controversial issues of public policy.

Right of reply (section cited by the complainant)

Where a programme reveals evidence of iniquity or incompetence, or where a strong, damaging critique of an individual or institution is laid out, there is a presumption that those criticised be given a fair opportunity to respond. There may be occasions when this is inappropriate (usually for legal or overriding ethical reasons) in which case the Head of Department should be consulted. It may then be appropriate to consider whether an alternative opportunity should be offered for reply at a subsequent date.

d) The Committee's decision

The Committee discussed the selection of images in the report. It agreed that it was appropriate to show pictures of the effect of the Israelis' Operation Rainbow attack on Palestinians given that this was clearly signposted in the cue as a location report from Rafah, the affected area. Again, because this was a location report related to a specific event, it was not appropriate to include pictures of separate attacks on Israeli citizens. Although there were no images of tunnels used in the piece, they were mentioned in the report and in the introduction to the package.

The Committee agreed that the phrase "The Israelis say..." was simply signposting the Israeli point of view: there was no evidence that this phrase was deliberately used to cast doubt on Israeli statements, nor any evidence that that is what viewers would have taken away from it. It was stating a point of fact: that the Israelis say that the operation was vital to stop weapons smuggling.

The Committee also agreed that it was highly unlikely that viewers would conclude that any smuggled weapons were used only for attacks in the Gaza Strip. The report did not state this and the Committee concluded that there was nothing in the report that would have influenced viewers in the manner alleged.

The Committee also agreed that it was entirely proper not to include any speculation as to why the house of the Palestinian woman cited by the complainant had been destroyed. It would have been inappropriate to speculate about the reasons for an attack on one particular house, without any knowledge of the background to that specific attack. Further, the Israeli justification for the attacks as a whole was clearly laid out in the presenter's introduction and the package itself.

The Committee agreed that the report was balanced and complied with all the relevant editorial guidelines. The Israeli viewpoint was fairly represented, both in the cue and in the package itself.

The Committee noted that the complainant had referred to the series provision in Chapter 2 of the Producers' Guidelines. It noted that this provision actually applied to non-news programmes. The section of the Guidelines that dealt with news provided that "In reporting matters of industrial or political controversy the main differing views should be given due weight in the period during which the controversy is active" and that "editorial discretion must determine whether it is appropriate for a range of views to be included within a single programme or item".

The Committee decided that as a location report, investigating the aftermath of a specific incident on a specific set of people, the report was balanced by other reports from other locations and viewpoints shown on the BBC at the same time. The Committee decided to consider the *Ten O'Clock News* programmes around this time as well as any reports on *Newsnight* (a lengthy *Newsnight* package on 3 May 2004 reported the experience of Israeli soldiers involved in the attacks). The Committee noted that there is significant viewer switchover from the *Ten O'Clock News* on BBC One to *Newsnight* on BBC Two and agreed that a fair analysis of whether coverage was balanced should take into account reporting in both programmes. The Committee agreed that, looking at the coverage of Operation Rainbow on both the *Ten O'Clock News* and *Newsnight*, the guidelines on impartiality had been met. Looking across the range of news programmes covering Operation Rainbow, both sides had been fully and fairly represented.

Finding: not upheld.

Britain Goes Wild with Bill Oddie

BBC Two, 7 June 2004

a) The programme

Britain Goes Wild with Bill Oddie was a series in which the presenter travelled the length of the country examining the best of British wildlife and the state of nature today. This episode looked at a family of peregrine falcons.

b) The complaint

The complaint related to a specific sequence of a peregrine chasing and catching a pigeon. The complainant stated that:

- He believed that the pigeon that was killed was a homing pigeon, not a wild creature. It was inappropriate to show the killing of a domestic bird.
- The chase footage shown was pure falconry and deeply offensive.
- The clip was preceded by misinformation about persecution of peregrines causing numbers to decline.
- This misinformation would encourage the audience to favour the peregrine over the pigeon. Indeed, Bill Oddie described the TV crew cheering the peregrine on, as the footage was played. In contrast the pigeon was portrayed as "worthless".
- Only one professional body (the RSPB) appeared in the programme and was subsequently quoted in BBC responses.
- There was a possible conflict of interest as, he said, the RSPB commissions wildlife programmes from the BBC.

The Head of the then Programme Complaints Unit (PCU) rejected the complaint and the complainant appealed to the GPCC.

The complainant also objected to the response he received from the PCU, stating that the reference to fox hunting included in the letter was distasteful, as essentially he believed this implied that there was a great deal of support for hunting, so many people would not object to the pigeon killing. This illustrated “duplicity and bias” he claimed.

c) Relevant Producers’ Guidelines (pre July 2005)

BBC EDITORIAL VALUES

Impartiality...

Due impartiality lies at the heart of the BBC. All BBC programmes and services should be open-minded, fair and show a respect for truth. No significant strand of thought should go unreflected or under-represented on the BBC.

CONFLICTS OF INTEREST – GENERAL

The BBC’s reputation for impartiality and objectivity is crucial. The public must be able to trust the integrity of BBC programmes and services. Our audiences need to be confident that the outside activities of our programme makers or presenters do not undermine the BBC’s impartiality and that editorial decisions are not influenced by any commercial or personal interests.

ACCURACY

The BBC must be accurate. Research for all programmes must be thorough. We must be prepared to check, cross-check and seek advice, to ensure this. Wherever possible we should gather information first-hand by being there ourselves or, where that is not possible, by talking to those who were.

Sources: *Programmes should be reluctant to rely on a single source.*

Weighing the facts: *Accuracy is often more than a question of getting the facts right. All relevant information should be weighed to get at the truth of what is reported or described. If an issue is controversial, relevant opinions as well as facts may need to be considered.*

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.

RECORDING THE NATURAL WORLD – GENERAL

Natural History programmes have a duty to uphold the same values of truth and accuracy that apply to all factual output. Audiences should never be deceived or misled by what they hear.

VIOLENCE

Violence Involving Animals

Audiences may be sensitive to violence involving animals. Such violent scenes must have a justified editorial purpose.

However, there is a distinction in the animal world between aggressive behaviour among the same species and predatory attacks, by one species on a different species. Both types of violence are fundamental to animal behaviour. The evidence is that audiences have less objection to displays of

aggression between animals of the same species, such as conflicts between males for dominance. Scenes of predatory behaviour that are likely to cause distress need to be handled with care and without unnecessary detail.

VIOLENCE – SCHEDULING, WARNINGS AND THE WATERSHED

When factual programmes or drama are to include violent scenes, consider issuing warnings to prevent the audience from being taken unawares. This is a key to avoiding widespread offence. Remember that the nature of the programme may be signposted through trails, publicity, promotional material and listings. These are not however, a substitute for clear and unambiguous on-air warnings. If a programme is tough to watch, viewers should be told. Programme departments should alert the channel controllers and presentation departments in advance when they judge a warning is required so that the overall amount of violence in the schedule can be kept under review.

d) The Committee's decision

The Chairman requested that the Committee take into account all the documentation provided to them by the complainant.

The Committee took the view that people who watch natural history programmes are aware that they will see nature in the raw. Natural history programmes regularly contain footage of killing in the wild or other challenging images, and audiences take account of this when framing their expectations of such programmes. It is reasonable to expect audiences to take such precedents into account. The Committee noted that the footage of the killing was shot from some distance away.

There was no evidence that the killing of the pigeon was staged. The Committee noted that this was a serious allegation to make against the Natural History Unit, yet there was no evidence to support it. The chase was well shot and a compelling piece of television. It demonstrated a central fact of the natural world: that some creatures kill in order to survive. There was also no evidence that this was a homing pigeon. However, the Committee concluded that whether or not the bird was a homing pigeon was immaterial; even if it were, many such birds find themselves lost in the wild, having been released by their owners. There was no reason to suppose that if the pigeon were a homing pigeon the killing had been staged.

The Committee agreed that Bill Oddie's account of the reaction behind the scenes as the footage was shown might have been regarded as distasteful to some viewers. However, it took the view that his appeal as a presenter is due to his exuberance and enthusiasm, of which this part of the programme was an example. It was to be expected that his commentary would include lighthearted references to what was being shown. His style of presentation would be known to the audience. The Committee was of the view that overall the programme was sensitively presented.

The Committee also noted that the complainant offered no evidence of an improper relationship between the RSPB and the programme makers, to support that claim in his complaint. The comment in the programme that peregrines had faced "persecution" was supported by RSPB research. The RSPB was judged an independent, valid and respectable source of information regarding the survival of peregrines. As such, due impartiality was shown.

Overall, the Committee took the view that the programme was made with professionalism and integrity, and the footage was well shot and sensitively presented. The content and presentation fell within the boundaries of audience expectations. The Committee agreed that it complied with the relevant editorial standards.

Finding: not upheld.

e) Handing of the complaint

The Committee agreed with the complainant that the reference to fox hunting in the stage 2 response to the complaint was inappropriate and irrelevant.

Medium

BBC One, 6 September 2005

a) The programme

Medium was an American drama series based on the real-life self-proclaimed spiritualist Allison DuBois, who claims to use her psychic gifts to solve crimes. Its scheduling was 11.05pm on Tuesday nights.

b) The complaint

The complainant stated that the programme was presented as based on fact rather than fiction and so constituted promotion of paranormal beliefs, which is contrary to the BBC's Charter requirement and breaches editorial guidelines. Further, disclaimers should have been used to distance the BBC from the claims made by Allison DuBois.

The Editorial Complaints Unit (ECU) rejected the complaint and the complainant appealed to the GPCC.

c) Relevant Editorial Guidelines (post July 2005)

HARM & OFFENCE

Exorcism, the occult and the paranormal

We must act responsibly when including material looking at any aspect of exorcism, the occult, the paranormal, divination or any related practices, particularly in pre-Watershed programmes, on radio when children are particularly likely to be listening or in online content likely to appeal to a high proportion of children.

Demonstrations of such practices in factual programmes must be treated with due objectivity and in entertainment programmes they must be clearly labelled. Also they should not normally contain advice about health, finance, employment or relationships which could encourage people to make life changing decisions.

Television & the watershed

The 21.00 television Watershed is used to distinguish between programmes intended mainly for family viewing and those programmes intended for an adult audience. However, the BBC expects parents and carers to share in the responsibility for assessing whether programme content is suitable for their children.

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.

Acquired programmes

Acquired programmes must comply with our Editorial Guidelines on harm and offence. We should check them prior to broadcast to ensure the content is suitable for the proposed slot.

IMPARTIALITY

Impartiality & drama

When drama realistically portrays living people or contemporary situations in a controversial way it has an obligation to be accurate and to do justice to the main facts. If the drama is accurate but is a partisan or partial portrayal of a controversial subject we should normally only proceed if we believe that its insight and excellence justify the platform offered. Even so we must ensure that its nature is clearly signposted to our audience. When a drama is likely to prove particularly controversial we must consider whether to offer an alternative view in other output on the same service.

FAIRNESS, CONTRIBUTORS AND CONSENT

Portrayal of real people in drama

Whenever appropriate, and where their role is significant, living people portrayed in a drama or their surviving near relatives should be notified in advance and, where possible, their co-operation secured.

Fair portrayal in drama

When our drama realistically portrays living people in contemporary situations, particularly a controversial or sensitive event, the same standards of fairness which apply to factual programmes should generally be observed. It is inevitable that the creative realisation of some dramatic elements such as characterisation, dialogue and atmosphere, will introduce a fictional dimension, but we have an obligation to be accurate and to ensure the drama does not unduly distort the known facts and thus become unfair. It is important to explain the nature of the content to our audiences by clearly signposting the output.

RELEVANT SECTION FROM THE BBC CHARTER

The objects of the Corporation are as follows:-

*(a) To provide, as public services, sound and television broadcasting services (whether by analogue or digital means) and **to provide sound and television programmes of information, education and entertainment** [our bold] for general reception in Our United Kingdom of Great Britain and Northern Ireland, the Channel Islands and the Isle of Man and the territorial waters thereof, and on board ships and aircraft (such services being hereinafter referred to as "the Home Services") and for reception elsewhere within the Commonwealth and in other countries and places overseas (such services being hereinafter referred to as "the World Service") the Home Services and the World Service together being hereinafter referred to as "the Public Services".*

d) The Committee's decision

The Chairman requested that the Committee take into account all the information provided to them by the complainant. The Committee agreed that they, and the great majority of viewers, would understand that this was a drama rather than factual programming. The presentation announcement before the beginning of the programme stated clearly that *Medium* was "new drama". In both the opening and closing announcements the name of the lead actress – Patricia Arquette – was used, rather than references to Allison DuBois herself.

The Committee did not agree with the complainant that the programme was "straightforward propaganda" which "promoted" the paranormal. The Committee noted that the definition of "promote" is "to further, encourage, advance, or urge the adoption of beliefs". There was nothing in the programme that actively promoted the paranormal.

The Committee was of the view that the vast majority of viewers would have been either incredulous or agnostic about the supposed "powers" shown in the programme. Given this, and the late hour at which the programme was transmitted, it did not feel that there was a risk that the programme would have preyed on the young, suggestible and vulnerable.

Overall, the Committee agreed that the programme met the required editorial standards. However, the Committee did take the view that the disclaimer shown at the end of the programme was of little use given that it was not on screen long enough to be read. Although this did not constitute a breach of the guidelines, as it was made clear that this was drama elsewhere, the Committee felt that disclaimers should be on screen long enough to be read.

Action: The Committee asked the Chairman to write to the Director of Television requesting that, in future, disclaimers be shown on screen for an adequate amount of time.

Finding: not upheld.

Regional news – South Today BBC One (South), 29 June 2005

a) The programme

South Today is a regional news programme. This edition included an interview by presenter Sally Taylor with the local MP, Mike Hancock, about reported problems experienced by people returning to a park and ride site following a fireworks display.

b) The complaint

The complainant was offended by the interview style and attitude of the presenter, specifically that the presenter repeatedly interrupted Mr Hancock and raised her voice, which meant that he was not able to answer the questions put to him; and that there was a lack of balance between the two, with far too much interviewer time.

The complaint was not upheld by the ECU and the complainant appealed to the GPCC.

The complainant also complained to the GPCC about the “cavalier” handling of the case to date.

c) Relevant Producers’ Guidelines (pre July 2005)

BBC EDITORIAL VALUES

Fairness...

BBC programmes should be based on fairness, openness and straight dealing. Contributors should be treated honestly and with respect. They have a right to know what a programme is about, what kind of contribution they are expected to make, whether it will be live or recorded and whether it is to be edited.

INTERVIEWING – GENERAL

BBC interviews should be well mannered and courteous. They may be searching, sharp, sceptical, informed and to the point – but not partial, discourteous or emotionally attached to one side of an argument. They should not be aggressive, hectoring or rude, whatever the provocation. Interviewees should be given a fair chance to set out their full response to the questions

IMPARTIALITY & ACCURACY – OUR JOURNALISTIC VALUES

Accurate, robust, independent, and impartial, journalism is the DNA of the BBC. Audiences should always feel they can trust our words and our deeds.

Serving the Public Interest

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.

IMPARTIALITY IN GENERAL

Due impartiality lies at the heart of the BBC. It is a core value and no area of programming is exempt from it. All BBC programmes and services should show open-mindedness, fairness and a respect for truth.

Presenters

Presenters are the public face and voice of the BBC's journalism. The tone and approach that they take to stories has a significant impact on the perceptions of the BBC's impartiality. Their presentation needs at all time to embody the core editorial values of the BBC.

INTERVIEWING

General

Interviews are a vital tool of journalism and programme making.

Where interviewees are to be questioned or tested on matters of controversy it is important for editors, researchers and interviewers to think through the editorial issues and structure the interview accordingly.

BBC interviews should be well mannered and courteous. They may be searching, sharp, sceptical, informed and to the point – but not partial, discourteous or emotionally attached to one side of an argument. Interviewees should be given a fair chance to set out their full response to the questions.

Purpose of interviews

The purposes of a live interview must be realisable in the time available. We should try not to leave the audience suspended and frustrated in mid-argument, or irritated by references to running out of time. A good interview comes to an orderly conclusion.

Tone and tactics

Interviews should be searching and to the point, well-mannered and courteous. They may be challenging but not aggressive, hectoring or rude, whatever the provocation. In a well-conducted interview, listeners and viewers regard the interviewer as working on their behalf.

Fairness to the interviewee and dealing with evasion

Interviewees should be given a fair chance to set out their full response to the questions. However, interviewers have to contend increasingly with interviewees who are skilled at filibustering, using an interview as a platform and avoiding its proper purpose.

Interruption may be justified but it needs to be well timed and not too frequent. It is less likely to discomfort the audience if it comes naturally and after the interviewee has made his or her main point – or has manifestly failed to make it.

d) The Committee's decision

The Chairman requested that the Committee take into account all the information provided to it by the complainant. The Committee noted that this interview had taken place within the context of a number of viewers contacting the programme to protest against the interviewee's response on the lunchtime bulletin to concerns about park and ride arrangements in Portsmouth following the Trafalgar 200 event.

The Committee felt that it was appropriate for the interviewer to convey the strength of viewers' feeling to the interviewee, Mr Hancock. The interviewer was questioning the interviewee on an issue of concern to many viewers.

Although the interviewer repeatedly challenged Mr Hancock, her interview manner was within the range allowed by the guidelines and her line of inquiry was a valid one. Although the tone was heated at times, the Committee did not share the complainant's view that the interviewee was "repeatedly shouted down", that the interviewer acted "like a football hooligan" and in a manner that "would make a fish wife cringe."

The Committee agreed that Mr Hancock was given sufficient time to answer the points put by the interviewer. In particular, at the beginning of the interview he laid out his position at some length. The Committee noted that Mr Hancock was not ruffled by the interview.

The Committee felt that it would have been helpful to have informed viewers in greater detail about the content of the lunchtime bulletin earlier that day, so that the context was clearer. However, looking at the interview as a whole, there was no breach of the guidelines, and the manner in which the interview was conducted met the required standards.

Finding: not upheld.

e) Handling of the complaint

The Committee noted that the programme team had been assiduous in replying to the complainant, writing to him four times in total. The Editorial Complaints Unit also considered the complaint in good time, carried out an independent inquiry and provided an in-depth response.

Wimbledon

BBC One, 23 June 2005

a) The programme

The complaint concerned a tennis match between Tim Henman and the Russian Dmitry Tursunov, which was featured during BBC One's Wimbledon 2005 coverage.

b) The complaint

The complaint referred to the broadcast of swearing during the match by Tim Henman. The appellant complained that the programme was broadcast before the watershed and during "afternoon family teatime viewing", when children were likely to be watching. This showed a "serious disregard for broadcasting rules and regulations".

The ECU did not uphold the complaint and the complainant appealed to the GPCC.

c) Relevant Producers' Guidelines (pre July 2005)

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.

BBC television schedules must respect the 9 p.m. Watershed.

REFERRALS

Strong language – the use of the most offensive four letter words must be approved by the relevant Channel Controller, in the case of the World Service language sections, the Head of Region, and for online services the Director of BBC ONLINE.

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 BBC seeks to apply this requirement to all its broadcasting, programmes and services, whether for domestic or international audiences.

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.

Programme makers should remember they are a minority, but one with considerable influence; they should be aware of and respect their audiences’ diverse views on what causes offence

Television: The Watershed

The BBC has a well-established policy of making 9pm the pivotal point of the evening’s television, a Watershed before which, except in exceptional circumstances, all programmes on our domestic channels should be suitable for a general audience including children. The earlier in the evening a programme is placed, the more suitable it is likely to be for children to watch on their own.

However, the BBC expects parents to share the responsibility for assessing whether or not individual programmes should be seen by younger viewers.

The Watershed reminds broadcasters that particular care should be taken over inclusion of explicit scenes of sex and violence, and the use of strong language.

However, seventy per cent of homes do not contain children and many viewers expect a full range of subject matter throughout the day.

Scheduling can be vital to public acceptance of challenging material. Whether or not scenes of violence, sex, great distress or strong language cause offence to an audience can depend not just on editorial or dramatic context, but on sensitive scheduling decisions. A good rule of thumb is to avoid taking the audience by surprise. Announcements and warnings can play an important part in this.

Material within programmes has to be judged in relation to its place in the schedule and the likely expectation of the audience at that time of day or night.

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.

Common sense should enable producers to identify which words are questionable and when the use of them might be warranted. Programme makers should be aware that terms of racist abuse are now considered to be offensive by all sections of the audience. Sexual swearwords and abusive names relating to disabilities can also cause great offence. They should ask themselves constantly whether the use of strong language will simply alienate a large part of the audience.

Offence is often caused by the casual use of names considered holy by believers, for example the use of 'Jesus Christ' or 'God', or of the names held holy by other faiths. In particular, the use of these names as expletives in drama or light entertainment causes distress far beyond their dramatic or humorous value. While there is a wide range of attitudes to the use of these words, it is important for programme makers to be satisfied that their inclusion can be justified despite the distress that may be caused.

The inclusion of strong language is a matter for judgement by individual producers, in consultation with Heads of Department or Commissioning Executives when necessary. The most offensive language should not be used on television before 9pm, and if used thereafter it should be only after due consideration.

Certain, mainly four-letter, words must not be used on television, radio or online without advance reference to and approval from Channel and Network Controllers of the domestic services, in the World Service the relevant Regional Head, or in Worldwide Television, the Director of Broadcasting.

d) The Committee's decision

The Committee considered the complaint against the relevant editorial guidelines, taking into consideration all the information about the complaint. The Committee noted that, of four possible instances of offensive language during the match, two were impossible to decipher and may not in fact have been swear words; one was a clear use of the word "fuck", and the other a use of the word "arse". The Committee agreed that there had been no reason to suppose beforehand that Tim Henman would use offensive language during this live broadcast. Therefore it was the right decision to go ahead with a live broadcast. Moreover, the Committee believed that most members of the audience would rather see a match live, as it unfolded, rather than edited and/or shown with a time delay – even if that led to the occasional broadcast of offensive language. Viewers understood that the match was being televised live and that therefore anything could happen: this was part of the attraction for many of those watching. The Committee acknowledged that the one use of the word "fuck" would have offended some viewers, particularly as it occurred well before the watershed. But it was important to convey the tension of this crucial moment in the match, and to show how Henman reacted under pressure. Overall, the Committee believed that it was right to show the match live, albeit with unexpected expletives, because this allowed the drama of the match to be fully conveyed, which is what most viewers want from the BBC's sports coverage.

The Committee did have concerns about the reaction of the commentators to Henman's swearing and agreed that a swift apology should have been issued to viewers, or at least an acknowledgement that some might have found the language offensive.

Action: The Committee asked the Chairman to recommend to management that they consider drawing up a guideline on dealing with offensive language in live broadcasts.

Finding: not upheld.

Further note: Since the meeting and ratification of the minutes, the Chairman has been made aware that Editorial Policy published new guidelines for live programming in April 2006.

Richard the Lionheart and Saladin: Holy Warriors

BBC Two, 25 March 2005

a) The programme

This was a drama-documentary that was described as follows: "Provides new insights into the epic and bloody 12th-century fight for control of the holy city of Jerusalem between Crusader and English king Richard the Lionheart and Muslim leader Saladin. Based on the latest research into the original Christian and Muslim sources, it traces the contrasting origins of both men and challenges contemporary judgements about their characters." (*Radio Times* for 26 March 2005).

b) The complaint

The complainant maintained that the programme demonstrated the "BBC's Islamophilia" by producing a "partial", "distorted" and "inaccurate" version of history. In particular:

- The programme was inaccurate because, in contrast to the impression given, Muslims had no right to be in the Holy Land in the first place and it is not more sacred to Muslims than Christians.

And:

- One of the programme's "experts" asserted the "superiority of Islam" despite historic and ongoing Muslim aggression, conquest and jihad.

The complainant also drew attention to a phrase in the stage 1 response to his complaint: "Atrocities [at the time] were committed by both Christians and Arabs." The complainant asked: "Is it BBC policy – either stated or understood – not to use the words "Muslim" or "Islam" in any negative context?"

The Head of ECU did not uphold the complaint and the complainant appealed to GPCC.

c) Relevant Producers' Guidelines (pre July 2005)

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.

Impartiality and Diversity of Opinion

We report the facts first. Understand and explain their context. Provide professional judgements where appropriate, but never promote our own personal opinions. Openness and independence of mind is at the heart of practising 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. We will always resist undue pressure from all vested interests, and will jealously protect the independence of our editorial judgments on behalf of our audiences. Whatever groups or

individuals may wish us to say or do, we will make all decisions based on the BBC's editorial values.

NON FACTUAL AND ARTS PROGRAMMES

Drama Portraying Contemporary Situations & Drama-Documentaries

A clear distinction should be drawn between plays based broadly on fact or real characters and dramatised documentaries which seek to reconstruct actual events. Audiences should be clear as to whether they are watching fact or fiction.

Any dramatised reconstruction of a controversial current event should observe the standards of fairness which apply to factual programmes dealing with such issues. It is inevitable that the creative realisation of some elements, such as characterisation, dialogue and atmosphere, will introduce a fictional dimension, but this should not be allowed to distort the known facts.

History in Drama

Questions of accuracy, impartiality and fairness also arise in historical drama. Drama should normally aim to give a fair account of historical events. But there are differing views about history and producers should be aware of the likely critical reaction when they diverge from received opinion. Portrayals of recent history may be particularly sensitive and controversy often arises when drama questions the British role in an historical event.

If a drama of artistic merit is written from an obviously partial standpoint, the producer must consider how to label and publicise it in order to make its nature clear. When a powerful drama of this kind is likely to prove particularly controversial, the BBC will need to consider whether to offer an alternative viewpoint in other types of programmes.

Problems can arise when drama combines fictional characters with historical figures. Producers should be certain that they are clearly aware of what is established fact and what is fiction and that the public is not confused by the mixture.

Fact, Fiction and Labelling

Great care must be taken in continuity announcements, trails and promotional material to ensure that the audience is aware of the nature of the drama. Where fact and fiction are mixed the public should be made aware of this. It must be made clear that the drama is only an interpretation of a current or historical situation.

ACCURACY

Accurate language

It is not sufficient that we get our facts right. We must use language fairly. That means avoiding exaggeration. We must not use language inadvertently so as to suggest value judgements, commitment or lack of objectivity.

Staging and re-staging events

Factual programmes should always present a fair and accurate picture of the situations they portray. Audiences should never be misled by what they see or hear in a programme. However, there are few factual films which do not involve some intervention from the director, even those which are commonly described as "fly on the wall" or observational documentaries.

The use of reconstruction, ... where all events are quite explicitly re-staged for the camera or microphone and where the programme team was never present when the events first happened, is a separate technique and must be labelled as such.

Commentary must always respect the truth and should never be used to give the audience a dishonest impression of events.

In judging what is acceptable and unacceptable practice in factual programmes, programme-makers must ensure that:

- *programmes truthfully and fairly depict what has happened*
- *programmes never do anything to mislead audiences*
- *while it may, on occasions, be legitimate to re-shoot something that is a routine and insignificant action, it is not legitimate to stage or re-stage action which is significant to the development of the action or narrative, without clearly signalling this to the audience*
- *contributors should not be asked to re-enact significant events, without this being made clear in the film. (This does not preclude programme-makers arranging to record sequences at a particular time to fit in with the timetable of a shoot)*
- *if significant events have been arranged for the cameras (including the recruitment of contributors) that would not have taken place at all without the intervention of the programme-makers, then this must be made clear to the audience*
- *shots and sequences should never be inter-cut to suggest that they were happening at the same time if the resulting juxtaposition of material leads to a distorted and misleading impression of events*

TASTE AND DECENCY – RELIGIOUS SENSIBILITIES

Programme makers dealing with religious themes should be aware of what may cause offence. Programme makers and schedulers of international services should consider carefully the varying sensitivities of audiences in different parts of the world. What may be unexceptional in a U.K. programme may raise strong feelings elsewhere. Advice can often be given by the departments dealing with religious programmes in both domestic and international services, or by the relevant World Service language sections.

Deep offence will also be caused by profane references or disrespect, whether verbal or visual, directed at deities, scriptures, holy days and rituals which are at the heart of various religions – for example, the Crucifixion, the Gospels, the Koran and the Jewish Sabbath. It is against the Muslim religion to represent the Prophet Mohammed in any shape or form. Language must be used sensitively and accurately and be consistent in our description of different religions. Use of a term such as “Islamic Fundamentalist” has to pass the test of whether we would talk about Christian or Hindu Fundamentalism.

PORTRAYAL – PORTRAYAL OF RELIGIOUS GROUPS

People and countries should not be defined by their religions unless it is strictly relevant. Particular religious groups or factions should not be portrayed as speaking for their faith as a whole. Thoughtless portrayal can be offensive, especially if it implies that a particular faith is hostile or alien to all outside it. For example, footage of chanting crowds of Islamic activists should not be used to illustrate the whole Muslim world.

d) The Committee’s decision

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

The Committee considered the complaint in two parts.

- i) The programme was inaccurate because, in contrast to the impression given, Muslims had no right to be in the Holy Land in the first place and it is not more sacred to Muslims than Christians.

The Committee felt that the style of commentary was key to considering this aspect of the complaint. The commentary technique used in this programme described the battle between Saladin and Richard the Lionheart from the perspectives of the two men involved, rather than from a position of neutrality. Thus, the Committee felt, the claims on Jerusalem and the Holy Land made in the programme were made from the perspective of the two men involved; they were not the programme makers' opinions. Moreover, even in using this technique, the programme made it clear that both men thought that they had the legitimate claim to the land and that it was sacred to them. The Committee agreed that the programme was at pains to present the thinking on both sides of the battle. There was no bias or inaccuracy on the part of the programme makers, as the complainant alleged. The Committee noted that the guidelines stated that historical dramas should "aim to give a fair account of historical events". Given that the perspectives of both sides were represented in this programme the Committee agreed that the drama met these guidelines.

- ii) One of the programme's "experts" asserted the "superiority of Islam" despite historic and ongoing Muslim aggression, conquest and jihad.

The Committee agreed that the key section of the programme to examine in considering this element of the complaint was that which detailed Saladin's sparing of the Christian population in Jerusalem in 1187 in order to gain moral superiority. The Committee examined the commentary and expert contribution to this section of the programme. The Committee agreed that achieving moral superiority by sparing blood was clearly represented as Saladin's aim rather than what the programme makers believed he actually achieved. The commentary stated: "Salah al-Din aimed to show that Islam was militarily and morally superior to the Christian faith." The Committee then examined the words of Professor Carole Hillenbrand, the expert interviewed about this episode, and concluded that she was also explaining the motivation behind Saladin's actions – to assert moral superiority – rather than actually claiming that Saladin achieved that. ("Salah al-Din decided to teach the crusaders a lesson. That was that when you conquer a city you show mercy and you show the values of your faith as being superior to those of the enemy, and that was the lesson of Jerusalem in 1187.") As such, it was appropriate for Professor Hillenbrand's interpretation of events to be broadcast. The Committee also agreed that – whatever the view of the complainant about aggression in the name of Islam – this was irrelevant to their consideration as the programme was not making any claims about the moral superiority of Islam, either in this specific instance or in general.

Overall, the Committee thought the programme to be a "fair account" of the battle between Saladin and Richard the Lionheart, when considered against the guidelines, and agreed that it therefore met the required standards.

The Committee also considered the complainant's question of whether it was BBC policy not to use the words "Islam" or "Muslim" in a negative context. The Committee noted that, rightly, this was not BBC policy and observed that a range of words – including "Arab" and "Muslim" – were used to describe figures depicted in the programme.

Finding: not upheld.

Woman's Hour drama: Passover
BBC Radio 4, 25–29 April 2005
10.45am and repeated at 7.45pm

a) The programme

Passover was a *Woman's Hour* comedy drama about a family gathering for Passover dinner in New York City in 1960.

b) The complaint

The complainant claimed that the programme “engendered” anti-Semitism by:

- disguising Nazi behaviour as humour
- using “ridiculous” caricatures

The complainant also stated that the drama reinforced the BBC’s “strong left wing fascist inclinations, whose ultimate goal is the elimination of Israel”.

The complainant requested the opportunity to speak to the person responsible for airing the programme and to question the writer.

The complaint was not upheld by the ECU and the complainant appealed to the GPCC.

c) Relevant Producers' Guidelines (pre July 2005)

TASTE AND DECENCY – RELIGIOUS SENSIBILITIES

[This guideline applies overall and with “full force “ in comedy.]

Programme makers dealing with religious themes should be aware of what may cause offence. Programme makers and schedulers of international services should consider carefully the varying sensitivities of audiences in different parts of the world. What may be unexceptional in a U.K. programme may raise strong feelings elsewhere. Advice can often be given by the departments dealing with religious programmes in both domestic and international services, or by the relevant World Service language sections.

Deep offence will also be caused by profane references or disrespect, whether verbal or visual, directed at deities, scriptures, holy days and rituals which are at the heart of various religions – for example, the Crucifixion, the Gospels, the Koran and the Jewish Sabbath. It is against the Muslim religion to represent the Prophet Mohammed in any shape or form. Language must be used sensitively and accurately and be consistent in our description of different religions. Use of a term such as “Islamic Fundamentalist” has to pass the test of whether we would talk about Christian or Hindu Fundamentalism.

Particular care should be taken with programmes to be broadcast on the principal holy days of the main religions to ensure that unnecessary offence is not caused by material that might be more acceptable at other times.

What constitutes blasphemy and how seriously it is viewed, varies within and between different religions and cultures. Blasphemy is a criminal offence in the UK and advice should be sought, through Heads of Department or Commissioning Executives, from Editorial Policy and lawyers in any instance where the possibility of blasphemy may arise.

TASTE AND DECENCY – COMEDY AND ENTERTAINMENT

Comedy enjoys special licence. It flourishes on departure from the norm and exploiting people's misfortunes. Even so it must be well judged, not gratuitous unnecessarily cruel or designed to harm or humiliate a person or group.

PORTRAYAL – PORTRAYAL OF RELIGIOUS GROUPS

People and countries should not be defined by their religions unless it is strictly relevant. Particular religious groups or factions should not be portrayed as speaking for their faith as a whole. Thoughtless portrayal can be offensive, especially if it implies that a particular faith is hostile or alien to all outside it. For example, footage of chanting crowds of Islamic activists should not be used to illustrate the whole Muslim world.

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 drama to be a fair and inoffensive portrayal of a Jewish family in New York, their relationships and the traditions and customs they observed. The drama explained and detailed Jewish customs in some depth, demonstrating concern to portray these accurately and in a manner that would educate non-Jewish listeners about Judaism. The Committee took the view that the characters in the drama were somewhat exaggerated but that this is a common convention in drama and was within the boundaries of acceptable portrayal. The Committee concluded that was a slight work and mildly amusing. There was nothing in the drama to suggest anti-Semitism or "Nazi behaviour", nor had the complainant substantiated these serious charges with specific evidence from the script, storylines or characterisation. Overall, the Committee took the view that the programme met the required guidelines.

Finding: not upheld.

Islam pages, BBC Religion & Ethics website

bbc.co.uk

a) The item

The complaint concerned the Islam series by the BBC Religion & Ethics unit, as published on bbc.co.uk/religion/religions/islam.

b) The complaint

This related to the phrase "peace be upon him" or "pbuh", which was used after the mention of Muhammad's name in the Religion & Ethics web pages on Islam.

The complainant objected to the use of "pbuh" on the grounds that in his view:

- It is a prayer for the repose of the soul of Muhammad and represents an intrusion of the religion of the journalist into his/her public function.
- This is a matter of courtesy and respect for the sensitivities of those addressed.
- In which case, a parallel instance would be the polite avoidance of AD and BC, which carry Christian connotations, and the use instead of CE and BCE.
- There should be neutral coverage of religions across the board.

The Head of the ECU did not uphold the complaint and the complainant appealed to the GPCC.

c) Relevant Editorial Guidelines (post July 2005)

IMPARTIALITY & DIVERSITY OF OPINION

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.

Achieving impartiality

Impartiality must be adequate and appropriate to our output. Our approach to achieving it will therefore vary according to the nature of the subject, the type of output, the likely audience expectation and the extent to which the content and approach is signposted to our audiences.

Impartiality is described in the Agreement as "due impartiality". It requires us to be fair and open minded when examining the evidence and weighing all the material facts, as well as being objective and even handed in our approach to a subject. It does not require the representation of every argument or facet of every argument on every occasion or an equal division of time for each view.

News, in whatever form, must be presented with due impartiality.

RELIGION

Introduction

The BBC respects the fundamental human right to exercise freedom of thought, conscience and religion, this includes an individual's freedom to worship, teach, practise and observe. At the same time, we recognise our duty to protect the vulnerable and avoid unjustified offence or likely harm. We aim to achieve this by ensuring our output is not used to denigrate the beliefs of others.

Religion editorial principles

- *We will ensure that the beliefs and practices of the great world faiths are described accurately and impartially.*
- *We will ensure the religious views and beliefs of an individual, a religion or religious denomination are not misrepresented, abused or discriminated against, as judged against generally accepted standards.*
- *We will reflect an awareness of the religious sensitivity of references to, or uses of, names, images, the historic deities, rituals, scriptures and language at the heart of the different faiths and ensure that any use of, or verbal or visual reference to them are treated with care and editorially justified. Examples include the Crucifixion, Holy Communion, the Koran, and the Jewish Sabbath.*
- *We will respect the religious sensitivity surrounding the observance of holy days and the principal festivals of the various faiths so that unnecessary offence is avoided by material that might be more acceptable at other times.*

In output dealing with the religious views and/or beliefs of a religion or religious denomination as the central subject, we should make clear both the identity of the faith and the purpose of the output. It should not be used to recruit. Contributors should not be allowed to undermine or denigrate the religious beliefs of others.

We should treat any claims made in our religious programmes for the special powers or abilities of a living person or group, with due objectivity. Such claims should not be made when significant numbers of children may be expected to be watching television or when children are particularly likely to be listening to the radio, or in online content likely to appeal to a high proportion of children.

Comedy and satire always have the potential for offence. Specialist advice is available from the Religion and Ethics department and from colleagues in the World Service as well as Editorial Policy.

d) The Committee's decision

The Committee considered the complaint against the relevant editorial standards, taking into account all the information relating to this case. The Committee noted that, within the Religion & Ethics web pages, the pages on each of the specific religions were written from the perspective of a person who practised that religion. Thus, for example, the pages on Islam used the phrase "pbuh" after mention of Muhammad, as is the Islamic custom, but those on the Baha'i faith did not; the pages on the Christian religion had used the secular BCE and CE convention in the past – and at the time that the complainant had first made his complaint – but these pages now used BC and AD, as was the Christian convention.

The Committee agreed that the practice of writing each of the religion sites from the perspective of someone who practised that religion was within the editorial guidelines, in that it demonstrated consistency across the board and was thus impartial. It also agreed that the site editor was correct to now use BC and AD on the Christianity pages, rather than BCE and CE, in order to maintain a consistency of approach between the sites. The statement on the Religion & Ethics website which explained why each religion's pages had been written in the way they were was very clear. However, the Committee was of the opinion that this explanation should have been more prominent as it may have led some users of the site to conclude that disproportionate deference was being shown to Islam when they looked at those pages, and this was not the case. It was important to underline the site's impartiality by making this explanation prominent as well as clear.

The Committee was of the view that the site was impartial and unbiased, treating all the religions mentioned in the same way. The site met the required editorial standards. In order to make this clearer to users, the Committee agreed that the explanation as to why specific religious customs were observed in certain parts of the site should be made more prominent.

Action: The Chairman to write to the Editor, Religion & Ethics, asking that the explanation that pages about individual religions were written from the perspective of believers in that religion be placed more prominently on the site.

Finding: not upheld.

The Chris Moyles Show

BBC Radio 1, 25 July 2005

Jo Whiley

BBC Radio 1, 29 July 2005

The Catherine Tate Show

BBC Two, 21 July 2005 and 4 August 2005

a) The programmes

Chris Moyles presents Radio 1's flagship Breakfast Show. It begins at 6.55am and lasts just over three hours, with news and sport read half-hourly between 7am and 8.30am, and again at 9.30am. A typical half-hour segment will contain between 10 and 15 minutes of chat, discussing the team members' lives, Radio 1's features, music or popular culture. There are regular celebrity guests or interviews, with the occasional live music performance.

Jo Whiley's show (10am–1pm) is heavily music-based, including live guests and performances. The show also has regular weekly slots for film reviews and celebrity gossip.

The Catherine Tate Show is a BBC Two comedy sketch show broadcast at 9.30pm in which Catherine Tate plays a variety of male and female characters of various ages.

b) The complaints

The complainant outlined a general complaint, using three instances from the programmes above as evidence.

Overall complaint

The complainant argued that the BBC had allowed homophobic material to be included in its transmissions, listing three specific examples. He believed the BBC was failing to protect lesbians and gay men in the same way it protected other minority groups from racist, sexist and stereotyped material. He felt that this was unfortunate in an environment where "casual homophobia" is common and goes unchallenged.

Three programme complaints

The Chris Moyles Show

The complaint was about Chris Moyles dismissing a ring tune by saying "I don't want that one, it's gay."

The complainant argued that using the word "gay" in this context was clearly derogatory and that the presenter "unthinkingly" used a word in a way he should not have done.

Jo Whiley

The complaint concerned an interview with Jayceon Taylor (aka The Game) on the Jo Whiley show. Jayceon Taylor is a rap artist and described gay men as "faggots" and "not real men" during the interview.

The complainant said that this was one of the most abusive terms someone could use about gay people and the BBC failed to take it seriously. Radio 1 should have broadcast the apology apparently offered by Taylor's management.

The Catherine Tate Show

The second series featured a character (Derek Faye) who is an overtly effeminate man constantly outraged at the widespread assumption that he is gay. The complainant took offence that the viewers were invited to laugh at the character's campness and "obvious" gayness.

The ECU did not uphold this complaint and the complainant appealed to the GPCC. In addition to his complaints about programme content outlined above, he also made a further complaint about the handling of his case. Specifically, the complainant was offended by a comment made in the finding letter by the Head of the ECU:

"The fact that you, as a gay man, drew very different conclusions from the humour is much to be regretted, and I'm again sorry for the offence you were caused."

The complainant believed that this blamed members of minority groups for "not getting the joke" and failing to see things the way the majority do. The complainant asked the Committee to consider whether or not it felt this comment was appropriate.

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?*

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 do not include any offensive language in pre-school children's programmes or websites (four years and under).

We must not include offensive language in programmes or websites made for younger children except in the most exceptional circumstances.

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 be able to justify the use of offensive language in challenging factual programmes, comedy and drama broadcast throughout the day on our speech radio stations. It will also generally require clear content information.

We must not include the MOST 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.

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

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.*

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) The Committee's decision

The Committee agreed that it should consider each of the specific programmes complained of in turn before turning its attention to the general complaint of homophobia. The Chairman requested that the Committee take into account all the information provided to them relating to this case in reaching its decision.

The Chris Moyles Show

The Committee noted that the word “gay”, in addition to being used to mean “homosexual” or “carefree”, was often now used to mean “lame” or “rubbish”. This is a widespread current usage of the word amongst young people. The Committee was familiar with hearing this word in this context. In broadcasting to an audience of predominantly young people, it was to be expected that Chris Moyles would use expressions and words which the listeners used themselves. The Committee believed that, in describing a ring tone as “gay”, Chris Moyles was conveying that he thought it was “rubbish” rather than “homosexual”. The Committee acknowledged that this use of the word “gay” could cause offence to some listeners. However, the Committee believed that Chris Moyles, when using the word, had meant no offence to gay people. He was not being homophobic in his use of the word. The Committee was of the view that the vast majority of those listening to the programme would not have taken offence at the use of this word in this context and the use of the word would therefore have been in line with audience expectations for that particular programme. It did, however, feel that it would be advisable to think more carefully about using the word “gay” in its derogatory sense in the future, given the multiple meanings of the word in modern usage and the potential to cause unintended offence. Nevertheless, given the programme’s audience, the Committee considered the broadcast to be within the relevant editorial guidelines.

Jo Whiley

The Committee agreed with the complainant that The Game’s comments were very offensive, completely unacceptable and clearly homophobic. However, it also noted that the presenter, Jo Whiley, was swift to make a full apology for what had been said and to distance herself and the network from The Game’s comments, stating: “The Game said something which was really very offensive and... I couldn’t quite believe I was hearing what I was hearing as he said it... If it did cause offence for anyone listening at the moment, I’ll apologise on his behalf.” The Committee agreed that the presenter showed courage and presence of mind in making such a sincere, full and swift apology. The Committee agreed that this apology was an appropriate and proportionate response to what had occurred and meant that, taken as a whole, the programme did not breach required programme standards.

The Committee also agreed that it had been appropriate for Radio 1 to cancel further interviews with The Game. It accepted Radio 1’s judgement that to no longer play The Game’s records on Radio 1, as the complainant wanted, would have drawn further attention to the episode. The swift response from presenter and station meant that the Committee considered that the matter had been appropriately dealt with at the time and as such, the required editorial standards had been met.

The Catherine Tate Show

The Committee noted that the complainant was complaining about the character of Derek throughout the second series of *The Catherine Tate Show*, his complaint prompted in particular by the editions of the programme broadcast on 21 July 2005 and 4 August 2005. The Committee agreed that the humour derived from the Derek sketches lay in the fact that he rejected the acceptance of those around him and refused to recognise himself as gay (homosexual), rather than in the fact of his being gay. Derek was an extreme stereotype of a gay man but humour is often based on stereotypes. The purpose of the sketches was to be funny, not realistic. The Committee noted that the series was dominated by a number of extreme, ridiculous characters who were not meant to be taken literally or too seriously. The Committee agreed that humour does and should challenge and push boundaries. The series was very well received and popular, demonstrating that its challenging material was acceptable to most people. In the light of this, the Committee agreed that the Derek sketches met the required editorial standards.

The Committee also considered the overarching complaint that the BBC transmitted homophobic material. The Committee concluded that that the three broadcasts had met the required editorial standards and did not demonstrate homophobia – but did note that use of the word “gay” in the derogatory sense should be used with care given its potential to offend.

The Committee also discussed the complainant's claim that the BBC does not treat sexuality with the same sensitivity as race. The Committee agreed that the same considerations – for example, weighing possible offence against editorial merits – would apply equally to both issues. Programmes dealing with either issue would apply the same editorial guidelines and the GPCC would judge complaints about portrayal of a racial group or of a particular sexual orientation against the same guidelines with equal rigour.

The Committee asked the Chairman to apologise for any offence caused by the comments from the ECU in its finding letter to the complainant.

Finding: not upheld.

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
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