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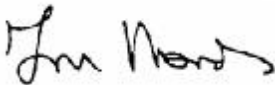
Programme Complaints Appeals to the Governors

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

The Governors' Programme Complaints Committee is a 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 Acting 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 individuals dissatisfied 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.

A handwritten signature in black ink, appearing to read 'Fabian Monds', is positioned above the printed name.

Fabian Monds
Acting Chairman of the Governors' Programme Complaints Committee

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Summary of findings (October 2006)

Appeals upheld or upheld in part

Islam pages, BBC Religion & Ethics website

bbc.co.uk/religion/religions/islam

a) The article

The complaint concerned an authored web page, Sharia: A Practical Guide, part of the Islam series by the BBC Religion & Ethics unit, published on bbc.co.uk.

b) The complaint

The complaint concerned the accuracy of the page and in particular its description of the practical working of Sharia law.

The complainant's initial letter of complaint to BBC Information suggested that the article "lacks objectivity ... its intention is to deceive the reader into thinking Sharia law is acceptable."

In further letters to BBC Information, the Editorial Complaints Unit (ECU) and the Governors' Programme Complaints Committee (GPCC), the complainant highlighted particular examples of alleged inaccuracy within the article.

Zinah (sexual offences)

The complainant disputed the following assertion: "In rape cases, the witnesses are no longer relied on since forensic evidence and scientific analysis can usually nail the offender." He suggested, "Having read up this issue and searched the internet", that there was no evidence to support that statement, only internet articles that mentioned the traditional Sharia requirement of male witnesses of the rape. The complainant also suggested that there was limited opportunity or process for forensic evidence to be considered.

Is it easier for men to divorce?

The complainant suggested that this element of the article was a "disingenuous distortion". He pointed to three areas of dispute:

- that men can divorce for any or no reason and without legal process
- that no maintenance is due after Islamic divorce and there is no division of property
- that children belong to the man, but may stay with the mother until they are old enough to be removed

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

The Committee first considered this complaint at its July meeting, but asked for additional information. It commissioned additional advice from two experts in Islamic studies: Dr Mona Siddiqui, Professor of Islamic Studies and Public Understanding, University of Glasgow; and Robert Gleave, Professor of Arabic Studies, University of Exeter.

c) Relevant extracts from programme standards

Section 3 – Accuracy

Misleading audiences

We should not distort known facts, present invented material as fact, or knowingly do anything to mislead our audiences. We may need to label material to avoid doing so.

Section 4 – 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.

In practice, our commitment to impartiality means:

- *We exercise our editorial freedom to produce content on any subject, at any point on the spectrum of debate, as long as there are good editorial reasons for doing so.*
- *We can explore or report on a specific aspect of an issue or provide an opportunity for a single view to be expressed, but in doing so we do not misrepresent opposing views. They may also require a right of reply.*

Personal view, authored programmes & websites

We have a tradition of allowing a wide range of individuals, groups or organisations to offer a personal view or opinion, express a belief, or advance a contentious argument in our programmes or on our websites. Personal views can range from the outright expression of highly partial views by a campaigner, to the authored view of a specialist or professional including an academic, scientist, or BBC correspondent, to those expressed through contributions from our audiences. Each can add to the public understanding and debate, especially when they allow our audience to hear fresh and original perspectives on well known issues.

Content reflecting personal views, or authored by an individual, group or organisation, or contributed by our audiences, particularly when dealing with controversial subjects, should be clearly signposted to audiences in advance.

Personal view and authored programmes and websites have a valuable part to play in our output. However when covering controversial subjects dealing with matters of public policy or political or industrial controversy we should:

- *retain a respect for factual accuracy.*
- *fairly represent opposing viewpoints when appropriate.*
- *provide an opportunity to respond when appropriate for example in a pre-arranged discussion programme.*
- *ensure that a sufficiently broad range of views and perspectives is included in output of a similar type and weight and in an appropriate time frame.*

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, including the additional advice provided by the experts Dr Mona Siddiqui and Professor Robert Gleave.

The Committee acknowledged that the piece was authored from a personal perspective, but recognised that the subject was controversial and would be of considerable interest to anyone visiting the site wishing to find an explanation of Sharia law. The Committee believed, therefore, that the complaint should be considered in the following way. First, against the following two guidelines: a) that the article should "retain a respect for factual accuracy", and b) that it should be clearly signposted as being a personal view and not endorsed by the BBC. Then the complaint should be considered against the impartiality guidelines.

Respect for factual accuracy

The Committee looked specifically at the two main elements of the article highlighted by the complainant – the sections referring to rape and divorce.

The Committee reviewed the expert advice and noted that there were a number of interpretations and complexities within Sharia law which made it difficult to provide a definitive explanation on how it was administered in various Muslim countries. For example, in the case of rape the authored website piece stated:

"In rape cases, the witnesses are no longer relied on since forensic evidence and scientific analysis can usually nail the offender."

However, Dr Mona Siddiqui commented:

"Even with differing legislations in Muslim societies, the onus of proving or disproving rape cases lies mainly with the oral testimonies of adult witnesses."

Even between the two experts there were some differences on the subject of how Sharia law is applied in the case of divorce. For example, Dr Mona Siddiqui says:

"Despite the Qur'anic injunctions about the right procedure in divorce, one of the most common forms of divorce is the unilateral triple pronouncement by the husband, where no reason is required. There is no one position in modern law regarding custody of the children nor is there one position regarding division of property. However, the age of puberty is regarded as a significant factor in deciding whether the children continue to stay with the mother or go to the father. This varies hugely depending on whether the woman remarries and in some countries, the mother is given preferential custody rights over the father for other reasons; custody cases are often decided on individual circumstances."

Professor Robert Gleave says:

"Regarding grounds for divorce, they are virtually the same as in the West. In Classical Law (CL), men are not legally required to give a reason for their desire to divorce. Women may petition on the grounds which include incompatibility, insanity, infertility, impotence and non-payment of maintenance. In some Modern Muslim law, woman can initiate divorce (*contra* Classical Law) as part of a wider rights agenda. The author's statement is injudiciously worded, making a specific point unjustifiably general. On the other hand, the complainant states there is no legal divorce process. Legal process with a requirement for witnesses to the pronouncement of the divorce formulae is always necessary, and for some schools, registration with a judge is also required."

Given the contested nature of this issue, the Committee felt that, while the author was attempting to give an overview, the article should have reflected the differing views of Sharia law more thoroughly.

Signposting

The Committee then considered whether the article had been adequately signposted, and specifically whether it was appropriately titled 'A Practical Guide'. The Committee again reviewed the expert advice and noted Dr Mona Siddiqui's comments:

"... the piece reflect[s] a largely personal overview than any specifically researched exploration of the concept. The piece assumes sharia as accepted religious law(s) in Muslim cultures and the Q&A format appears to be aiming to 'educate' the public. However, it simplifies the sharia, and the rather loose ... language glosses over the complexity of sharia as a body of literature, as legal process as well as [having a] diversity of application and perspective in both classical sources and in the modern age. The piece has been erroneously titled a 'practical guide'."

The Committee also noted Professor Robert Gleave's comments:

"A 'practical guide' should surely be of some utility to the reader. This piece is presented in part as an interview, and in part as an authored piece. Whilst informative, the imprecision with which the author makes certain statements, restricts the utility of the piece, thereby reducing its utility as a 'practical guide'."

The Committee considered these views and agreed that the BBC's use of the title 'A Practical Guide' was misleading as it suggested to the reader that it was a factual document providing an authoritative view of the workings of Sharia law. The Committee acknowledged that authored pieces are an important element of the website, but warned that the BBC should ensure that they were clearly and appropriately titled so as not to mislead people about the perspective the piece was being written from.

Impartiality

As to the wider issue of impartiality, the Committee was satisfied that the article had not set out to deceive the reader, and did not breach the impartiality guidelines.

In conclusion

In conclusion, the Committee was concerned that the labelling of the article by the BBC as 'A Practical Guide' did not make it clear that Sharia law is more complex and contested than the article suggested. The Committee was satisfied there was no intention to mislead as had been alleged. The article was written from a single perspective and, consequently, based on one person's interpretation of the workings of Sharia law. The Committee felt, therefore, that whilst it did not breach the guidelines on impartiality, it did breach the guidelines on authored pieces with regard to its title and respect for accuracy.

Finding: partially upheld.

Action: The Committee will ask the Deputy Director-General to review this section of the website with regard to the accuracy of the content and its signposting as a personal view. The Committee will also ask him to ensure that websites discussing controversial issues in authored pieces appropriately signpost the material, as well as respecting factual accuracy and representing opposing views when appropriate.

Appeals not upheld

Sunday Best: The Business of Race

BBC Radio 4, 26 February 2006

a) The programme

The Business of Race was a two-part series looking at issues on race relations within the UK.

The second part was broadcast on 26 February 2006 and was billed in *Radio Times* as follows: "How damaging are the unconscious prejudices and stereotypes that races have about each other? Munira Mirza investigates the evidence."

b) The complaint

The complainant believed that serious and fundamental bias ran throughout the programme. She felt it focused entirely on white racism and made no reference to black people's views of white people, or inter-ethnic views.

The complainant believed bias was expressed in three main areas:

- 1 **Implicit association tests** (these are tests which attempt to measure implicit attitudes towards people of other races). The complainant argued that the interviewer/presenter offered no research on the scores of black people who had done the test or any other ethnic group.
- 2 **Depiction of white racism.** The complainant felt it was unfair of the programme to illustrate racism through the example of white people from a housing estate objecting to being told it was racist to display their Union Jack/St George's flag. This behaviour could have been viewed in ways other than as an act of racism.
- 3 **Underachievement of black boys.** When trying to explain the underachievement of Afro-Caribbean boys in British schools, educationalist Tony Sewell described the behaviour of white boys as "underhand, sneaky ... requires investigation", and that of black boys as "more in confrontation with other teachers or pupils". The complainant felt the use of the more pejorative remarks concerning white boys illustrated a lack of evenhandedness throughout the programme.

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

c) Relevant extracts from programme standards

Section 4 – Impartiality & Diversity of Opinion

Introduction

Impartiality lies at the heart of the BBC's commitment to its audiences.

The Agreement accompanying the BBC's Charter requires us to produce comprehensive, authoritative and impartial coverage of news and current affairs in the UK ... 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 a political or industrial controversy.

In practice, our commitment to impartiality means:

- *We must ensure we avoid bias or an imbalance of views on controversial subjects.*

Achieving impartiality

Impartiality must be adequate and appropriate to our output. Our approach to achieving it will therefore vary accordingly 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.

Section 8 – Harm & Offence

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

The Committee considered the complaint by first focusing on the three issues raised by the complainant, and then considering the issues as a whole.

Implicit association tests

The Committee considered whether it was justified to mention the test results for white people, when the scores for black people or other ethnic groups were not given.

The Committee acknowledged that while the figures for white people were the only ones in the public domain, quoting these may have led listeners to feel the piece was emphasising the bias of one group. However, it was also felt that the programme included scepticism about the test, including concerns expressed by an academic from Exeter University. The Committee also noted the comment from the American social psychologist Tracey Stewart (who had promoted the test) that the results were consistent for all racial groups. Tracey Stewart said: “I have found it consistently across several locations across the US; I consistently find same ethnic group preference.”

The Committee was, therefore, satisfied that there was no bias in this section of the programme.

Depiction of white racism through the use of vox pops

The Committee agreed with the complainant’s view that the vox pop illustrating white people from a housing estate objecting to being told it was racist to display their Union Jack/St George’s flag was not in itself evidence of white people’s racism. The Committee agreed that this behaviour could be interpreted in other ways, including social disenfranchisement. However, this in itself did not make the inclusion of the vox pop racist against white people.

Underachievement of black boys

The Committee noted that the comments referred to by the complainant were made by a contributor. It was his choice of phrasing, and it was not, therefore, the programme’s responsibility to “correct” the contributor’s language. The Committee acknowledged that the language was emotive, but believed the educationalist was equally critical of both sets of boys, and that the actions of the white boys had not been specifically singled out.

Having considered all three issues, the Committee was satisfied that the programme was not fundamentally biased against white people and did not focus solely on their negative views.

However, the Committee was concerned about the expectation that might have been created among the audience, given its billing in *Radio Times* and in the presentation announcement before the programme.

Radio 4 presentation announcement leading into the programme:

“In the second of two programmes the journalist and academic Munira Mirza investigates how prejudiced different races in Britain are about each other and whether it matters.”

Radio Times:

“How damaging are the unconscious prejudices and stereotypes that races have about each other? Munira Mirza investigates the evidence.”

The Committee could understand why the complainant (and potentially other listeners) might have expected a greater exploration of prejudices between different racial groups. The use of the term “races” in both billings implied as much. The Committee felt, therefore, that the programme had not fully delivered on its editorial promise. In doing so, the Committee could appreciate that some listeners may have felt there had been a degree of imbalance in the programme, even though it was satisfied that the programme did not result in bias against white people.

In conclusion, the Committee felt that while the programme had not breached the editorial guidelines with regard to impartiality or portrayal, its billing should have been consistent and should have reflected the content more precisely. The Committee would write to BBC management to remind them that, when dealing with matters of race, sensitivities run high, and that it is essential that billings are consistent with content so as to match audience expectation.

Finding: not upheld.

Action: The Acting Chairman will write to the Deputy Director-General, as Chairman of the Complaints Management Board, to ask that there be a consistency in the billing of programmes, both published and broadcast, with their content.

The Week in Westminster

BBC Radio 4, 22 April 2006

a) The programme

The Week in Westminster is a weekly Radio 4 news and current affairs programme.

This edition involved a discussion about the NHS. Guests included Kitty Ussher MP (Labour, former PPS to Patricia Hewitt, Health Secretary), Mike Penning MP (Conservative), and Steve Webb MP (Lib Dem, and formerly an academic expert on the NHS).

During the discussion the presenter, Jackie Ashley, posed the following question to Mike Penning: "To be fair to the Government, they have got improvements in cancer care, improvements in cardiac care and big reductions in waiting times. Are you going to give them credit for that at least?"

b) The complaint

The complainant objected to the use of the statement "big reductions in waiting times", stating that it was an unfair summary of the statistics available and misled the listeners of the programme.

The complainant argued that if the presenter was expressing personal opinion this should have been stated at the start of the programme. He wanted a correction to be aired by the programme.

The Editorial Complaints Unit (ECU) did recognise that it was wrong to say there have been "big reductions in waiting times", but did not uphold the complaint on the following grounds:

- The Editor of the programme explained that it was probably a slip of the tongue by the presenter. Jackie Ashley was supposed to say "waiting lists".
- Kitty Ussher, a Labour MP and former PPS to the Health Secretary, had earlier defended her party's record on waiting lists, which the ECU felt the presenter was trying to recall.
- The Conservative MP interviewed was free to respond to the comment if he wished, and the presenter was adopting the normal interviewer's role of devil's advocate.
- The ECU did not feel that listeners would have been seriously misled as it was a fleeting reference in a question, rather than a full discussion of waiting time figures.
- The slip did not disadvantage the interviewee nor affect the discussion.
- The ECU concluded that everybody concerned recognised the mistake and that it did not amount to a serious breach of the BBC Editorial Guidelines.

The complainant appealed to the Governors' Programme Complaints Committee.

c) Relevant extracts from programme standards

Section 3 – Accuracy

Introduction

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

All the relevant facts and information should be weighed to get at the truth. If an issue is controversial, relevant opinions as well as facts may need to be considered.

We aim to achieve accuracy by:

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

Fact checking

We must check and verify information, facts and documents, particularly those researched on the internet.

Misleading audiences

We should not distort known facts, present invented material as fact, or knowingly do anything to mislead our audiences.

Section 4 – Impartiality & Diversity of Opinion

Introduction

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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 service and other programmes dealing with matters of public policy or of political or industrial controversy.

In practice, our commitment to impartiality means:

- *We seek to provide a properly balanced service consisting of a wide range of subject matter and views broadcast over an appropriate time scale across all of our output. We take particular care when dealing with political or industrial controversy or major matter relating to current public policy.*
- *We must ensure we avoid bias or an imbalance of views on controversial subjects*
- *The approach to, and tone of, BBC stories must always reflect our editorial values. Presenters, reporters and correspondents are the public face and voice of the BBC, they can have a significant impact on the perceptions of our impartiality.*
- *Our journalists and presenters, including those in news and current affairs, may provide professional judgements but may not express personal opinions on matters of public policy or political or industrial controversy. Our audiences should not be able to tell from BBC programmes or other BBC output the personal views of our journalists and presenters on such matters.*

Achieving impartiality

Impartiality must be adequate and appropriate to our output.

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 on an equal division of time for each view.

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 gave careful consideration to the context of the complaint and the role of the guest presenter Jackie Ashley. It acknowledged that the guest presenter was a journalist from the *Guardian* newspaper and that she was one of a number of journalists who presented the programme. The Committee was satisfied that this was compatible with editorial guidelines on impartiality as care was taken by the programme's producers to ensure that a range of presenters from different newspapers representing views across the political spectrum presented the programme.

The Committee then went on to consider what had actually been said. The Committee was satisfied that the comment that Ms Ashley had made, whether by accident or not, was not unreasonable. Her role as a presenter was to ask questions of her guests so as to solicit answers and encourage debate. The Committee felt that this was a fundamental responsibility of a presenter and that her guests had had the opportunity to challenge or endorse her comments.

As to whether the comment was an accurate reflection of waiting times, the Committee agreed that, on the basis of the evidence made available to it, the subject was debatable. It acknowledged the persuasive arguments put forward by the complainant that on some measures (using Hospital Episode Statistics) waiting times may not have fallen significantly. But at the same time it also accepted that the King's Fund, an independent and reputable charitable foundation, had produced a conclusion on waiting times that was clearly using terminology similar to that used by Jackie Ashley.

The King's Fund chief executive Niall Dickson said:

"The government has waged a war on hospital waiting that has achieved a degree of success few believed was possible at the start. While they may not be perfect, targets can deliver real improvements and Ministers may well feel confident they will meet the ambitious 18-week target." (An Independent Audit of the NHS Under Labour 1997, published by the King's Fund, 2005)

The Committee noted that the issue was therefore complex. It was satisfied that there was sufficient evidence to suggest that Jackie Ashley was certainly not wholly wrong in her assertion that there had been "big reductions in waiting times". But, just as important, the Committee concluded that Mike Penning had ample opportunity to challenge Ms Ashley's assertion. The Committee were therefore satisfied that there had been no breach of guidelines.

Finding: not upheld.

Action: The Committee will ask the Deputy Director-General, as Chairman of the Complaints Management Board, to report back to the GPCC with his assessment of the BBC's wider reporting of waiting time statistics, and whether the issue has been sufficiently well covered.

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 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 16 weeks of receiving the request.

The findings for all appeals are reported 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:

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