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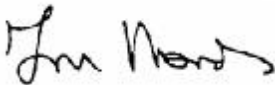
Programme Complaints Appeals to the Governors

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 (September 2006)

bbc.co.uk

'Warning before animal test demo' 25 February 2006

'Hundreds join animal rights march', 22 April 2006

a) The articles

The complaint referred to two pages on the BBC News website.

Article 1: 'Warning before animal test demo', published 01:56, Saturday 25 February 2006

The first article previewed two demonstrations taking place in Oxford later that day. One march was by SPEAK (Stop Primate Experiments at Cambridge) and was against testing. The other march was by the Oxford student group Pro-Test, in favour of animal testing. The article also referred to comments made by the Animal Liberation Front regarding the targeting of students backing Oxford University's research labs.

Article 2: 'Hundreds join animal rights march', published 16:52, Saturday 22 April 2006

The second article was a report of a peaceful march through Oxford of up to 1,000 people, marking World Day for Laboratory Animals.

b) The complaint

The complaint was not made on behalf of SPEAK.

The complainant argued that BBC News inaccurately used photographs of previous SPEAK marches on two particular occasions.

Article 1: 'Warning before animal test demo', 25 February 2006

The complainant objected to the placing of a photograph of a previous SPEAK march next to comments associated with the Animal Liberation Front (ALF) – comments that referred to students being "legitimate" targets if they supported animal testing. The complainant believed the placing of the photograph next to the comments referring to the ALF would unfairly associate SPEAK with the ALF and portray SPEAK in "a bad light". He also believed the article should have stated that SPEAK was not associated with the ALF.

Article 2: 'Hundreds join animal rights march', 22 April 2006

This article was about a march in April 2006. The complainant objected because it used a photograph from the SPEAK march in January 2006. The photo showed violence on a march. It was taken from a march in January, the only SPEAK march where violence had been reported. The complainant felt it was inappropriate to use this as the image in a report about a peaceful march organised by SPEAK.

Furthermore, he felt the use of the photograph unfairly associated SPEAK (an organisation committed to non-violent protests) with others in the animal rights movement (the ALF) who follow a policy of direct action (as stated on the ALF website).

The complainant also requested clarification of what was meant in the BBC Editorial Guidelines with regard to:

Truth and accuracy

We strive to be accurate and establish the truth of what has happened. Accuracy is more important than speed and it is often more than a question of getting the facts right.

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 1 – The BBC's Editorial Values

Truth and accuracy

We strive to be accurate and establish the truth of what has happened. Accuracy is more important than speed and it is often more than a question of getting the facts right. We will weigh all relevant facts and information to get at the truth. Our output will be well sourced, based on sound evidence, thoroughly tested and presented in clear, precise language. We will be honest and open about what we don't know and avoid unfounded speculation.

Section 3 – Accuracy

Fact checking

We must check and verify information, facts and documents, particularly those researched on the internet. This may include confirming with an individual or organisation that they posted material and that it is accurate. Even the most convincing material on the web may not be what it seems.

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.

Archive material

In the on demand digital world our content may be accessible long after its original broadcast or publication as a valuable resource for our audiences. However, it is important that archive material does not cause unfairness to individuals or organisations. It may be necessary to edit or remove it to achieve this.

Section 4 – Impartiality & Diversity of Opinion

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.

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.

Article 1: 'Warning before animal test demo', 25 February 2006

The Committee viewed the photograph and concluded that there was nothing in the photograph or caption below which identified either SPEAK or any other group in the rally. To the general reader, it would simply have been interpreted as a march. The Committee did not rule out the possibility that a highly informed reader might have been able to place the march, but given that there were no obvious identifiers in the photograph, its use did not mislead the audience.

The Committee felt that use of the photograph would, therefore, not have breached any guidelines, and it would not have misled the audience into believing that SPEAK were associated with the Animal Liberation Front (ALF), thus portraying them in a negative light.

Article 2: 'Hundreds join animal rights march', 22 April 2006

The Committee discussed the accuracy of using the archived photograph of a previously violent march for this report, and whether it was editorially justified.

The Committee noted that the article itself clearly referred to previous protests that resulted in violence, as well as the main story which was the peaceful march of that day. They also noted that the photograph was clearly captioned as showing a previously violent march. The Committee, therefore, felt that these factors meant it was appropriate to use the photograph and editorially accurate.

In conclusion, the Committee found the photograph to be both editorially justified and accurate.

Finding: not upheld.

The complainant asked the Committee to clarify a BBC guideline on 'truth and accuracy'. The Committee discussed this and believed it to mean that facts may not always give the complete picture. For example, context and background can also be very important in a news report.

Saturday Breakfast

BBC Radio Stoke, 18 February 2006

a) The programme

The Saturday breakfast programme for Radio Stoke covers news, sport and events taking place in the region over the weekend. The programme also takes a look back at the best of the past week's programmes on Radio Stoke.

b) The complaint

The complainant was offended by the inclusion of an item in the programme's 'highlights of the week' section, where a question concerning the treatment of flatulence, from the doctor's spot on the previous Thursday's mid-morning programme, was replayed.

The complainant objected to the doctor's continual reference to "fart", "farting", "farts", etc when answering the question: "Why after a night's sleep is there a build-up of wind?" He felt the item, which lasted about three minutes, was "in parts flippant and rude, crude and vulgar" and a "very bad 'preplanned stunt'".

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 8 – Harm & Offence

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?*
- *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?*

Sign posts & content information

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

Guidance: Offensive Language

Frequency and accumulation

Even mildly offensive language can become unacceptable to the audience if used too frequently in a programme, an article, an item etc. For example, a line of dialogue which contains a number of mildly offensive words often produces a much more negative impact on audiences than if the same number of offensive words is spread throughout the entire piece. Used sparingly and judiciously, some strong language can have great comedic or dramatic impact; but careless or excessive use is likely to upset many of our audiences.

Context, character and tone

Audiences also have varying expectations of the different BBC channels and stations. In general terms, viewers are less tolerant of bad language on BBC1 as it appeals to a broader audience. Even on radio, where there is no watershed, editorial teams should be conscious that certain slots are associated with particular types of content and appropriate scheduling is important.

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 and considering the whole programme.

The Committee noted that, in general, research shows the word "fart" to be considered relatively mild language: not very offensive and common in everyday language.

It did feel, however, that the repeated use of the word throughout the item made it potentially more offensive to audiences. This was potentially exacerbated by the 'schoolboy' tone to the item.

However, the Committee felt that this potential offence was more than balanced out by several factors. In particular, while the item was primarily 'played for laughs', there was real medical information imparted as well. Secondly, and importantly, the item was well signposted ahead of broadcast.

In conclusion, the Committee believed the programme's use of language did not breach the guidelines on harm and offence.

Finding: not upheld.

French and Saunders Christmas Special

BBC One, 27 December 2005

a) The programme

The complaint concerned the Christmas Special of the comedy sketch programme starring Dawn French and Jennifer Saunders.

b) The complaint

The complaint centred on a sketch where very young children were dressed up as lookalikes of various celebrities such as Paris Hilton and Charlie Dimmock.

The complainant felt that the children:

- were inappropriately sexualised with the use of false bottoms and breasts
- became the target of the joke
- were unable to give their consent
- were not active participants but passive recipients of adult manhandling
- had not been properly protected and that their dignity had been impugned – whether or not their parents had consented to their involvement with the programme

The complainant also raised concerns about the handling of her complaint at stage 1.

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 9 – Children

Children editorial principles

We must ensure that the physical and emotional welfare and the dignity of people under the age of eighteen, and in particular children under fifteen, are protected during the making and broadcast of programmes and online content, irrespective of any consent given by them or by a parent, guardian or other person in loco parentis.

We must ensure that children and young people are not caused unnecessary anxiety or distress by their involvement in programmes or by their broadcast. Their involvement must be clearly editorially justified and support should be given to them where necessary.

Contributions from children & young people

We must consider carefully the impact and possible consequences of any material which involves a child, both during the production process and once the material has been broadcast. This applies whether or not we have secured parental consent.

Section 8 – Harm & Offence

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.

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 focused in particular on this editorial guideline:

We must ensure that the physical and emotional welfare and the dignity of people under the age of eighteen, and in particular children under fifteen, are protected during the making and broadcast of programmes and online content, irrespective of any consent given by them or by a parent, guardian or other person in loco parentis.

The Committee concluded that the children were not sexualised during the sketch.

However, they did conclude that there were several problems with the sketch. They felt that the children were at a vulnerable age and were too young to participate fully. Some of the children appeared to be unhappy. The Committee disagreed with the Editorial Complaints Unit's finding that the children were at the age when they start to dress up. Overall, therefore, the Committee felt that the children were used as part of the joke and their dignity was not protected during the sketch.

The Committee also concluded that the presence of parents was not sufficient to protect such young children. The guidelines state that the protection of the child lies firmly with the BBC, irrespective of parental consent, and the programme team could have done more in this case.

In conclusion, the Committee believed the editorial guidelines were breached with regard to the children's dignity during the sketch.

Finding: upheld.

Action

The item should not be broadcast again. The Committee also asked the Deputy Director-General (who chairs management's Complaints Management Board) to report back on learning lessons.

Complaints handling

The Committee apologised on behalf of the BBC for the length of time it took for stage 1 of the complaints process to respond to the complainant's second letter. However, the Committee accepted that the delay was not common practice and recent reports show BBC Information to have a very successful response rate of 93% turnaround within 10 working days.

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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