



**GOVERNANCE UNIT**

# **BBC Governors' Programme Complaints Committee:**

## **Procedures for handling complaints**

24 July 2006

# **Governors' Programme Complaints Committee:**

## **How appeals are handled**

### **Introduction**

The members of the Governors' Programme Complaints Committee (GPCC) are BBC Governors. It is the Governors' job to ensure that complaints are properly handled by BBC management and the GPCC assists with this responsibility. For a full account of the GPCC's role and responsibilities, please see its "Terms of Reference", available on [bbcgovernors.co.uk](http://bbcgovernors.co.uk) or in hard copy from the Complaints Adviser, BBC Governance Unit. See Section 7 for contact details.

The GPCC's responsibilities include taking appeals from people who have made an editorial complaint to the BBC Editorial Complaints Unit (or in some instances, set out below, a Divisional Director), and are not satisfied with the response they have received.

This document answers the following questions:

1. Does my complaint qualify for an appeal to the GPCC?
2. How can I make an appeal?
3. How is an appeal prepared for the GPCC?
4. What is the GPCC process for considering an appeal?
5. Can I ask for a hearing?
6. What happens if an appeal is upheld?
7. Who do I contact about the appeals process?

The GPCC is supported by the Governance Unit, a BBC department that reports to the Governors via the Director of Governance. You will see mention in this document of the Head of Accountability, who oversees the GPCC procedures within the Unit, and the Complaints Adviser, who has day-to-day responsibility for the GPCC. The GPCC also has access to an independent Editorial Adviser – who is external to the BBC.

Note that in many areas, the regulator Ofcom can also take complaints directly from the public on radio and television programmes. The exceptions are matters of impartiality, and accuracy, elections and referendums, sponsorship and commercial references. In these matters, responsibility remains with the BBC Governors.

See [www.ofcom.org.uk](http://www.ofcom.org.uk) and in particular: [www.ofcom.org.uk/complain/](http://www.ofcom.org.uk/complain/)

If you decide to complain to Ofcom, please note that:

- It will first take a decision on whether or not to entertain the complaint.
- In general, it has a time limit of 90 days after a programme has been broadcast to take a complaint.
- Although if you are complaining to Ofcom *after* being through the BBC's complaints procedures, it will take this into account when deciding whether to entertain your complaint, so do mention this in any initial correspondence with Ofcom.

Our promise to you is that the process for handling appeals to the GPCC will be:

- Clearly communicated
- Fair
- Timely. The GPCC aims to give you an answer on your appeal within 16 weeks, and you will receive regular updates on the progress of your appeal.

If you think these standards have not been met, please contact the Head of Accountability in the first instance, and then the Director of Governance. For contact details, see Section 7.

## 1. Does my complaint qualify for an appeal?

Your complaint must meet the following criteria.

- **It must be an editorial complaint.** Your complaint must be about content (for example, a programme or an online article) for which the BBC has editorial responsibility. You may be making a "first party complaint" about unfair treatment or an infringement of privacy that has directly affected you. Or you may be making a third party "standards complaint", where you feel the content has breached the BBC's editorial standards in some way.  
<http://www.bbc.co.uk/guidelines/editorialguidelines/>
- **Your complaint must have already been escalated** through BBC management's complaints handling processes (see [www.bbc.co.uk/complaints](http://www.bbc.co.uk/complaints) for details). Usually, this will mean that your complaint has been investigated by **BBC Information** and then the BBC's **Editorial Complaints Unit** (ECU). Sometimes, however, a complaint falls outside the remit of the ECU, but still provides evidence to suggest there may have been a serious breach of editorial standards. In that case, your complaint must have been considered by a **BBC**

**Divisional Director or a person nominated by them to respond on their behalf.**

**If you are not happy with the response you have received** from the ECU or the Divisional Director then:

- **You must write to appeal within eight weeks** of the final correspondence with the ECU or a Divisional Director about your complaint.

The GPCC will not consider an appeal which is vexatious or trivial, or which relates to content that has not yet been transmitted or published.

The GPCC may decide not to consider an appeal where it relates to matters which are, or are likely to be, the subject of, or relevant to, legal proceedings. This decision is taken on a case-by-case basis.

The GPCC and/or the Complaints Adviser also reserve the right to refer a complaint back to the ECU or a Divisional Director, particularly if they think there has not been an appropriate investigation and response from Management to the original complaint.

## **2. How can I make an appeal?**

Send your appeal to:

Complaints Adviser  
Room 211, 35 Marylebone High Street  
LONDON W1U 4AA

**Appeals should normally be made in writing**, preferably typed rather than hand written. This helps the GPCC to be clear about the terms of your appeal. But if you are unable to provide a written document, please contact the Complaints Adviser for help and advice on how to submit your appeal. Similarly, where this document makes reference to websites, if you do not have access to the web, contact the Complaints Adviser for help.

**The appeal letter should include the following information:**

- A summary of your original complaint, including details of the programme(s) or item, channel or service, and the date of transmission or publication. If your complaint concerns content on the BBC's internet sites, the GPCC will normally only consider an appeal if a copy of the material is supplied. It is a great help to the Committee if complaints are clearly broken down into a series of concise points, and illustrated with specific examples from the programme or internet site of which you are complaining. This will assist us in ensuring that we understand the exact nature and basis of your complaint.
- The date of your original complaint

- The date of the final correspondence with the ECU or Divisional Director concerned
- The reasons why you are dissatisfied with the decision(s) of the ECU or Divisional Director

Before making your appeal, you can normally also ask to see the gist of the material which the ECU or BBC Director previously relied on in responding to your complaint (for example transcripts or statements from the programme maker or online editorial team). You may want to comment on this material in your appeal letter.

The Complaints Adviser in the Governance Unit will make an **assessment of your appeal** against the criteria outlined in Section 1.

The Complaints Adviser will write to you if s/he thinks your complaint does not qualify for an appeal, and explain the reasons for that decision. If you are not happy with this assessment, you can ask for the decision to be reviewed by the Head of Accountability. If s/he confirms the decision that your appeal does not meet the criteria, correspondence is normally closed at this point.

Complaints about the administration of the GPCC appeals procedures should be addressed to the Director of Governance.

If your complaint qualifies for an appeal, you will receive a letter acknowledging receipt, explaining the process and setting out the timescale for taking your appeal. Any subsequent delay to the timescale will be clearly communicated and explained.

### **3. How is an appeal prepared for GPCC?**

The Complaints Adviser works with an independent Editorial Adviser to decide what the GPCC will need to consider your complaint. This will include the correspondence and other material relating to your complaint so far.

It may also include:

- A briefing from an independent Editorial Adviser to the GPCC about the editorial issues raised by your complaint
- Further research into facts relating to the complaint, including obtaining independent advice from external sources if needed.

Where you have made a complaint about unfair treatment or infringement of privacy that directly affects you, an independent investigator may be appointed to investigate your complaint, and provide the GPCC with an assessment of the allegations you have made.

The Editorial Adviser or Independent Investigator may contact you and/or the content suppliers for more information or further responses (if we contact you, you will usually be asked to respond within fifteen working days).

The Complaints Adviser will normally send material from any further investigation or advice to you and to the content suppliers and relevant BBC management. You will be given an opportunity to comment on this material, and asked to respond within twenty working days.

If a large number of complainants appeal against a specific decision by the ECU or a Divisional Director, some of these procedures will need to be adapted and the Complaints Adviser will compile a summary of the range of issues raised by their complaints. The appeals will then be considered together across the full range of issues identified.

#### **4. What is the GPCC process for considering an appeal?**

The GPCC reviews the material gathered in the preparation of your appeal, including your comments on material that's been compiled by the Complaints Adviser. The GPCC meets once a month. Where necessary, it may defer an appeal and request further investigation.

The GPCC will assess the content you have complained about against all the relevant standards, codes and guidelines, including the BBC's Charter and Agreement and Editorial Guidelines. It will come to one of the following findings on your appeal: upheld, upheld in part, not upheld or already resolved (where an error has occurred and the GPCC is satisfied that management have acknowledged a problem and already dealt appropriately with the matter). The GPCC Chairman will send you the finding, and a note of the GPCC's discussion, in writing.

The GPCC publishes its findings in a quarterly bulletin, available on [bbc.govnet.org](http://bbc.govnet.org) or in print from the Complaints Adviser (see address in Section 7). Your name will be removed from the finding, except where you have been directly involved in a programme and/or content.

The GPCC is the final stage of the BBC's complaints process. Its decisions on standards complaints about accuracy and impartiality are final, because the Governors are the regulators on these matters. Otherwise, if you are dissatisfied with the Committee's findings, you may wish to consider contacting the broadcasting regulator, Ofcom ([www.ofcom.org.uk](http://www.ofcom.org.uk)). You can also complain directly to Ofcom in the first instance.

#### **5. Hearings**

In most cases, the GPCC will consider appeals without an oral hearing.

The Chairman may decide to hold a hearing in the most serious of cases if you have complained about unfair treatment or infringement of privacy that has directly affected you, and there are significant disputed facts which cannot

be satisfactorily addressed by the process of investigation, and which in the Chairman's view, could be resolved with a hearing.

The GPCC Chairman chairs a hearing, or nominates a GPCC member to chair the hearing in his/her absence. At least two other GPCC members will attend.

You will usually be given at least twenty five working days notice of a hearing. You will be invited to attend, along with the content suppliers and members of BBC management that the GPCC Chairman requires to attend.

All parties involved may be accompanied by other people (usually to a maximum of two) and should inform the Head of Accountability of their names and description of their purpose at least seven working days before the hearing. Those who accompany the parties will attend as advisers rather than advocates. Legal representation should not be necessary as this is not a court of law. It would only be permitted with the prior permission, and at the discretion of, the GPCC's Chairman. The Editorial Adviser, Head of Accountability and Complaints Adviser may attend.

Apart from the people mentioned, the hearings take place in private.

The GPCC Chairman will decide on the precise format for each hearing, but it will normally be as follows:

- The chairman outlines the hearing procedure
- You will be invited to summarise your original complaint and the basis for appeal
- The content suppliers/BBC management representatives will briefly respond to your complaint
- The chairman and other GPCC members may ask you and others present questions
- At the chairman's discretion, the two parties may question each other
- There is then an opportunity for the content suppliers and/or BBC management to make a brief final statement followed by a brief statement by you.

New material is not normally accepted at the hearing.

After a hearing, the Chairman and GPCC members who had been present will come to a finding on the appeal.

## 6. What happens if an appeal is upheld?

When an appeal is upheld the GPCC will:

- Require management to take any appropriate remedial action to guard against the breach occurring again and/or consider appropriate disciplinary action, and to report back to the Committee.
- Publish its finding, including any directions to management on remedial action on the complaints website.
- Ensure that the BBC apologises to the appellant for the breach in programme standards. The Committee may also require an on-air or published apology or correction.

## 7. Who do I contact about the appeals process?

To submit an appeal, please write to:

Complaints Adviser  
Room 211, 35 Marylebone High Street  
LONDON W1U 4AA

If, as outlined in the Introduction, you are not happy with the way your appeal has been handled, please write first to:

Head of Accountability  
Room 211, 35 Marylebone High Street  
LONDON W1U 4AA

And if you remain unhappy, to:

Director of Governance  
Room 211, 35 Marylebone High Street  
LONDON W1U 4AA

Please note that the Head of Accountability and Director of Governance are only able to consider whether your appeal has been properly handled in terms of clear communication, fairness and timeliness. They cannot consider the *outcome* of a GPCC decision – the Governors' decision is the final stage in the BBC complaints process. However you may be able to complain to Ofcom – see note in Introduction – although Ofcom cannot consider matters in relation to the BBC on impartiality and accuracy, elections and referendums, sponsorship and commercial references.