

January to March 2002
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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 response they have received from management to a serious programme complaint.

The Governors' Programme Complaints Committee is a sub-committee of five members drawn from the full Board of Governors. For an full account of our remit, please see the back page of this bulletin.

Foreword by the Chairman of the Governors' Programme Complaints Committee

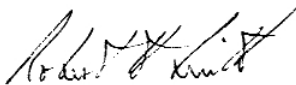
This is the first time the Governors' Programme Complaints Committee (PCC) has published a separate bulletin. Until now, our report has been included alongside quarterly reporting by BBC management on the work of its Programme Complaints Unit. This separate report by the PCC is an important development, and reflects the changes to BBC governance arrangements announced by the Board of Governors in "BBC Governance in the Ofcom Age" in February this year.

In making the changes to BBC governance, the Governors have published a clear statement of the different roles and responsibilities of the Board of Governors and BBC management. We also made changes to ensure that the Governors have independent advice and support in our oversight of the BBC - and that the Governors have effective and open ways of reporting back to the public.

For the Governors' Programme Complaints Committee, this means we have appointed an external adviser to provide independent editorial advice to the Committee. We are putting a process in place for the regular review of the BBC's complaints-handling processes and performance. This separate bulletin on appeals to the PCC is an important part of those changes.

The PCC meets once a month and took seven appeals in total between January and March 2002. Six concerned matters of fairness and accuracy, and one related to concerns about taste and decency.

The PCC upheld one appeal, and one aspect of a second appeal. The remaining appeals were not upheld. We report here on all the appeals taken, whether they were upheld or not.



Sir Robert Smith
Chairman of the Governors' Programme Complaints Committee

Summary of appeals

Matters of fairness and accuracy

Clarissa And The Countryman

BBC Two, 20 October – 8 December 2000

This appeal related to a complaint that this series breached BBC guidelines on impartiality by not including representation of anti-hunting views while “presenting, repeatedly, entirely one-sided pro-blood sports propaganda”.

The Head of Programme Complaints did not uphold the complaint on the basis that the aim of the series was to explore, and to some extent explain, aspects of life in the countryside, because it was felt that over time BBC television had not devoted enough attention to the subject. He held that the series was in line with the BBC guidelines on impartiality, which provide for balance over time. He observed that if advocacy had been the keynote of the series, this might have stretched the legitimate boundaries of balance over time; but, although its approach was clearly not neutral, the series had generally kept within its expository brief.

The complainant appealed to the Governors’ Programme Complaints Committee.

The Committee’s decision

Having viewed the series, the Committee carried out extensive research into the issues raised by the complainant with the Controller of BBC Two.

The Committee understood that the series was commissioned at a time when the BBC was facing criticism for not doing enough to reflect country life. There was also a more widespread sense of anger amongst country dwellers that their views and concerns were insufficiently represented in the political life of the UK, expressed for example in the Countryside Alliance March in March 1998. In this context, there was a sense that country life could be better represented in the media, and the BBC sought ways to let country people present their lives as they were lived.

The Committee accepted that the series aimed to reflect the countryside way of life, as mediated by the “personal viewpoint” of the two presenters. This did not require a balance of views on hunting within the programme itself, provided BBC output overall complied with its editorial requirements of balance over time.

The Committee therefore undertook an extensive review of non-News output, which looked at the balance of views in programming and analysed the profile of both the pro- and anti-field sports lobby in those programmes. The Committee found that taken as a whole BBC output had not provided a sufficient balance over time to the pro-field sport views expressed in the series.

The appeal was upheld.

Newsnight

BBC Two, 30 April 2001

BBC News

BBC One and BBC Radio 4, 27 April – 1 May 2001

Solicitors acting on behalf of Mr John Townend, former MP for Yorkshire East, complained of inaccuracy and unfairness in BBC reporting of his comments on race issues shortly after a public statement made by Mr Townend on 26 April 2001. The statement included the following remarks on a recent speech by Mr Robin Cook:

“Mr Cook and many of his colleagues challenge the very concept of our nation. He says ‘there is no such race as the British’. Presumably, he considers us a mongrel race. I can tell him my Yorkshire constituents, like most people in this country, are insulted by such comments.”

The complainant maintained that BBC reporting had inaccurately and unfairly treated the phrase "mongrel race" as if it expressed Mr Townend's own view of contemporary British society, whereas he had used the phrase only as a critical summation of Mr Cook's views.

The complaint also related to reporting by BBC News of a statement by Mr William Hague, Leader of the Conservative Party. The complainant maintained that reports had inaccurately and unfairly originated the suggestion that Mr Hague believed Mr Townend's comments were racist, and that Mr Townend was a racist.

The Head of Programme Complaints upheld the complaint of inaccuracy relating to the treatment of the phrase “mongrel race” in certain news reports. He did not find, however, that these reports gave an unfair impression of the tenor of Mr Townend's controversial remarks. The Head of Programme Complaints cited, for example, Mr Townend's speech of 16 March in which he said: “Our homogeneous Anglo-Saxon society has been seriously undermined by the massive immigration, particularly Commonwealth immigration, that has taken place since the War”, and also Mr Townend's statement of 26 April, which reaffirmed this view and added that the concept of a multi-ethnic society was a mistake. The Head of Programme Complaints found that there was little distinction between this and the view that the British were, or were becoming, a “mongrel race”.

The Head of Programme Complaints did not uphold the complaint that BBC reporting was responsible for originating any suggestion of racism on Mr Townend's part.

The solicitors acting on behalf of Mr Townend appealed to the Governors' Programme Complaints Committee.

The Committee's decision:

The Committee reviewed BBC News coverage of Mr Townend's reported comments and the public debate they engendered during the period 16 March to 1 May 2001. The Committee made two findings.

The Committee found that in those instances where BBC reporting had either appeared to state or to imply that Mr Townend himself believed that the British either already were or were becoming, “a mongrel race,” such reports were inaccurate. They considered the inaccuracy to be sufficiently material as to be unfair to Mr Townend as a purported representation of his own views on racial mixing.

The committee upheld this aspect of the appeal.

The Committee then considered the complainant's assertion that BBC reporting had been unfair to him in suggesting that he was a racist, which he denies.

The Committee reviewed the reporting in the context of the totality of Mr Townend's comments on race issues, and in the context of the broad public debate they engendered, in which there was a widely-held belief that Mr Townend's views constituted racism. It considered that there was no unfairness to Mr Townend in the way BBC reporting reflected Mr Townend's comments or the tenor of the public debate, the inaccuracy concerning the interpretation of his remark concerning "the mongrel race" notwithstanding.

Reputations: The Rev Sun Myung Moon – Emperor of the Universe

BBC Two, 7 August 2001

This appeal related to a complaint that the programme had been biased in presenting an entirely negative portrayal of Mr Moon and the Unification Church. The complainant maintained, in particular, that the programme failed to reflect the valued teachings of Mr Moon and the wide range of projects undertaken by the Unification Church in, for example, promoting world peace, supporting family values and providing international relief.

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

The Committee's decision

Having viewed the film, the Committee was satisfied that the programme was not entirely negative and had appropriately reflected the life and work of Mr Moon, given the brief of the *Reputations* series to focus on the career of an individual rather than, in this case, the history of the Unification Church.

It also noted that considerations raised by the Head of Programme Complaints: that Mr Moon has been a controversial figure, so it was appropriate for the programme to explore such areas of controversy as his political and financial activities; and that, given the personal focus of the programme, the issues raised by these activities were more significant than the humanitarian projects of the church.

The Committee then explored in some detail the issues raised by the complainant with the Series Editor and the Director. It discussed the steps taken to research both the teachings and the works of the Unification Church, the former including for example questions to Mr Moon's special adviser Dr Bo Hi Pak and research into the literature of the Unification Church. The Committee concluded that both the teachings and works of the Church had been appropriately reflected in the programme.

The Committee did not uphold the appeal.

Today

BBC Radio 4, 12 October 2001

This complaint concerned an interview with the former MP, Mr Jonathan Aitken, about anti-Western tensions in Saudi Arabia, that some claimed threatened the stability of the country and the position of the Saudi Royal Family.

The complainant maintained that the item was in breach of the BBC's Producers' Guidelines on accuracy and impartiality on three counts:

- Mr Aitken was treated as a reliable and authoritative source of information, despite his conviction for perjury

- Mr Aitken was allowed to “smear” the previous speaker, Dr Saad al-Fagih, without Dr al-Fagih being given a right to reply
- the introduction to Mr Aitken did not make clear Mr Aitken’s financial and other connections with the Royal Family

The terms of the introduction were:

“Someone in whose life the Saudi Royal Family has loomed large is the former Conservative Minister for Defence Procurement, Jonathan Aitken.”

The Head of Programme Complaints did not consider the first element of the complaint on the grounds that Mr Aitken’s conviction for perjury is unconnected with his expertise on the subject of the interview.

The Head of Programme Complaints did not uphold the two remaining elements of the complaint, and the complainant appealed to the Governors’ Programme Complaints Committee.

The Committee’s decision

The Committee considered that, overall, Mr Aitken was an appropriate choice of interviewee in this context. It was also satisfied that Dr al-Fagih did not have an automatic right of reply in this context.

The Committee discussed in detail the terms of the introduction used for Mr Aitken with the Head of Radio News. He explained that, in his judgement, the introduction was “sufficient shorthand” to remind the BBC Radio 4 audience of the context. He maintained that the *Today* programme could assume greater knowledge in its audience, and that the introduction was adequate to flag up the close relationship between Mr Aitken and the Saudi Royal Family, and did not give the impression that Mr Aitken was an objective observer.

The Committee considered that the introduction would not have misled the audience and that it provided an acceptable context for the interview, although in its view the interview would have been better framed with a more explicit reference to the nature of Mr Aitken’s relationship with the Saudi Royal Family.

The appeal was not upheld.

Today

BBC Radio 4, 8 December 2001

This appeal related to an item on European Union proposals to introduce a new Europe-wide arrest warrant.

The complainant maintained that the item had lacked appropriate balance and objectivity because it failed to reflect the full range of controversy on the human rights issues raised by the proposals.

The Head of Programme Complaints did not uphold the complaint. The complainant appealed to the Governors’ Programme Complaints Committee, also raising the broader complaint of BBC News’ “persistent failure to present the listener with an objective, balanced and fair presentation of all the facts relating to the EU and our membership.”

The Committee’s decision

Having heard the item concerned, the Committee observed that the first element in item, a clip from the Italian MEP, Marco Capetti, was appropriate in outlining the human rights issues raised by the proposals.

The Committee then considered the approach taken in the interview with the Home Office Minister, Angela Eagle. In the Committee's view, the questions put to the Home Office Minister were rigorous and challenging. The Committee judged that Angela Eagle had been pressed on the issues involved, and that the item overall had addressed the concerns raised by the proposal in an appropriate way.

The appeal was not upheld.

In the light of the complainant's broader concern about an endemic bias in the BBC's coverage of the European Union, the Chairman of the Committee has written to the Director of BBC News to request a briefing on the process by which BBC News maintains an oversight of the balance of coverage over time, and ensures that the full range of significant views and perspectives are heard over time in the coverage of Europe.

News Bulletin

BBC Radio 4, 0800, 14 May 2001

This appeal related to a report by the BBC Middle East correspondent Jeremy Cooke on a Palestinian day of commemoration ("Al-Nakba"). Jeremy Cooke introduced his report by saying that "as the State of Israel was created, some 700,000 Palestinians were driven from their homes..."

The complainant maintained that the reporting had been "outrageously partisan and factually incorrect" by stating without qualification that 700,000 Palestinians were "driven out", and that most mainstream historians were of the view that the majority of Palestinians were encouraged to leave their homes by Arab leaders, who told them they would soon return, "once the Jews had been driven into the sea".

The Head of Programme Complaints did not uphold the complaint, citing historical accounts of the period which, while they acknowledged there was Arab propaganda, also suggested the refugees were mainly motivated by fear. He went on to note that in discussions about the complaint, Jeremy Cooke had undertaken in future to describe the refugees of 1948 as being driven or fleeing from their homes.

Mr Wosner appealed to the Programme Complaints Committee.

The Committee's decision:

The Committee gave careful consideration to the issues raised by the complaint.

The Committee recognised that the events concerned were the subject of historical debate. It noted Jeremy Cooke's undertaking to reflect that debate more fully in the terms he used in future reporting.

The Committee did not, however, perceive a shortfall in standards of accuracy or impartiality in the original report. It considered that the term "driven out of their homes" could be applied to a wide range of motives for the refugees so that, for example, people could be described equally as being driven out by fear or uncertainty about what might happen next, as fleeing in fear etc. The Committee did not therefore find that the report was "outrageously partisan and factually incorrect".

The appeal was not upheld.

Matters of taste and decency

The Saturday Show

BBC One, 22 September, 29 September 2001 and on-going

The appeal related to a complaint about the “Risk” game featured in BBC One’s *The Saturday Show*. The initial complaint concerned the first two editions (22 September & 29 September 2001). At that time, the “Risk” format involved selecting a member of the audience to complete a simple task. If they failed, they forfeited a personal possession which was fed into a chain saw mechanism.

The complainant maintained that:

- the game set a bad example, by practising vandalism and the destruction of possessions by violent methods
- the game undermined children’s perception of the value and respect due to possessions
- this public destruction of personal belongings represented the inappropriate use of public funds

The Head of Programme Complaints did not uphold this complaint on the basis that the objects destroyed were effectively props, and that it would be an unreasonable restriction to require that programmes do not destroy props; also that he did not perceive a risk that the game would encourage imitative anti-social behaviour.

After the first two editions, the format of “Risk” was changed so that the competitor forfeited a souvenir from the programme’s visiting celebrity. The small prize is most commonly a signed T-shirt, and can range from signed photographs to (in one case) a jacket from the most recent tour of the visiting celebrities.

The complainant maintained, however, that this change did not address the concerns raised by the complaint, and appealed to the Governors’ Programme Complaints Committee.

The Committee’s decision

The Committee found that the changes made to the original format of “Risk” had been appropriate. Under the new format, it found that the occasional destruction of a low-value souvenir did not warrant concern about destruction of a “serviceable item”, or damage to children’s perceptions in relation to possessions. In the light of these findings, the Committee did not conclude that “Risk” represented an inappropriate use of public funds.

The Committee did not uphold the appeal.

Remit of the Governors' Programme Complaints Committee

The Governors' Programme Complaints Committee (PCC) consists of five Governors of the BBC, to whom the full Board of Governors have delegated the power to consider appeals. The PCC's conclusions are reported to the full Board.

It is the specific function of the PCC to consider appeals against decisions and actions of the Programme Complaints Unit (PCU) or of the Directors of BBC Divisions in dealing with serious editorial complaints.

The PCC considers appeals in relation to complaints about programmes transmitted, or material carried, by the BBC's domestic public services on radio, television and online, and which 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 PCC will make any further enquiries of the complainant or those responsible for making the programme which it considers necessary to determine the appeal fairly. The PCC will aim 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*. It is also available on BBCi at www.bbc.co.uk/info.

To note: This remit is currently being revised to reflect the broader role of the Committee in monitoring the BBC's complaints-handling processes and performance.

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

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