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Analysis of complaints

From 1 October to 31 December 2007 the Unit reached findings on 71 complaints concerning 61 items (normally a single broadcast or webpage, but sometimes a broadcast series or a set of related webpages). Topics of complaint were as follows:

Table 1

Topics of Complaint

	Number of Complaints	Number of Items
Harm to individual/organisation (victim complaint)	2	2
Harm to individual/organisation (3 rd party complaint)		3
Party political bias	5	5
Other bias	16	15
Factual inaccuracy	13	13

Summaries of upheld complaints

Scotland's last witch, bbc.co.uk

Complaint

The article is about Helen Duncan, who practiced as a medium until the 1950s and was one of the last people to be convicted under the Witchcraft Act of 1735. A reader complained of inaccuracies (about the date of the sinking of HMS Barham and about the gravity of other charges brought against her) and of phrasing which suggested that alleged psychic phenomena were established fact.

Ruling

HMS Barham was sunk in 1941, not 1943 as stated in the article, and the statement that the spirit of a sailor had *"appeared, announcing that he had just gone down"*

Supergrass, BBC2, 13 May 2007

Complaint

The programme chronicled the rise and fall of the “Supergrass” system, which played a major part in combating the wave of armed bank robberies in the 1970s, but which suffered a loss of credibility amid allegations of corruption and abuse in the mid-1980s. The complaint was from Tony Lundy who, as a Detective Chief Inspector in the 1980s, had been nicknamed the Supergrass Master, and whose integrity came under question along with that of the Supergrass system.

Mr Lundy took part in the programme, but complained that he would not have done so if he had known that it would include a contribution from a particular journalist whom he regarded as hostile. Being unaware of this contribution, he had not had the opportunity of responding to the journalist’s reference to *“policemen who were far too close to criminals”* (insofar as it applied to him). He also complained that an error over the location of his retirement home in Spain had created a misleading implication of improper association with former criminals, and that the programme had wrongly stated that his career had been *“concluded”* by the aftermath of an investigation which gave rise to allegations that he had acted corruptly.

Ruling

The programme-makers had made clear to Mr Lundy that the programme would reflect criticisms of him with which he was already familiar but had not told him that they would be expressed by the journalist in question, because they wished to guard against the possibility of his responses becoming personalised. While this was a legitimate aim, the BBC expects programme-makers to provide potential contributors to programmes with such information as will enable them to give informed consent (except where there is sufficient public interest justification for withholding it), and the Editorial Guidelines relating to informed consent say *“the more significant their contribution, the more detail we should provide”*. Mr Lundy was a highly significant contributor to the programme, and the wish to avoid over-personalised responses was not sufficient justification for withholding information which was clearly relevant to his willingness to take part. This aspect of Mr Lundy’s complaint was upheld.

In the context of the programme, viewers would have been likely to take the journalist’s remark about

by the complainant and the reference to "*policemen who were far too close to criminals*". It will not be rebroadcast without obtaining consent from its key contributors.

Whistleblower, BBC1, 22 May 2007; Breakfast & News (1.00pm), BBC1, 22 May 2007; related material on bbc.co.uk

Complaint

This edition of **Whistleblower** explored concerns about food safety expressed by employees of Britain's major supermarkets, using undercover filming in branches of Sainsbury's and Tesco. Sainsbury's complained about the programme under 11 heads.

1. The use of secret filming had been unjustified.
2. The programme-makers had not given Sainsbury's sufficient and timely information before transmission.
3. Early communications from the programme-makers had wrongly alleged "*breaches of health and safety regulations*", which was tantamount to an accusation of illegality.
4. The programme-makers went ahead despite finding no evidence of "*serious anti-social or criminal behaviour*" at Sainsbury's, but only breaches of company policy.
5. The distinction between "*display until*" and "*use by*" dates was not adequately explained.
6. It was constantly implied, without evidence, that food safety had been jeopardised.
7. The programme wrongly alleged that Sainsbury's stocked TV dinners from a food supplier in whose premises the programme had discovered insanitary conditions.
8. It was not explained that a chicken farm where the programme discovered insanitary conditions supplied only 19 Sainsbury's branches.
9. The programme conflated material relating to Tesco with material relating to Sainsbury's, thus unfairly associating Sainsbury's with the more serious allegations pertaining only to Tesco.
10. A reference to food "*unfit for human consumption*", which applied only to Tesco, was made while footage of a Sainsbury's store was shown.
11. The programme made no attempt to put its findings into a wider industry context of massive improvements in food safety standards in recent years.

Sainsbury's also complained that news reports on the morning of **Whistleblower's** transmission which referred to breaches of "*food hygiene regulations*" (**Breakfast**) or "food hygiene rules" (**News**, 1.00pm) wrongly implied illegality, and that the related BBC News Online material had been similarly faulty.

Ruling

In relation to **Whistleblower**, the ECU found as follows.

1. The use of secret filming was justified by prima facie evidence from Sainsbury's employees of unhygienic practices and customers being misled.
2. Having reviewed the pre-transmission correspondence, the ECU concluded that the information provided to Sainsbury's by the programme-makers had been timely, and sufficient to give a fair opportunity for response.
3. The programme-makers' reference to "*breaches of health and safety regulations*" was warranted by evidence that food past its "*use by*" date had been illegally sold at one Sainsbury's store. However, the programme did not feature this evidence, and did not imply illegality on Sainsbury's part.
4. Although the programme included no evidence of criminal behaviour by Sainsbury's, it uncovered concerns relating to food safety which it was in the public interest to explore.
5. The distinction between "*display until*" and "*use by*" dates was clearly explained.

Further action

The error will be corrected before any re-broadcast.

Wales: Power and the People, BBC2 Wales, 23 July 2007**Complaint**

The programme was the last in a four-part series charting the movement towards self-government in Wales, originally broadcast before the elections for the Welsh Assembly in May 2007. It set out to explain the events which led to the referendum of 1997 and the formation of the Welsh Assembly. A viewer complained that the programme portrayed Mrs Thatcher and her government in a biased manner, through its selection of speakers and the presenter's comments, and that the presenter had inappropriately "*canvassed people to go out and vote in the Assembly Elections*".

Ruling

The programme explored the extent to which the Thatcher government's unpopularity in Wales led to growth in support for devolution, and it was legitimate to reflect this in the selection of speakers and the presenter's script. However, a number of speakers expressed themselves in terms which were explicitly or implicitly critical of the Thatcher government, while only one could be regarded as speaking in its defence. This introduced an element of imbalance, which was accentuated by some features of the script and by illustrative footage from the Welsh Assembly in which the Conservatives were the only party identified as the target of criticism.

In his closing comments, the presenter said (of the Welsh Assembly) "*to achieve its full potential it needs even greater support from the people of Wales than it's received so far*", and continued "*the more people that take part, the stronger and the healthier our democracy in Wales will be*". Taken in the context of the programme, it was clear that these comments were not simply an observation about the likely impact of low turnout on the credibility of an elected body, but an encouragement to viewers to vote. While the BBC seeks to inform and support the operation of democracy in the UK, it is not the role of BBC presenters to encourage audiences to exercise their right to vote on particular occasions.

Further action

The Commissioning Editor at BBC Wales has had extended discussions with the independent producers of the series about the issues arising from the finding. The finding will also be fully considered in any future commissioning and production of programmes in this area.

Would I Lie to You?, BBC1, 28 July 2007**Complaint**

A viewer complained that the presenter's jokes about Sir Jimmy Savile had exceeded the bounds of acceptability.

Ruling

The scripted remarks, which focussed on Sir Jimmy's age and stories which had been current at the time of his mother's death more than 25 years ago, were out of keeping with the tone of the preceding material and more pungently personal than warranted by his position in the public eye.

Further action

The issues arising from the finding were discussed with the programme team and the programme will not be repeated in its present form.

News (10.00pm), BBC1, 14 August 2007

Complaint

Introducing a report on that day's launch by Alex Salmond of the Scottish Executive's referendum White Paper, the reporter said: "*A decade ago, Scots opted in a referendum to stick to the Union. Now, however, a Nationalist government says it wants another referendum, this time asking Scots to go for independence*". A viewer complained that the implication that the option of independence had been put and rejected in the 1997 referendum on Scottish devolution amounted to "*misrepresentation of a key political issue*".

Ruling

The reporter, in response to the original complaint, had acknowledged that the introduction had been poorly-worded. However, the misleading impression was remote from the focus of the story which followed, and unlikely to have affected viewers' understanding of it. In the light of this, the reporter's acknowledgement and the fact that a summary of the complaint would be published on bbc.co.uk in the event of a resolved finding, the Unit took the view that the complaint should be regarded as resolved.

Traffic Cops, BBC1, 5 September 2007

Complaint

The Director of Children's Services for Grimsby complained about the inclusion of footage of two 16 year-old girls in the care of his department who had evidently been drinking. No appropriate consent had been given for them to be filmed or shown in the programme, and the steps taken to conceal their identities had been inadequate. The programme had also given inaccurate information about the court proceedings arising from the girls' behaviour.

Ruling

The Editorial Guidelines on anonymity say that children involved in criminal or anti-social behaviour should not normally be identified unless there is clear editorial justification. As there was no such justification in this instance, the issue of consent was superseded by the issue of identifiability. The light blobbing of the girls' faces was not sufficient to disguise their identities from those who knew them, and the sequence included verbal information which would have facilitated identification. However, the information in the programme about subsequent court proceedings was supported by the court records.

Further action

Ruling

The prosecution resulted in an absolute discharge. As an absolute discharge can only follow upon a finding of guilt, it was inaccurate to say the case had been thrown out of court (though the magistrates expressed regret that the prosecution had been brought). On the second point of the complaint, although the presenter had expressed herself somewhat imprecisely, it would have been clear to listeners in general that she was trying to encourage a discussion which ranged across a wide span of criminal behaviours, from the most serious to the arguably trivial, rather than to equate killing with the kind of behaviour which might lead to an ASBO.

Further action

The Managing Editor of Radio Leeds ensured that the legal significance of an absolute discharge was made clear to the programme team and reminded staff of the importance of accuracy in such matters.

Questions, Questions, Radio 4, 4 October 2007**Complaint**

A listener complained that an item on dowsing had proceeded entirely on the disputable premise that dowsing worked.

Ruling

Four of the five contributors took the view that dowsing worked, and could be explained scientifically. The fifth contributor expressed doubts about whether a scientific explanation could be given, but didn't directly question the efficacy of dowsing. Independently of the ECU investigation, however, the programme-makers had decided that the item had been unbalanced and made plans to return to the topic in a subsequent edition of the programme (which they have now done). The ECU considered that this, together with publication of a summary of the matter, was sufficient to resolve the complaint.

Gardeners' Question Time, Radio 4, 7 October 2007**Complaint**

Two listeners complained about a sequence in the programme which began with a questioner presenting the panel with a flower he said was "*commonly known as the BMW*:"

play) was not likely to give unjustified offence. However, having reviewed the matter in the light of the complaint, the management of Radio 4 said this:

Potential for racial offence is not always an easy thing to gauge. In this case, there was nothing derogatory of black people in the language used. There is no evidence that any of the participants were exploiting, or even had in mind, the

BBC News (1.00pm), BBC1, 23 October 2007

Complaint

A viewer complained that a report on the shortlist for the People's Lottery competition gave disproportionate attention to the Sherwood Forest bid.

Ruling

The report (from Sherwood Forest) concentrated disproportionately on the Sherwood Forest bit, and gave little attention to the other finalists. A report earlier in the day from the site of another contender wasn't sufficient to offset the imbalance, and, as there was no planned attempt to achieve balance over time, nor did the likelihood that other finalists would feature in subsequent reports.

Further action

The Editor of **BBC News** (1.00pm) has discussed the issues arising from the finding with his programme team and main presenter. As the issues in this case related to a story which concerned a number of projects, and was likely to require illustrations of each, he stressed the importance of assessing whether there is enough space (in the report or in the running order as a whole) to achieve balanced coverage within the bulletin, or whether balance should be achieved over time, by means of items in subsequent bulletins. In the latter case, he reminded the team of the need for appropriate signposting in scripts and cue material.