



BBC COMPLAINTS FRAMEWORK AND PROCEDURES

**Consultation Document and Guidance
for Submissions**

July 2017

Purpose

The BBC has opened a consultation in order to seek feedback on its draft complaints framework. This document explains why we are consulting, what we are consulting on and how to respond. It should be read alongside the draft framework.

Introduction

Audiences and being accountable to them are at the heart of what the BBC does. Handling complaints effectively is key to both.

The Charter¹ requires the BBC to set out a framework for handling different types of complaints from the public and from industry in order to reflect the new governance and regulatory arrangements that came into effect in April 2017. Under these arrangements, the BBC Board has oversight of the complaints process and Ofcom became the independent regulator for most types of BBC complaints.

The Charter requires that the framework provides “transparent, accessible, effective, timely and proportionate methods of securing that the BBC complies with its obligations and that remedies are provided which are proportionate and related to any alleged non-compliance”²

Since April the BBC has operated with an interim complaints framework, which was published on the BBC’s complaints website. This reflects the transitional arrangements permitted by the Charter in its initial period of operation that allow the BBC enough time to set out new policies and procedures.

That interim framework has been updated to include a procedure for TV Licensing complaints also and to clarify a number of points³. It is being published as the draft final framework and, in line with the Charter requirements, we have opened a consultation on it seeking views from interested parties before we finalise it.

The consultation is open from Monday 10 July until Wednesday 16 August 2017.

Responses to this consultation will be taken into account when considering whether changes need to be made to the draft framework. The final framework will be published by 3 October 2017.

This document sets out the background to the framework and the areas on which the BBC is seeking feedback. The full framework document can be found [here](#).

¹ Article 20 (3)(g) duties and functions of the Board

² Article 56(3).

³ the inclusion of a link to Ofcom’s procedures for handling complaints about non-ODPS (on-demand programme services) online material; a clarification about what constitutes a general complaint; the wording on the target response for 1b complaints has been changed to remove the target of 35 days to reflect standard practice in Audience Services which is a single 20 days target.

Background to the complaints framework

The framework introduces a number of new principles, procedures and routes for appeal. The key elements of which are:

BBC First

The draft framework reflects key provisions in the Charter which includes the introduction of the principle of “Broadcaster First”, also known as, “BBC First”⁴. This means that all complaints should, in the first instance, be resolved by the BBC, (with the exception of TV Licensing complaints. See below). Ofcom will normally consider a complaint only if the complainant is not satisfied by the BBC’s resolution of the complaint.⁵ This means it is no longer possible to complain to Ofcom as well as, or instead of, the BBC. One important exception to this relates to Fairness and Privacy⁶ complaints (though complainants may not bring the same complaint(s) to the BBC at the same time). Generally, Ofcom will not consider appeals in areas of BBC activity that they do not regulate.⁷

Content Regulation

Under the new arrangements, the BBC continues to assess editorial complaints against the BBC’s Editorial Guidelines, however as the Charter and Agreement give Ofcom regulatory responsibility for the BBC’s content, the whole of the Ofcom Broadcasting Code now also applies to most BBC content⁸. Sections that did not previously apply to the BBC’s licence fee funded services include:

- Section 5 (Due Impartiality and Due Accuracy and Undue Prominence of Views and Opinions)
- Section 6 (Elections and Referendums)
- Section 9 (Sponsorship)
- Section 10 (Commercial References and Other Matters)

As the BBC’s regulator, Ofcom has separately consulted on the procedures it will normally follow in relation to the BBC’s UK broadcasting and on demand programme services funded by the licence fee. It has revised its Code so that it now applies to Television, Radio, and to BBC On-Demand Programme Services (e.g. iPlayer). These procedures have now been published on Ofcom’s website⁹.

⁴ Article 56(3) of the Agreement specifies that “Ofcom will normally consider a complaint only after the complaint has been in the first instance resolved by the BBC”, a “broadcaster first” arrangement. Ofcom has described this as a “BBC first” process.

⁵ Ofcom can also consider a complaint if, after the BBC has resolved a complaint, the complainant thinks Ofcom should impose a sanction on the BBC, or if the BBC does not respond within the appropriate time limits.

⁶ Exceptionally, Fairness and Privacy complaints may continue to be made directly to Ofcom, as legislated in the Broadcasting Act 1996, though complainants may not bring the same complaint(s) to the BBC concurrently.

⁷ Ofcom hears “relevant complaints”, which are complaints about requirements specified in clause 59 of the Agreement. See below.

⁸ Excludes, for example, the World Service.

⁹ [ofcom.org.uk/consultations-and-statements/category-2/bbc-content-standards-investigations-and-sanctions](https://www.ofcom.gov.uk/consultations-and-statements/category-2/bbc-content-standards-investigations-and-sanctions)

TV Licensing Complaints

Under the terms of the Charter, Ofcom does not regulate TV Licensing complaints. TV licensing complaints will, in the first instance, be considered by TV Licensing¹⁰ and then the BBC, with different routes of appeal depending on the nature of the complaint:

- An independent Ombudsman (through the Ombudsman Services¹¹) has been appointed to provide a right of appeal for some types TV Licensing complaints. The Ombudsman will not normally consider complaints unless they have been considered by the BBC first.
- Complaints relating to BBC Policies governing the framework within which TV Licensing operates, can be referred to the Executive Complaints Unit.
- Complaints relating to matters where an alternative regulatory body exists (for example, the Information Commissioner's Office), can be referred there.

The Proposed Complaints Framework

The framework sets out five procedures for handling complaints in respect of various areas of the BBC's operations. These are:

1. **Editorial complaints** (complaints about a particular item broadcast or published)
2. **General complaints** (covers complaints that fall outside of the categories listed, but does not include those set out in the out of scope section below)
3. **Television licensing complaints** (covering standards of customer service and also the legal framework within which the licence fee collection operates)
4. **Complaints about party election, party political and referendum campaign broadcasts by the parties affected**
5. **Regulatory complaints** (breach of competition requirements placed on the BBC by Ofcom to regulate the impact of the BBC's activities on competition or breach of any other relevant requirement¹² such as the conditions imposed on the BBC by the Operating Licence set by Ofcom)

Each of these procedures sets out the types of complaint covered by the procedure; the relevant timeframes for making a complaint; the complaints process it will follow; how to complain (including details that will help ensure that the complaint is dealt with as effectively as possible); where to make the complaint; and how to appeal.

There are a number of areas that fall outside the scope of the framework – complaints where there is recourse to the law; complaints made to other bodies with regulatory or law enforcement powers; and human resources complaints.

¹⁰ 'TV Licensing' is a trade mark of the BBC and is used under licence by companies contracted by the BBC to administer the collection of the television licence fee and enforcement of the television licensing system. The BBC is a public authority in respect of its television licensing functions and retains overall responsibility.

¹¹ Ombudsman services is a national private sector ombudsman scheme which independently resolves complaints between consumers and companies that are signed up to their scheme. Further information can be found at www.ombudsman-services.org

¹² Agreement, clause 59.

Scope and basis for this consultation

The Charter requires the BBC to consult on the framework to ensure that it is “transparent, accessible, effective, timely” with “proportionate methods” of making sure that the BBC is meeting its obligations and fixing problems.

The BBC has therefore opened a six week consultation seeking views on the draft framework and procedures. Specifically we are seeking views on whether they:

- Seem readily available, easy to understand and accessible.
- Make clear and give sufficient information to those who complain what they can expect from the BBC and how to appeal, including whether they are clear on timeframes.
- Make clear the roles and responsibilities of the BBC and Ofcom and the circumstances under which complaints can be referred to Ofcom (or to other relevant bodies) by complainants.
- Seem fair to those who might wish to make a complaint.
- Seem proportionate, balancing the cost to licence fee payers of handling complaints with the need to give people who complain a proper hearing.

We welcome your contributions to the consultation on any of the areas covered by the above questions.

Out of the scope of this consultation:

The BBC is not consulting on the principles or requirements established in the Charter and Agreement or that Ofcom has set for the BBC in the Operating Framework and Licence. Therefore the areas we are not consulting on include:

- The ‘BBC First’ principle
- The different complaint categories set out in the framework. These were agreed with Ofcom as part of the interim framework.
- Whether content areas not regulated by Ofcom, such as the World Service, should be.

How to respond

The consultation is open from 10 July until 16 August 2017.

If you would like to respond to this consultation, please email your response to bbc.complaintsframework2017@bbc.co.uk or write to BBC Corporate Affairs, Room 5045, BBC Broadcasting House, Portland Place, London W1A 1AA.

When submitting your response please fill in and include with your submission the confidentiality and data protection statement.

What happens next?

The BBC Board will, taking account the consultation responses we receive, consider whether further changes to Framework are needed to ensure it meets the requirements set out in the Charter. A final framework will be published on the BBC’s website by 3 October 2017.