Submission to the 2020 BBC consultation on amendments to the complaints framework

A submission by the BBC Watch project of the Committee for Accuracy in Middle East Reporting.

BBC Watch – an independent project of CAMERA (Committee for Accuracy in Middle East Reporting) – was established in 2012 with the aim of monitoring the accuracy and impartiality of BBC coverage of the Middle East.

Our experience of the BBC complaints system is extensive and is based on the handling of complaints we have submitted ourselves as well as the experiences of our readers and supporters.

Overview:

Members of the public generally find the BBC complaints system unnecessarily slow, complicated and frustrating. The new framework introduced in April 2017 has not improved the system from the public’s point of view and many regard it as even less efficient than the previous framework. The impression held by many members of the public is that the outsourced handling of complaints at Stages 1a and 1b is designed primarily to rebuff complaints regardless of their validity. We have seen several cases in which complaints rejected at Stages 1a and 1b were subsequently upheld by the ECU and such cases inevitably undermine public trust in the BBC’s complaints procedure.

*When a particular issue is the subject of a high volume of complaints the BBC complaints department still produces a template ‘one size fits all’ response (in the name of ‘efficiency’) which in many cases fails to address the points made by individual complainants.

*While the ECU functions relatively well, the handling of complaints at the earlier Stages 1a and 1b has seriously deteriorated of late.

We have recently seen claims that the failure to handle complaints in a timely manner in recent months was due to a high volume of complaints relating to the December 2019 UK election. One would of course expect the BBC to ensure that the outside company handling Stage 1a and 1b complaints take preemptive action in order to be able to deal effectively with the volume of complaints that such an event is obviously going to produce.

Moreover, the same problems were evident during the summer of 2019 when complaints were not handled in a timely manner due to (according to a communication we received from the BBC) “the volume of correspondence and (un)availability of relevant staff”.

At present the handling of complaints is once again delayed – according to communications we and others have received because of the Coronavirus pandemic.

In other words, over a period of much less than a year, the Stage 1a and Stage 1b system has three times seriously failed to give the public the service it funds and is entitled to receive.

As a small example (there are many more in our records), we refer you to complaint number CAS-5888771-X7C9P1 which was submitted on January 21st 2020 (well over a month after the UK election) and complaint number CAS-5896097-Z8D3V8 submitted on January 26th. In both those cases we received 1) an email after about a week telling us that it would take more time to address the complaint 2) an email after about a month stating that it had not yet been possible to address the complaint and 3) an email over a month and a half later stating that the designated time frame had expired.

Sadly, those examples are by no means the exception: in fact throughout the past year they have more often than not been the rule.
*In addition, the handling of complaints at Stage 1a and Stage 1b is often sloppy and inconsistent. The unanswerable email acknowledging receipt of a complaint does not always give a case number, meaning that it is impossible for the complainant to keep track. Not infrequently – see for example complaint number CAS-S837184-X6V4D8 – it is obvious that the person handling the initial complaint has not even bothered to read it properly.

One recent example is documented here:

bbcwatch.org/2020/04/01/bbc-complaints-bbc-programme-is-not-bbc-output/

*In addition, although the BBC News website has a contact form which includes the option of reporting “factual or grammatical issues with our online stories”, it does not respond to issues raised and either ignores them completely or makes ‘stealth’ corrections. That unsatisfactory handling of communications from the public increases the volume of complaints submitted to the complaints system.

*When compared to the time it takes to receive a response from other international media organisations (usually a matter of a few days at the most), the BBC complaints system’s timeframe is obviously unduly long and clearly not conducive to the system’s ostensible aim - the quick and efficient correction of editorial complaints in order to meet the BBC’s own editorial guidelines and public purposes. That is further exacerbated by the fact that in all too many cases the BBC does not adhere to the designated timeframe. See for example:


**In answer to the questions raised in the Consultation Document:**

*Question:* Do you agree that the ECU should publish a note of the action only in circumstances where a specific action has been taken and it is appropriate to do so?

*Answer:* No. Such a step would harm transparency and reduce public confidence in the BBC. The issue of BBC self-regulation is already considered highly problematic by the public (with the framework introduced in 2017 having done little to alleviate that) and action is not always taken when required or not necessarily ‘appropriate’.

The claim that “the BBC learns from its mistakes and findings” is not supported by the evidence: the same issues are often seen again after a correction has been made. For example:

bbcwatch.org/2018/08/22/breaches-of-the-bbc-academy-style-guide-continue/

Regarding the statement “As a matter of course, relevant teams responsible for output will always discuss the matter and take appropriate action”: the appropriate action should be consistent and uniform on all BBC platforms and not dependent on the view of the individual “relevant teams” that created the content which is the subject of the complaint in the first place.

*Question:* Do you agree that the timeframe for complaints about BBC iPlayer and BBC Sounds should be extended [up to 1 year and 30 working days] to reflect the longer availability of programmes on both platforms? If you do not agree with this proposal, what are your reasons for this view?

*Answer:* Yes. Likewise, the timeframe for complaints about content on the BBC websites should be extended for as long as it is available online.

Management of online content over time should include the requirement to avoid materially misleading users. Articles promoting information subsequently shown to be inaccurate (e.g. claims
of a ‘massacre’ which did not take place) should be clearly labelled in a manner which clarifies to readers that they do not represent historical record.

The BBC News website currently has no dedicated corrections page of the kind seen at reputable newspapers and media outlets. Hence, when corrections are made to online articles users remain unaware of the fact that information they previously received was inaccurate.

Relatedly, the use of footnotes informing the public that a correction has been made to an article is erratic and ‘stealth’ amendments are sometimes made without notification. A dedicated corrections page would make corrections more visible and accessible, increase the likelihood that people will receive the corrected information and contribute to the BBC’s transparency as well as reducing the likelihood of waste of public funding on unnecessary complaints.

**Question:** Do you agree that the ECU should be able to consider complaints at all stages of the process, including both Stage 1a and 1b?

**Answer:** Yes.

**Question:** Do you agree that representations should only be invited on findings for first-party complaints? If you do not agree, please explain your view?

**Answer:** No. Complainants should have the right to respond to ECU findings and any related decisions concerning action to be taken.

**Question:** Do you agree with the proposal to publish one consolidated fortnightly report which includes all reasoned findings as opposed to only summaries of findings?

**Answer:** No. Complainants should be informed directly of findings/action relating to their complaint. In order to understand why that needs to be the case see:

bbcwatch.org/2019/01/24/bbc-adds-missing-link-following-further-complaint/

bbcwatch.org/2017/12/05/error-acknowledged-complaint-upheld-yet-bbc-inaccuracy-still-remains-online/

bbcwatch.org/2016/09/14/bbc-radio-4-programme-edited-following-bbc-watch-complaint/

The proposal that “Actions taken by the BBC management as a result of ECU findings will be published **when relevant and appropriate**” seriously harms transparency and public trust.

**Question:** Do you agree with our proposal to bring the BBC’s procedures in line with Ofcom’s guidelines on handling Fairness and Privacy complaints?

**Answer:** No. Unless a legal complaint has actually been made, the complaints process should proceed as normal. The phrase “or is likely to be” is very vague and problematic, especially as it is who decides what is ‘likely to be’. Again, this seriously harms transparency and public trust.

We appreciate the opportunity to present this submission.

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