

**Complaints and
Appeals Board Findings
Appeals to the Trust
considered by the
Complaints and
Appeals Board**

January 2014 issued March 2014

Remit of the Complaints and Appeals Board	1
Summary of findings	3
Appeal Findings	6
Television Licensing TVL0055	6
Television Licensing TVL0047	16
Rejected Appeals	18
Decision of BBC Audience Services not to respond further regarding the BBC's decision not to report on Monsanto march, 25 May 2013	18
Decision of BBC Audience Services not to respond further regarding background music	24
Decision of BBC Audience Services not to respond further regarding Jerusalem: Making of a Holy City – last broadcast on BBC Four on 12 January 2012	26

Remit of the Complaints and Appeals Board

The Complaints and Appeals Board (CAB) is responsible for hearing appeals on complaints made under all complaints procedures, as set out in the BBC Complaints Framework, other than editorial complaints and complaints about the Digital Switchover Help Scheme. Its responsibilities are set out in its Terms of Reference at:

http://www.bbc.co.uk/bbctrust/assets/files/pdf/about/how_we_operate/committees/2011/cab_tor.pdf

All Trustees are members of the Board; Richard Ayre is Chairman. The duties of the CAB are conducted by Panels of the Board consisting of at least two Trustees, including the Chairman of the CAB and other Trustees as required. The Board is advised and supported by the Trust Unit.

The Board considers appeals against the decisions and actions of the BBC Executive in relation to general complaints, fair trading, TV licensing and other matters including commissioning and procurement but not including editorial complaints and Digital Switchover Help Scheme complaints, as defined by the BBC Complaints Framework and Procedures. The Board will also consider complaints about the BBC Trust.

The Board will consider appeals concerning complaints which fall within the BBC's complaints process as set out in the BBC Complaints Framework and which:

- raise a matter of substance – in particular, that there is sufficient evidence to suggest that the complaint has a reasonable prospect of success and there is a case for the BBC Executive to answer
- have already been considered by the BBC Executive under stages 1 and 2 of the BBC's general complaints procedures and which are now being referred to the Trust on appeal as the final arbiter on complaints (unless it is a complaint about the BBC Trust)

The Board will aim to reach a final decision on an appeal within the timescale specified in the relevant Procedures. An extended timescale will apply during holiday periods when the Board does not sit. The complainant and BBC management will be informed of the outcome after the minutes of the relevant meeting have been agreed.

The findings for all appeals considered by the Board are reported in this bulletin, Complaints and Appeals Board: Appeals to the Trust.

As set out in the Complaints Framework and Procedures, the Board can decline to consider an appeal which in its opinion:

- is vexatious or trivial;
- does not raise a matter of substance;
- is a complaint where the complainant has recourse to the law;
- is a complaint where the complainant has recourse to other external authorities, for example the Information Commissioner or the Office of Fair Trading; and

- is a Human Resources complaint as defined by the Complaints Framework and Procedures.

The Board also reserves the right to decline to hear an appeal whilst it relates to matters which are the subject of or likely to be the subject of, or relevant to, legal proceedings. The Board will not generally reconsider any aspects of complaints that have already been adjudicated upon or considered by a Court.

Any appeals that the Board has declined to consider under the above criteria are reported in the bulletin.

The bulletin also includes any remedial action/s directed by the Board.

It is published at bbc.co.uk/bbctrust or is available from:

The Secretary, Complaints and Appeals Board
BBC Trust Unit
180 Great Portland Street
London W1W 5QZ

Summary of finding

Television Licensing TVL0055

Summary of finding

The complainant alleged that the Executive had failed to implement the decision of a previous panel of the BBC's Complaints and Appeals Board ('the Panel') concerning notification to prospective purchasers of the expiry dates of new TV licences (ie that, depending on when in the month a licence is bought, the licence may expire before a full twelve months).

The Panel concluded that:

- the Executive had made a previous undertaking that amendments to first licence issues would be carried out by June 2012 but if this complaint had not been made the [erroneous] strapline on some first licence issues would probably have remained in place.
- the Executive had complied with its previous undertaking regarding second reminders.
- the supporting information on how licence dating worked on certain forms, which the Executive had previously undertaken to include, should have been provided by now.
- information advising customers who purchase a first licence online of the expiry date of the licence should be made clear during the application process. The absence of any pre-purchase notification concerning the expiry date was potentially misleading to online purchasers of first licences.
- a statement on TVL website's home page was not likely to confuse customers, nor did it misleadingly imply that (as the complainant had alleged), if a customer were to pay yearly, the duration of their licence would be 12 months.
- the absence of any link to FAQs from the TVL website's home page or site map would limit the accessibility of the information contained in the FAQs, as prospective purchasers of first licences would be unaware from either of those webpages that the FAQs existed.
- although an FAQ regarding licence expiry dates was potentially helpful to prospective purchasers of first licences, it was unlikely to be easily accessed, given that it was unlisted.
- text on another TVL webpage regarding the expiry dates of some new licences was unlikely to be accessed by potential purchasers of first licences, not least because the required search expression "less than a year" assumed the very answer that was being sought.

- text under the “Terms and Conditions” section was not likely to be easily accessed by potential customers, not least because the use in the FAQ’s title of the word “term” to mean “duration” was an arcane one.
- although changes had been made to the TVL website, those changes were not an adequate implementation of the Panel’s previous decision. In the Panel’s view, the TVL website remained insufficiently transparent to prospective purchasers of first licences.

The complaint was upheld.

For the finding in full see pages 6 to 15.

Television Licensing TVL0047

Summary of finding

The complainant considered a compensation offer from the Executive, which had been made following a previous ruling of a Panel of the Complaints and Appeals Board about a TV Licensing appeal, inadequate. The complainant asked a Panel of the Board (“the Panel”) to propose to the Executive how much compensation should be paid.

The Panel concluded that:

- the latest correspondence should be treated as a further appeal, on the subject of compensation only.
- the total goodwill gesture proposed by the Executive of £130 (comprising the original £100 and an additional £30 following the Panel’s previous ruling) was insufficient, given that:
 - the complainant’s property had been visited by TVL officers despite the complainant having withdrawn TV Licensing’s implied right of access; and
 - some of the responses to the complainant’s requests for information had been contradictory.
- although it would not always be right for the Trust to consider substituting a different amount, the Executive’s revised offer in this case had not taken adequate account of these factors.
- the circumstances did not warrant the figure of £350 which the complainant had suggested.
- the Executive should be asked to make a total compensation payment of £200 to the complainant to reflect the circumstances of the case.

The complaint was upheld.

For the finding in full see pages 16 to 17.

Appeal Finding

Television Licensing TVL0055

1. Background

At its meeting on 29 February 2012, the Panel decided that:

- the BBC's policy for setting the renewal dates for new TV licences and for setting monthly renewal dates complied with the relevant regulations¹ and was consistent with the approach taken to licensing elsewhere
- incurring the additional cost of changing this policy would not be in the interests of licence fee payers as a whole
- the BBC should, however, make its policy clearer to customers purchasing a new TV licence.

Noting that some changes had been made to the TV Licensing ('TVL') website, and that the BBC Executive was considering possible changes to TVL correspondence, the Panel emphasised the importance of the BBC being transparent about its policy.²

The BBC's TV Licensing Complaints Procedure³ contains the following text:

"What happens if an appeal is upheld?

When an appeal is upheld the Trust may: ...

- (b) require the Executive to take any appropriate remedial action and/or consider appropriate disciplinary action, and to report back to the Trust..."

On 14 June 2012, the BBC's Head of Revenue Management submitted an update to the Trust on the Executive's progress following the Panel's decision, and the BBC Trust's Chief Financial Adviser and Finance & Strategy Adviser submitted a briefing note. These responses stated:

- With effect from June 2012, where a licence holder may not receive a full 12 months' coverage (either because it was their first licence or because they had renewed late), changes had been made to new licence letters, second reminders (which were sent if a licence holder did not renew after the first reminder) and licences.
- With regard to the new licence letter (the first time a licence was issued), the words "CURL UP AND ENJOY A YEAR'S WORTH OF TV" were replaced by "CURL UP THEN RELAX KNOWING YOU'RE COVERED".

¹ The Communications (Television Licensing) Regulations 2004, SI 2004/692.

² See: <http://downloads.bbc.co.uk/bbctrust/assets/files/pdf/appeals/cab/mar.pdf>

³ Available at:

http://downloads.bbc.co.uk/bbctrust/assets/files/pdf/regulatory_framework/protocols/2012/complaints_fr_work_tv_licensin_g.pdf.

- With regard to the second licence reminder, the words "RENEW NOW THEN RELAX WITH A YEAR'S WORTH OF TV" were replaced by "RENEW NOW THEN RELAX KNOWING YOU'RE COVERED"
- With regard to the TVL website:
 - For licences purchased online by direct debit, the post-purchase advisory information had been changed from: "... You're now licensed to watch and record TV for a year" to "... You're now licensed to watch and record TV". The change brought this payment method into line with other payment methods.
 - Further work was required, and the following changes were planned:
 - i. The Licence Fee Unit had identified areas of the TVL website (not necessarily related to the purchase process) where there were references to the price of a licence being for a year or for each year.
 - ii. A full audit of the website was in progress.
 - iii. New text would be added to the website's Frequently Asked Questions ('FAQs'), setting out the circumstances in which a licence would last less than a year. This would be completed by the beginning of July 2012.
 - iv. A change to allow customers to select an explicit start date was scheduled alongside these changes⁴, and would be implemented during 2013:
 - This change would allow customers to defer their television viewing if they wished so as to time their licence purchase with the beginning of a month in order to maximise the duration of their licence.
 - This change would also allow customers to select a start date prior to the date of application, if they had already been watching television.
 - In either of the two preceding scenarios, applicants would be provided with the expiry date of the licence being purchased.
 - This change would improve transparency.
 - This operational change would bring the TVL website into line with call centre procedures.

2. The complaint

The complainant complained that the annual TV licence that he had purchased for his son was due to expire approximately 11 months from the date of purchase. As TVL's material did not mention that a first licence may only last for 11 months, the complainant alleged that the Executive had not implemented the Panel's decision of 29 February 2012.

⁴ This change was being scheduled as a result of a recommendation from the National Audit Office which was included in the 2010/11 Trust Statement from the BBC on licence fee income (available at <http://www.official-documents.gov.uk/document/hc1012/hc12/1234/1234.pdf>)

TVL's responses at Stage 1 did not address the allegation concerning the implementation of the Panel's decision. The complainant contacted the Trust, asking for procedural guidance and reiterating his previous arguments. He requested that the matter be referred to the Panel, and asked whether this could be done without invoking the full complaints process.

The Trust Unit informed the complainant that his appeal would go before the Panel, and asked the Executive to respond formally to the complainant's allegations. The BBC's Head of Revenue Management's formal response stated:

First licence issues

Because of an incorrect assumption, changes had been made to some, but not all, first licence issues.

The Executive would take urgent action to amend the wording on all first licence issues. Discussions had already taken place, and the Executive and TVL were currently in the process of agreeing new wording. These changes were likely to be implemented no later than the start of Quarter 1 of 2014–2015.

Second reminders

The proposed changes were implemented in July 2012. The Head of Revenue Management provided a screenshot of the new wording of second reminders.

ROCS licences⁵

References to a "year's worth of TV" had been removed from ROCS application forms.

However, ROCS applications did not currently have supporting information on how licence dating worked. The Executive undertook to address this, in order to make all paper applications clearer for both ROCS and Bank Payment Instruction forms.

TVL website

The amendment to the direct debit payment confirmation screen was implemented on 19 January 2012. The Head of Revenue Management provided screenshots of the post-purchase advisory information screen and a licence purchased online by direct debit.

Other TVL webpages that referred to "per year" or "a year" were updated thereafter, and all changes were implemented by 14 June 2012.

Currently, when a customer purchased a licence online, they were not advised of the expiry date until after the licence was purchased (although information about how a licence was dated was provided elsewhere on the website).

TVL had been developing further changes to the website, such that pre-application information would reflect that TV licences had month-end expiry dates regardless of the date on which they were purchased.

These changes would also allow customers to select an earlier start date from the default date, and would explain how this would affect the licence expiry date.

⁵ ROCS licences are licences issued where an unlicensed customer, who did not want to set up a licence at the time of enquiry, made a promise to pay.

They would be implemented by the end of Quarter 4 of 2013–2014 [ie, by 5 April 2014].

Other matters

The Executive was not aware of any other documentation that required amendment.

When a licence was purchased over the telephone, the contact centre explained the dating policy, although this was not routinely provided in letters.

These changes would bring web, paper and phone applications into line and, irrespective of how the customer purchased their first licence, it would be made clearer when the licence would expire. This would ensure that the information given to customers was consistent, equitable and more transparent.

The Head of Revenue Management partially upheld the complaint, to the extent that changes to the communication relating to some first licence issues had not been made.

The Head of Revenue Management's response was sent to the complainant, together with a request that he confirm whether he still wanted to appeal to the Trust.

3. Appeal to the Trust

The complainant welcomed the Executive's assurance that it would continue to amend TVL material, but the complainant argued that the TVL website and TV licence were still misleading in several respects, and he repeated his request that the matter be put to the Panel. In particular, the complainant alleged that:

- Despite the Executive's assurance that it would continue to amend TVL material, the TVL website was still misleading: in the application process for a first licence, there was no reference before the point of sale to the fact that its duration may be for less than 12 months. The TVL home page⁶ simply stated "Pay for your TV licence in a way that suits you – Yearly, Quarterly, Monthly, Weekly". The complainant argued that, without further explanation, the inference must be that, if the customer paid yearly, then it was for a 12-month licence.
- Although the TVL website may have been amended to explain how the duration of a first licence was calculated, this was buried in the small print. The complainant had had to resort to the website's search facility to find it. He had found two references, under:
 - **Home> About us> FOI> Licences facts and figures> Payment options**, which the complainant doubted he would have found without using the search facility; and
 - the FAQs, to which the complainant could find no link on the TVL home page. In the complainant's view, this information should be made clear on the home page or during the application process.
- The "misleading narrative" on the yearly licence required correction. The complainant attached a copy of his son's licence, and invited the Trust to note the 'strapline', the date of issue and the date of expiry.

⁶ <http://www.tvlicensing.co.uk/>

- Fundamental changes still had to be made, some 21 months after the Panel's original decision.

The complainant took the Head of Revenue Management's statement that the changes "are likely to be implemented no later than the start of Q1 2014/2015" to refer to the quarter April–June 2014 [*sic*].⁷ The complainant asked that the facts be put to the Panel and that progress be reviewed again in the early summer of 2014, to ensure that customers did not continue to be misled.

4. The Panel's decision

The Panel took into account:

- the complaint correspondence (including a copy of the complainant's son's TV licence)
- a copy of the Panel's decision of 29 February 2012
- extracts from:
 - the Head of Revenue Management's update on progress
 - the briefing by the Chief Financial Adviser and Finance & Strategy Adviser
- the Head of Revenue Management's formal response to this complaint (including the images supplied).

First licence issues

The Panel noted that the complainant's son's TV licence was a first licence, that its strapline stated "Switch on, sit back, tune in, wind down, curl up and enjoy **a year's worth of TV**" (emphasis added), that the licence was issued on 1 October 2013, and that it was due to expire on 31 August 2014 (ie, 11 months later).

The Panel noted that the Executive had acknowledged that changes had been made to some but not all first licence issues, from which the Panel inferred that the complainant's son's licence was one of those to which changes were not made.

The Panel noted that the Head of Revenue Management had upheld the complaint on this point, and had undertaken that the wording on all first licence issues would be amended by the start of Quarter 1 of 2014–2015 (ie, by April 2014).

Where a mistake has been acknowledged by the BBC Executive the Trust usually regards the complaint as resolved. The Panel considered whether it should consider this point of complaint as having been resolved by the Head of Revenue Management's finding. However, given:

- the Executive's previous undertaking that the necessary amendments would be carried out by June 2012

⁷ In fact, the first quarter of any given Tax Year runs from 6 April to 5 July.

- that, but for this complaint, the strapline on some first licence issues would probably have remained in place

the Panel decided that it would be appropriate to uphold this point of appeal.

Second reminders

The Panel noted that the Executive had stated that the wording of second reminders had been altered from "RENEW NOW THEN RELAX WITH A YEAR'S WORTH OF TV" to "RENEW NOW THEN RELAX KNOWING YOU'RE COVERED", and had provided images.

The Panel concluded that the Executive had complied with its undertaking in this regard.

ROCS

The Panel noted that references to a "year's worth of TV" had been removed from ROCS application forms, and that the Executive had undertaken to include supporting information on how licence dating worked on ROCS and Bank Payment Instruction forms.

The Panel noted that changes to ROCS and Bank Payment Instruction forms were not expressly mentioned in the Executive's response to its previous decision, and that the complainant had not raised those matters.

Given that 23 months had elapsed since the Panel's previous decision, the Panel took the view that the promised supporting information should have been provided by now.

TVL website

The Panel noted that, according to the Head of Revenue Management, the TVL website's direct debit payment confirmation screen was amended on 19 January 2012. The Panel noted the content of the screenshots supplied in support of this assertion.

The Panel noted that (apart from the FAQs discussed below) no TVL webpages appeared to mention "per year" or "a year" with reference to the duration of a first licence.

The Panel noted that, currently, customers who purchased a first licence online were not advised of the expiry date until after the purchase was completed. The Panel agreed with the complainant that this information should be made clear during the application process, and concluded that the absence of any pre-purchase notification concerning the expiry date was potentially misleading to online purchasers of first licences.

The Panel noted that the TVL website's home page stated:

Pay for your TV licence in a way that suits you - Yearly, Quarterly, Monthly, Weekly ... Whatever's easiest for you.

Noting that quarterly, monthly or weekly TV licences could not be purchased, the Panel did not consider that customers would be likely to confuse payment frequency with licence duration, or that this statement misleadingly implied that (as the complainant had alleged), if a customer were to pay yearly, the duration of their licence would be 12 months.

The Panel noted that the Executive had undertaken to add new text to the TVL website's FAQs, setting out the circumstances in which a licence would last less than a year, and to complete this by the beginning of July 2012.

The Panel noted the absence of any link to FAQs from the TVL website's home page⁸ or site map.⁹ Taking the view that users of TVL's website would expect its site map to be compendious, the Panel concluded that this omission would limit the accessibility of the information contained in the FAQs, as prospective purchasers of first licences would be unaware from either of those webpages – customary starting points for website users – that the FAQs existed.

The Panel noted that entering the search terms "FAQs" or "Frequently asked questions" into the TVL website's search box¹⁰ yielded just one result, which linked to a webpage concerning the Freedom of Information ('FOI') Act,¹¹ not the FAQs themselves.

The Panel noted that the first three results of a Google search using the expression "TV licensing FAQs" were to individual FAQs,¹² not to an FAQs menu. Similarly, the first three results of a Google search using the expression "TV licensing frequently asked questions" were to individual FAQs,¹³ not to an FAQs menu.

The Panel noted that speculatively entering the URL <http://www.tvlicensing.co.uk/faqs> yielded a message stating "Page not found Are you looking for one of these? ...". The suggested pages did not include the FAQs.

The Panel noted that an apparently incomplete list of FAQs appeared at <http://www.tvlicensing.co.uk/faqs/FAQ142>, which was not in the Panel's view a URL to which prospective purchasers would intuitively navigate. The Panel noted that none of the listed FAQs contained the words "duration" or "length" in its title, and that none of the five listed FAQs containing the word "year" mentioned the implications for prospective purchasers of first licences of the BBC's policy of setting monthly renewal dates.

The Panel noted that two potentially relevant FAQs (entitled Can I buy a TV Licence for less than a year?¹⁴ and How long does a TV Licence last?¹⁵) omitted to provide any information concerning the implications for prospective purchasers of first licences of the BBC's policy of setting monthly renewal dates.

With regard to the FAQ entitled How far in advance can I buy a TV Licence?¹⁶ the Panel noted that the wording under the heading "Buying a new licence" omitted to mention the implications for purchasers of first licences of the BBC's policy of setting monthly renewal dates, in contrast to the wording under the heading "Renewing a licence", which

⁸ <http://www.tvlicensing.co.uk/>

⁹ <http://www.tvlicensing.co.uk/sitemap.aspx>

¹⁰ <http://www.tvlicensing.co.uk/search?q=faq>

¹¹ <http://www.tvlicensing.co.uk/about/freedom-of-information-act-foi-AB14/>

¹² First result: "Do I need a TV Licence if I only watch programmes online?" (<http://www.tvlicensing.co.uk/faqs/FAQ95/>);

second result "How do I contact TV Licensing? (online, phone number, post, minicom)"

(<http://www.tvlicensing.co.uk/faqs/FAQ11/>); third result "Check if you need a TV Licence"

(<http://www.tvlicensing.co.uk/check-if-you-need-one>), which is not an FAQ.

¹³ First result: "Do I need a TV Licence if I only watch programmes online?" (<http://www.tvlicensing.co.uk/faqs/FAQ95/>);

second result "Check if you need a TV Licence" (<http://www.tvlicensing.co.uk/check-if-you-need-one>), which is not an FAQ;

third result "TV Licensing topics" (<http://www.tvlicensing.co.uk/check-if-you-need-one/topics/>), which is not an FAQ.

¹⁴ <http://www.tvlicensing.co.uk/faqs/FAQ105>

¹⁵ <http://www.tvlicensing.co.uk/faqs/FAQ25>

¹⁶ <http://www.tvlicensing.co.uk/faqs/FAQ114>

explained the mechanics of renewal dates by reference to an example. In the Panel's view, this FAQ was potentially misleading to prospective purchasers of first licences.

The Panel noted that an unlisted FAQ¹⁷ (found by entering "less than a year" into the TVL website's search box and Google) stated:

Why does my TV Licence end less than a year after I bought it?

TV Licences expire at the end of the month and your licence starts on the day you buy it. For example, if you buy a licence today it will cover you for up to 12 months - the rest of this month and 11 months after that. Then if you renew your licence on time next year it will run for a full year. If you renew late it may not last a full 12 months.

TV Licence expiry dates stay the same each year. This means that if you buy a licence at any time in September 2013 it will start straight away and expire on 31 August 2014. Then, in following years it will always expire on 31 August.

Setting end-of-month expiry dates keeps TV Licensing's collection costs down and means more money is invested in the BBC's programmes and services.

In the Panel's view, although this FAQ was potentially helpful to prospective purchasers of first licences, it was unlikely to be easily accessed, given that it was unlisted.

The Panel noted that, on a TVL webpage headed "FOI: Licences facts and figures",¹⁸ the following text appeared under the sub-heading "Payment options":

Why do some new licences expire slightly less than a year after they are issued?

New licences are dated to expire 12 months from the first day of the month in which they are issued. When renewed, the original expiry date is retained. This can mean that the first licence may run for less than 12 months (for example, a licence purchased on 23 September will expire on 31 August the following year).

This system of dating is used so that licences expire on one of 12 monthly dates rather than on any day of the year. The operation of a system using 365 possible expiry dates would be very costly in terms of administration and enforcement and would therefore not provide good value for money for licence payers. It would increase the costs of collection meaning that less money would go to the BBC's programmes and services. The practice of dating licences to expire on one of 12 monthly dates back to the 1960s.¹⁹

The Panel noted that, in order to access this information (other than via a search), customers would have to click through the following chain of links:

Home > About us > FOI: Licences facts and figures

¹⁷ <http://www.tvlicensing.co.uk/faqs/FAQ272>

¹⁸ <http://www.tvlicensing.co.uk/about/foi-licences-facts-and-figures-AB18/>

¹⁹ This corresponded to the information that the complainant had found.

In the Panel's view, this path was not necessarily an intuitive one, as customers seeking information about the duration of first licences would be unlikely to regard the subject as being "about us" (ie, about TVL), or as an FOI matter. In the Panel's view, this information was unlikely to be accessed by potential purchasers of first licences, not least because the search expression "less than a year" assumed the very answer that was being sought.

The Panel noted that additional information concerning the practical application of the BBC's policy of setting monthly renewal dates could also be found via the following chain of links:

Home > About us > FOI: Administering the TV Licensing system part 1

As discussed above, the Panel took the view that this path was not necessarily an intuitive one.

The Panel noted that the following text appeared under the sub-heading "Terms and conditions":

What is the term of a TV Licence?

A TV Licence is a legal permission to install or use television receiving equipment to watch or record television programmes as they are being shown on TV. The licence fee is not a payment for BBC services (or any other television service), although licence fee revenue is used to fund the BBC.

The requirement to hold a TV Licence and to pay a fee for it is mandated by law under the Communications Act 2003 (opens in new window) ("the Act") and the Communications (Television Licensing) Regulations 2004 (opens in new window) (as amended) ("the Regulations"). Under the Act, the BBC as the responsible public authority has the power to determine the terms and conditions of a TV Licence including the duration of a TV Licence. As the TV Licence fee is an annual sum, successive licensing authorities have followed the principle that a Licence should run for 12 months.

An initial Licence (i.e. the first TV Licence a person is issued with) may cover a period of slightly less than 12 months. A person needs a TV Licence from the day they first install or use television receiving equipment - which can be on any day of the month - while the Licence expiry date is fixed i.e. Licences are set to expire on one of 12 end-of-month dates.

This means that an initial TV Licence will expire on the anniversary of the last day of the month preceding the month of issue (e.g. a TV Licence issued on 15 August will expire on 31 July the following year). Any renewal of that Licence is given the same expiry date for the following year (i.e. a full 12 months).

This system is more cost-effective than one whereby a Licence can expire on any day of the year. Given the number of TV Licences in issue (more than 25 million), operating a system with 365 expiry dates would be costly both in terms of administration and enforcement – costs which would be borne by the licence fee payer.²⁰

²⁰ <http://www.tvlicensing.co.uk/about/foi-administering-the-tv-licensing-system-part-1-AB19/>

As discussed above, the Panel did not consider that this information was likely to be easily accessed by potential customers, not least because the use in the FAQ's title of the word "term" to mean "duration" was an arcane one.

The Panel noted that the same text could be accessed via the TVL website's media centre,²¹ by clicking through the following chain of links:

Home > About us > Media Centre > FOI: Administering the TV Licensing system part 1

As discussed above, the Panel did not consider that this information was likely to be easily accessed by potential customers.

The Panel noted TVL's proposals to allow purchasers to nominate a specific start date and to provide information concerning the expiry date of the licence being purchased, and expected TVL to implement those proposals as soon as possible.

Taking all the above considerations into account, the Panel concluded that, although changes had been made to the TVL website, those changes were not an adequate implementation of the Panel's previous decision. In the Panel's view, the TVL website remained insufficiently transparent to prospective purchasers of first licences.

The Executive would be asked to respond formally to this finding in April 2014 with assurance as to how it would give rapid effect to the Committee's findings.

Finding: upheld

²¹ <http://www.tvlicensing.co.uk/about/media-centre/news/foi-administering-the-tv-licensing-system-part-1-AB19/>

Television Licensing TVL0047

Background

The complainant had originally appealed to the Trust about the level of goodwill payment which TV Licensing (TVL) had offered to her to recognise the fact that her property had been visited by TVL officers despite the complainant having withdrawn TV Licensing's implied right of access. A Panel of the Board had previously partially upheld the complaint and resolved to ask the Executive to reconsider the compensation offer which had been made to the complainant, taking into account the fact that responses the complainant had received to her requests for information regarding her complaint, some under the Freedom of Information Act (FOIA), had been contradictory and that an offer by the Executive of £100 had been made before the Executive had been aware of the contradiction.

The complaint

Following the Panel's previous decision, the complainant contacted the Executive by email to ask whether the Executive had reconsidered their financial offer. The complainant said:

"At this stage, with consideration to the fact that this case has been going on for a significant amount of time now, my personal time and inconvenience has been considerably higher since I originally complained to TVL. With this in mind and with respect to the BBC Trust's decision that it was possible a third act of trespass occurred, I will be seeking £350 in total as compensation for the complaint and my added time and effort in pursuing it."

The Head of Revenue Management responded to the complainant, offering an additional £30 "as a gesture of goodwill". The complainant responded to this offer, stating that she considered this additional amount to be inadequate. She said:

"Unfortunately, I will not be able to accept that offer as it does not in any way cover the extensive amount of time I have had to invest in pursuing this."

Appeal to the Trust

The complainant corresponded with the Trust regarding the Executive's additional offer. The complainant said:

"If the Trust was able to propose a final sum for consideration that would be perfect because TVL have said they are only prepared to increase the amount by £30 and have then failed to get back to me again."

The Panel's decision

The Panel took into account:

- the published finding of the previous Panel of the Board relating to this case;
- correspondence between the complainant and the Executive, 10 – 23 December 2013;
- the complainant's further appeal to the Board, dated 15 January 2014 (and associated emails); and
- privileged legal advice.

Noting the background to the case and the Executive's additional offer which had followed a previous decision of the Panel and the Executive's description of the additional offer of £30 as a "gesture of goodwill", the Panel decided to treat the latest correspondence as a further appeal, on the subject of compensation only. The Panel also noted that, as the sovereign body of the BBC and as the final arbiter of whether an appeal is for the Trust to determine or not, and as to the substance of any appeal, the Trust could decide whether a complainant should be given compensation, and whether any sum already offered by the Executive was appropriate. The Panel considered this was a power to be exercised sparingly, however.

The Panel noted that the complainant had suggested a compensatory sum of £350 which she considered would be sufficient "as compensation for the complaint and [her] added time and effort in pursuing it".

Considering the case as a whole, the Panel concluded that the total goodwill gesture proposed by the Executive of £130 was insufficient, given that:

- the complainant's property had been visited by TVL officers despite the complainant having withdrawn TV Licensing's implied right of access; and
- some of the responses to the complainant's requests for information had been contradictory.

While agreeing that it would not always be right for the Trust to consider substituting a different amount, the Panel also agreed that the Executive's revised offer in this case had not taken adequate account of these factors, and that £200 seemed to be a more appropriate figure to offer. The Panel did not agree that the circumstances warranted the figure of £350 which the complainant had suggested, even given the nature of her complaint and her evidence as to the time and effort she had spent pursuing it. The Panel resolved to request that the Executive make a total compensation payment of £200 to the complainant to reflect the circumstances of the case.

Finding: upheld

Rejected Appeals

Appeals rejected by the CAB as being out of remit or because the complaints had not raised a matter of substance and there was no reasonable prospect of success.

Decision of BBC Audience Services not to respond further regarding the BBC's decision not to report on Monsanto march, 25 May 2013

Complaint

The complainant wrote two letters to the Director-General on 3 June and 17 June 2013 to raise his concerns about the lack of news coverage for a worldwide protest march against Monsanto, over concerns about health safety in Monsanto's genetically modified foods.

The complainant's letters to the Director-General were passed to Audience Services who explained in their response of 18 June 2013:

"We feel it is important to emphasise that protests in the UK were not attended by large numbers of people. The fact that a protest takes place is not always in itself a newsworthy event and other factors will determine whether BBC News report it, including the range of the stories being covered that day..."

We also note that most other UK media did not report on the protests."

The complainant wrote to Audience Services on 4 July 2013, saying, on the basis of their response, that the lack of reporting appeared to be the result of a communications failure from [a news agency]. In subsequent correspondence he expressed his concern that the BBC's decision not to cover the march was because of commercial interest.

After sending holding responses, Audience Services responded substantively on 4 September 2013 stating:

"This story did not feature during the day's news coverage due to editorial reasons – as explained in previous responses to you. We are not aware of any communication problems on the day.

To clarify, [the news agency] are one of a variety of different news agencies the BBC receives news material from."

The complainant wrote again to Audience Services on 6 September 2013, stating that their response had not addressed his concerns.

Audience Services sent a further holding letter on 26 September 2013 and, on 7 October, sent a final response advising the complainant that they did not have anything further to add and felt they had responded as fully as they could. They did not consider that the points raised by the complainant suggested a possible breach of standards and, having reported them to the BBC staff responsible, were not able to engage in more correspondence on the issue.

Appeal

The complainant's appeal to the BBC Trust was dated 26 September 2013 and received on 4 October 2013. The complainant gave an account in his appeal of the scientific background to the Monsanto protest, together with a list of numbered references to support his account, details of which were included in his letter of appeal.

The complainant raised issues regarding BBC output in 2012 and September 2013.

The complainant made the following points in his background account which he believed had implications regarding the BBC's impartiality:

- The BBC did not report information given by Professor Seralini in 2012 regarding the outcome of his long term rodent feeding trial of a European Food Safety Authority (EFSA) approved GM maize, which the complainant said left no doubt about the toxicity of the GM feed. The UK Science and Media Centre (SMC) briefed against Seralini's study. The complainant said it would appear that the BBC took their lead from the SMC as they did not report the event.
- On 10 December 2012, BBC Politics reported on the Environment Secretary's GM campaign, quoting him as saying that concerns about its impact on human health were a "complete nonsense". As there have been no long term trials to provide evidence of GM impact on human health, the complainant believed the BBC should have challenged the Environment Secretary with regard to the Seralini findings.
- In September 2013, Seralini came to the UK again to deliver a series of briefings on his GM research. During these briefings a Danish study was reported about the ill effects of GM food on pigs, and as a result of this study, the Danish government is commissioning new research in the safety of GM feed. The complainant said it appeared that the BBC has so far failed to report on the Seralini briefings, though the Guardian has.
- It has been reported that corporate interests were behind the apparent media censorship of the Monsanto march in the USA.

The complainant said that the 25 May 2013 Monsanto March was triggered by the European Food Safety Authority's (EFSA) rejection of Professor Seralini's long term feeding trial adverse outcomes in regard to EFSA's safety approval for GM maize NK 603. These outcomes were long term kidney and liver dysfunction, greatly increased risk of cancer and shortened life span.

The complainant said that the world relied heavily on the ability of the BBC to inform impartially. With regard to what he believed was the BBC's apparent failure to report impartially on the 25 May Monsanto March, and other events relating to GM agriculture, such as the 2012 and 2013 briefings in the UK by Professor Seralini, he said:

"It would appear that we have been subject to a grievous con trick on the safety of GM agriculture. On the face of it, it appears that the BBC has been a party to it. I would appreciate your comments."

Decision of the Senior Editorial Complaints Adviser

The Senior Editorial Complaints Adviser (“the Adviser”) carefully read the correspondence that had passed between the complainant and the BBC.

The complainant had appealed on the substance of his complaint which was that the BBC had in his view shown a lack of impartiality in not covering the 25 May Monsanto March. The Adviser noted, however, that BBC Audience Services had ceased handling this complaint at stage 1 and that the complaint had not gone to stage 2. She therefore decided that the point she should consider was whether an appeal against the decision of BBC Audience Services not to correspond further with the complainant had a reasonable prospect of success.

The Adviser acknowledged that the complainant had contacted the BBC originally because he was concerned that the BBC had failed to show impartiality through its decision not to cover the Monsanto March on 25 May 2013. He had stated that he was not sure whether this was “censorship”, or a “communications failure” which perhaps stemmed from a lack of information coming from [a news agency].

The Adviser noted that the Royal Charter and the accompanying Agreement between the Secretary of State and the BBC drew a distinction between the role of the BBC Trust and that of the BBC Executive Board, led by the Director-General. “The direction of the BBC’s editorial and creative output” was specifically defined in the Charter (paragraph 38, (1) (b)) as a duty that was the responsibility of the Executive Board, and one in which the Trust did not get involved unless, for example, it related to a breach of the BBC’s editorial standards. The Adviser noted that decisions about which news stories were considered newsworthy fell within the “editorial and creative output” of the BBC and were the responsibility of the BBC Executive.

The Adviser noted that generally this meant the Trust would not concern itself with any matter that fell within programme makers’ editorial discretion, unless in exercising that discretion the programme makers had breached the BBC’s editorial standards, as expressed in the Editorial Guidelines.

The Adviser noted that Audience Services, in their letter of 18 June 2013, had explained the reason why the BBC editorial news team had chosen not to cover the Monsanto March:

“We feel it is important to emphasise that protests in the UK were not attended by large numbers of people. The fact that a protest takes place is not always in itself a newsworthy event and other factors will determine whether BBC News report it, including the range of the stories being covered that day. For example, on 25 May more information was emerging surrounding the murder of Drummer Lee Rigby in Woolwich which we felt it was important to report.

We also note that most other UK media did not report on the protests.”

The Adviser acknowledged that the complainant was seriously concerned about the lack of reporting of the Monsanto March. However, she considered Trustees would be likely to conclude BBC Audience Services had provided a reasoned and reasonable response to this element of the complaint and had set out the news judgments that were being made on the day in question.

The Adviser noted that, in his correspondence with the BBC, the complainant had also queried whether the story had been covered by [a news agency] on 4 July and, in a further letter of 28 July, had questioned whether this had been a deliberate omission on the part of [the news agency].

The Adviser noted that these points of complaint were not introduced when the original complaint was submitted. The Adviser noted that the Complaints Framework stated:

2.7 Your complaint should include all of the points about the item that you wish to be considered as the BBC may not consider new or different points after Stage 1a of the Procedure has concluded.

The Adviser considered that Audience Services had responded reasonably to the initial concerns raised by the complainant. She considered Trustees would be likely to conclude that under the Complaints Framework, Audience Services was not required to respond to the expanded complaint about [a news agency] and it had acted appropriately in declining to correspond further about this.

The Adviser noted that the complainant raised some additional points in his appeal. Firstly, he had listed a number of different elements of BBC output dating back to September 2012 about Monsanto and GM crops that he considered unsatisfactory. He considered that, taken together:

“It would appear that we have been subject to a grievous con trick on the safety of GM agriculture. On the face of it, it appears that the BBC has been a party to it.”

The Adviser wished to reassure the complainant that impartiality was of the greatest importance to the BBC. The Editorial Guidelines set out the values and standards expected of BBC output and stated:

“Impartiality lies at the heart of public service and is the core of the BBC's commitment to its audiences. It applies to all our output and services - television, radio, online, and in our international services and commercial magazines. We must be inclusive, considering the broad perspective and ensuring the existence of a range of views is appropriately reflected.

The Agreement accompanying the BBC Charter requires us to do all we can to ensure controversial subjects are treated with due impartiality in our news and other output dealing with matters of public policy or political or industrial controversy. But we go further than that, applying due impartiality to all subjects. However, its requirements will vary.

The term 'due' means that the impartiality must be adequate and appropriate to the output, taking account of the subject and nature of the content, the likely audience expectation and any signposting that may influence that expectation.”

However, the Adviser noted that the Complaints Framework clearly set out that complaints had to be answered in the first instance by the Executive and that complaints had to be made within thirty days of the broadcast or publication of the output in question. In this instance, the concerns about different elements of BBC output had not

been made within that time frame and had not been addressed by the BBC. Therefore, the Adviser considered it would not be appropriate for Trustees to consider this element of the complaint.

The Adviser considered that time frames had been set in the complaints framework with good reason – it became increasingly difficult to answer complaints about specific output as time passed and it was important for the complaints process to work efficiently.

She hoped that in future, if the complainant was unhappy with an element of BBC output he would raise his concerns with BBC Audience Services within thirty working days so that they could be addressed.

The Adviser also noted the complainant was unhappy not to have received a response directly from the Director-General – as his first letters had been sent to the D-G's office. However, she noted that Audience Services had explained to the complainant how letters to the D-G were handled and, in their first response of 18 June had stated:

“As we're sure you'll appreciate, the Director General receives more correspondence than he can deal with personally, so once letters have been read by his office they are forwarded to us so we can respond on behalf of the BBC's management.”

The Adviser considered this was in line with the complaints framework and also established that the responses from Audience Services were being sent in reply to the letters to the Director-General – and therefore, the complainant should not be expecting further communication from the Director-General personally.

Overall, the Adviser considered that Trustees would be likely to conclude Audience Services had given a reasoned and reasonable response to the complainant and had acted appropriately in closing down the correspondence. She did not consider the appeal against the decision to close down the correspondence had a reasonable prospect of success and did not propose to put it before Trustees.

Challenge to the decision of the Senior Editorial Complaints Adviser

The complainant requested that Trustees review the decision of the Adviser that the appeal should not proceed. Specifically, he stated that the Adviser's response:

“singularly fails to understand the essence and seriousness of my complaint... It appears to me that Monsanto succeeded in getting the BBC to keep silent in regard to the World wide protest march in order to help it succeed to gain control of UK agriculture/food seeds and subsequent entry into the EU for its GM related products. In my opinion aiding a foreign corporation to the detriment of our country is an act of treason.”

The Panel's decision

The Panel was given the complainant's correspondence with the BBC Executive, his appeal to the Trust, the reply from the Adviser and the challenge to the Adviser's decision.

The Panel agreed with the Adviser that BBC Audience Services had provided a reasoned and reasonable response to the complaint and had set out the news judgments that were being made on the day in question. Trustees also noted that decisions about whether to cover an event were editorial and creative decisions and so a matter for the Executive and not the Trust.

The Panel considered the complainant's query regarding a potential communications failure from [a news agency]. Trustees noted the complainant was informed by Audience Services that the BBC relies on various news agencies. They further considered that as [the news agency] is both reliable and reputable, the BBC is entitled to judge when to rely on the information it receives from this agency. The Panel concluded that Audience Services were correct in deciding not to respond further to this complaint on this issue.

The Panel noted that (setting aside the complaint about the decision not to cover the Monsanto March) the complainant's concerns about different elements of BBC output had not been made within the specified time frame and had not been addressed by the BBC. Trustees noted that the 2006 Agreement between the Secretary of State for Culture, Media and Sport and the BBC specified that such complaints should be made to the BBC Executive in the first instance. The Panel agreed it would not be appropriate for it to consider this element of the complaint.

In conclusion, the Panel agreed that BBC Audience Services had acted appropriately in closing down the correspondence.

The Panel therefore agreed that the appeal did not have a reasonable prospect of success and did not qualify to proceed for consideration.

Decision of BBC Audience Services not to respond further regarding background music

Complaint

The complainant first wrote to the BBC on 2 September 2013 as he was very concerned about the level of background music on BBC programmes. He said that both he and his wife felt speech was “obliterated” by music which was played at too high a volume and he considered that this opinion was shared by many other people. He asked for measures to be taken to reduce the volume of background music.

Audience Services responded to the complainant on 16 September 2013, acknowledging his concerns and explaining why programme makers might add music to their programmes. The letter included a link to the “best practice guide” for programme makers which had been written following an extensive study in 2009 into why some viewers experience difficulties with background sound levels. The response also included an online link to a blog by the Controller of Television, Danny Cohen, about background noise and explained how some television sets had controls that allowed viewers to change from the “default” factory setting to accommodate varying sound levels and personal preferences.

The complainant wrote to Audience Services on 26 September 2013 explaining that his television set had no capacity to make adjustments to sound levels, and he said that with that in mind, he wished to make “the strongest possible objection to the music which obscures the speech thand discourages us from watching a programme which we cannot hear for the loud music...”

Audience Services sent a second response on 8 October 2013. This gave further information about the use of background music in output and the training which was available for programme makers. In terms of complaints about BBC output, it hoped to reassure the complainant and stated:

“We are committed to listening to our audience when it comes to the issue of background sound/music. It is for this reason that we also have systems in place whereby BBC Audience Services will alert the relevant BBC Executive Producer if his/her programme attracts a significant number of audibility complaints. We have altered the sound mix for a number of programmes, Wonders of the Universe for example, as a direct result of viewer feedback and will continue to do so where it is deemed necessary.”

The complainant was informed that if he remained unhappy following the second response, he could appeal to the BBC Trust.

Appeal

The complainant appealed to the BBC Trust as he did not feel that his complaint had been resolved. He explained that he and his wife were not alone in their objections to the levels of background music which he stated was played at too high a volume across films, documentaries and news programmes.

Decision of the Senior Editorial Complaints Adviser

The Senior Editorial Complaints Adviser (“the Adviser”) carefully read the correspondence that had passed between the complainant and the BBC.

The Adviser outlined the BBC’s complaints process and explained the three stages within it. She explained that the first two stages lie with the BBC Executive; the third and final stage is an appeal to the Trust.

The Adviser noted that the complainant had appealed on the substance of his complaint. However, she also noted that BBC Audience Services had closed down the complaint at stage 1b and the complaint had not gone to stage 2.

She therefore decided that the point she should consider was whether an appeal against the decision of BBC Audience Services not to correspond further with the complainant had a reasonable prospect of success.

The Adviser noted that the audibility of output was a significant matter for the BBC. The responses from Audience Services had referred to the study commissioned in 2009 by the BBC together with the Voice of the Viewer and Listener, the Royal National Institute for Deaf People and Channel 4. She noted that it was as a result of this research that the BBC’s “best practice guide” for programme-makers was now in place and was available on the BBC Academy’s College of Production website. It included a good deal of information for programme producers and content gatherers about maximising the audibility of their recordings.

She also noted that Audience Services had described how concerns about levels of background music and noise were relayed to senior editorial figures and gave an example of output – the “Wonders of the Universe” series - that had been changed in the light of audience concerns that the volume of the music on the programme was too high.

In view of the fact that the complainant had not raised concerns about a specific element of BBC output, she considered Trustees would conclude the responses he had been sent by Audience Services were reasoned and reasonable. She therefore considered Trustees would be likely to conclude that the BBC had acted appropriately in closing down the correspondence. It followed from this, she did not consider the appeal had a reasonable prospect of success and did not propose to put it before Trustees.

For completeness, the Adviser noted that the Royal Charter and the accompanying Agreement between the Secretary of State and the BBC drew a distinction between the role of the BBC Trust and that of the BBC Executive Board, led by the Director-General. “The direction of the BBC’s editorial and creative output” was specifically defined in the Charter (paragraph 38, (1) (b)) as a duty that was the responsibility of the Executive Board. The Adviser believed that decisions relating to the level of music that should be used in programmes were editorial ones which rested with the BBC. She therefore considered that it would not have been appropriate for the Trustees to consider the underlying complaint in any event because decisions relating to the volume of music in BBC programmes rested with the Executive.

The Adviser hoped that if, in future, the complainant was concerned at the high volume of background music in specific output he would raise his concerns with the BBC so that his views could be fed back to managers and taken into account by programme producers.

Challenge to the decision of the Senior Editorial Complaints Adviser

The complainant requested that Trustees review the decision of the Adviser that the appeal should not proceed. Specifically, he stated that:

“This problem for all concerned is getting worse day by day and we feel that if this form of programme continues then you will leave viewers with little choice but to turn into programmes without the music – why does the BBC news need background music to it?”

The Panel’s decision

The Panel was given the complainant’s correspondence with the BBC Executive, his appeal to the Trust, the reply from the Adviser and the challenge to the Adviser’s decision.

The Panel noted that complaints about background sound were not uncommon and expressed sympathy with the complainant’s point of view. Trustees agreed with the Adviser that the responses he had been sent by Audience Services were reasoned and reasonable and the BBC had acted appropriately in closing down the correspondence. Trustees also noted that decisions about the level of background music were editorial and creative decisions and so a matter for the Executive and not the Trust.

The Panel therefore agreed that the appeal did not have a reasonable prospect of success and did not qualify to proceed for consideration.

Decision of BBC Audience Services not to respond further regarding Jerusalem: Making of a Holy City – last broadcast on BBC Four on 12 January 2012

The complainant requested that the Complaints and Appeals Board (CAB) review the decision of the BBC Trust's Senior Editorial Complaints Adviser that the complainant's appeal did not qualify to proceed for consideration on appeal.

Complaint

The complainant contacted the BBC on 6 October 2013, having watched the first episode of *Jerusalem: The Making of a Holy City* on DVD. He disagreed with the statement made by the presenter, Simon Sebag Montefiore, that

“Jesus was a practising Jew so Jerusalem and the temple were central to His beliefs. He never actually claimed to be the Messiah.”

The complainant supplied quotes from the scriptures to support his view that this was not an accurate claim, and that Jesus did acknowledge Himself to be the Messiah.

Audience Services responded to the complaint on 16 October 2013. They explained that the last BBC broadcast of the programme had been over a year previously, on 12 January 2012, and that as complaints must be made within 30 days of the incident or transmission, his complaint was out of time, and they were unable to comment further.

Appeal

The complainant re-submitted his complaint to the BBC and asked for it to be considered as an appeal if Audience Services chose not to respond further. He said that he was re-submitting his complaint even though he had been told it was out of time, in the hope that his letter might at least be referred to the presenter and writer of the programme.

The Trust Unit received the complainant's appeal on 22 October 2013.

The complainant explained that he had viewed the programme on DVD in Australia and had submitted his complaint immediately after viewing it. The complainant said that the matter he had raised was not trivial and believed that a misrepresentation had been broadcast which was not accidental. He said it required investigation, correction and apology.

Decision of the Senior Editorial Complaints Adviser

The Senior Editorial Complaints Adviser (“the Adviser”) carefully read the correspondence that had passed between the complainant and the BBC.

The complainant had appealed on the substance of his complaint which was that the presenter of *Jerusalem: The Making of a Holy City* had misrepresented Jesus by stating that He had not claimed to be the Messiah. The Adviser noted, however, that BBC Audience Services had ceased handling this complaint at stage 1a because it was out of time. She therefore decided that the point she should consider was whether an appeal against the decision of BBC Audience Services not to investigate the complaint because it was out of time had a reasonable prospect of success.

The Adviser noted that the last BBC broadcast of the programme had been in January 2012 and the complaint was submitted in October 2013. She acknowledged that the complainant had watched the programme on DVD and had submitted his complaint immediately after viewing the programme. However, she noted that the BBC's complaints procedure set out clear time frames and stated:

"2.1 You should make your complaint within 30 working days of the date on which the content was broadcast or first published in a BBC owned magazine. If you write after that time, please explain why your complaint is late. Exceptionally, the BBC Executive may still decide to consider your complaint, but only if it decides there was a good reason for the delay."

The Adviser considered the time frames were introduced with good reason and that it became increasingly difficult to answer complaints as time elapsed after a broadcast and once programme teams were dispersed. The Adviser noted that the complainant had viewed the programme on DVD, but she did not believe Trustees would be likely to conclude this provided sufficient reasoning for them to "exceptionally" consider the complaint. She therefore considered that Trustees would be of the view that the Executive had responded reasonably in not investigating the complaint.

Challenge to the decision of the Senior Editorial Complaints Adviser

The complainant requested that Trustees review the decision of the Adviser that the appeal should not proceed. Specifically, he stated that:

"What was reported was more than a blunder it was a deliberate misrepresentation of what the scriptures declare in the Old and New Testament. If Jesus was not the Christ then He would not continue to be the most significant person in human history by far."

The Panel's decision

The Panel was given the complainant's correspondence with the BBC Executive, his appeal to the Trust, the reply from the Adviser and the challenge to the Adviser's decision.

The Panel understood that the complainant was deeply concerned about this matter. However, the Panel agreed that the complaint had been made out of time and that the complainant had not provided evidence which would lead it to consider the complaint exceptionally.

The Panel therefore agreed that the appeal did not have a reasonable prospect of success and did not qualify to proceed for consideration.