

Editorial Standards Findings

Appeals to the Trust and other editorial issues considered by the Editorial Standards Committee

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Remit of the Editorial Standards Committee

The Editorial Standards Committee (ESC) is responsible for assisting the Trust in securing editorial standards. It has a number of responsibilities, set out in its Terms of Reference at bbc.co.uk/bbctrust/about/meetings_and_minutes/bbc_trust_committees.html.

The Committee comprises six Trustees: Alison Hastings (Chairman), Mehmuda Mian, David Liddiment, Elan Closs Stephens, Richard Ayre and Anthony Fry. It is advised and supported by the Trust Unit.

In line with the ESC's responsibility for monitoring the effectiveness of handling editorial complaints by BBC management, the Committee considers appeals against the decisions and actions of the BBC's Editorial Complaints Unit (ECU) or of a BBC Director with responsibility for the BBC's output (if the editorial complaint falls outside the remit of the ECU).

The Committee will consider appeals concerning complaints which allege that:

- the complainant has suffered unfair treatment either in a transmitted programme or item, or in the process of making the programme or item
- the complainant's privacy has been unjustifiably infringed, either in a transmitted programme or item, or in the process of making the programme or item
- there has otherwise been a failure to observe required editorial standards

The Committee will aim to reach a final decision on an appeal within 16 weeks of accepting the request.

The findings for all appeals accepted by the Committee are reported in this bulletin, Editorial Complaints: Appeals to the Trust.

As set out in its Terms of Reference, the Committee can decline to consider an appeal which in its opinion:

- is vexatious or trivial;
- does not raise a matter of substance;
- relates to the content of a programme or item which has not yet been broadcast;
- concerns issues of bias by omission in BBC news programmes unless the Chairman believes that it is plausible that the omission of an item could have led to a breach of the guidelines on impartiality;
- has not been made within four weeks of the final correspondence with the ECU or BBC Director on the original complaint; and
- relates to matters which are the subject of or likely to be the subject of, or relevant to, legal proceedings.

The Committee will not generally reconsider any aspects of complaints that have already been adjudicated upon or considered by a Court.

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

In line with its duty to consider topics of editorial concern to the Committee, whether or not such concern arises from a formal complaint, and to commission information requests from the Trust Unit or Executive to support such consideration, the Committee also from time to time requests the Executive to report to the Committee regarding breaches which have been accepted by the Executive and are therefore not subject to appeal to the Committee. The bulletin also may contain findings relating to such cases.

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

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

The Secretary, Editorial Standards Committee
BBC Trust Unit
180 Great Portland Street
London W1W 5QZ

Summary of findings

Inside Out (Yorkshire and Lincolnshire), BBC One, 15 February 2010

The complainant said that an item about a long running case of historic child abuse at a Catholic-run approved school had lacked accuracy and impartiality and was unfair to him personally. The complaint was partially upheld by the BBC's Editorial Complaints Unit and the complainant pursued the ten issues not upheld by the ECU in his appeal to the Trust. Four of the ten issues were considered to be admissible and were taken on appeal by the Trust. The four elements of the complaint considered by the Editorial Standards Committee of the BBC Trust were:

- A) Past events at the school were portrayed as sexual abuse by the clergy but no clergymen have been convicted of any form of abuse relating to events at the school.
- B) The programme referred to a "former head teacher" serving a prison sentence. The complainant was known as the Head Teacher and this would have given viewers the misleading impression that he was the one serving a custodial sentence.
- C) References from a contributor to abuses in the school chapel were inaccurate.
- D) There was no reference in the item to the number of people investigated who were either acquitted or not brought to trial, and this was evidence of a lack of impartiality.

The Committee concluded:

- that it was duly accurate for the programme to apply the general description of "clergy" to the man convicted of sexual offences.
- that the complainant was not named in the piece nor referred to directly or indirectly, that there was no evidence that the complainant was known as the Head Teacher, nor was there any confusion by the programme between him and the man convicted and therefore there was no breach of the accuracy or fairness guidelines.
- that the information regarding alleged abuse in the chapel was well-sourced, properly checked and had been firmly attributed as it was made by the policeman who led the investigation.
- that child abuse by the Principal of an approved school had been established in court. It was not necessary to mention the acquittals or raise the possibility of 'false accusations' or give further information in order to achieve due impartiality.

The complaint was not upheld.

For the finding in full see pages 6 to 22.

BBC News Online coverage of Nigerian riots

The complainant alleged that the BBC News website's coverage of violence in Northern Nigeria in January 2010 was one-sided as a result of relying on the BBC Hausa service. The complainant alleged that the coverage: ignored the true cause of the violence; gave

the wrong figures for the number of Muslim dead; wrongly implied that Muslims had been the only victims and Christians the only aggressors; gave more detail in the reporting of attacks on Muslims; quoted Muslim spokesmen from the outset while waiting for several days before quoting from Christians; mentioned Muslims before Christians in lists of casualties and destroyed properties. The complainant also said that the BBC had wrongly sought to justify its coverage of the Jos violence by referring to coverage two months later.

The Committee concluded:

- that, in respect of reporting the causes of the violence, the evidence was presented in clear, precise language with appropriate attribution and there was nothing that could have misled readers.
- that, in quoting local spokesmen from the Muslim community regarding numbers of Muslim dead, the BBC did not breach the guidelines which require facts to be checked and cross-checked.
- that the casualty figures used by the BBC did not suggest that Muslims were the majority, if not all, of the victims as the complainant suggested they did.
- that the BBC did what it could to get to the bottom of the available casualty figures and did not mislead the audience.
- that the use of a quote from the Agence France Press did not breach the accuracy guideline.
- that it was acceptable for the BBC to quote from Human Rights Watch, which is an established NGO with a strong historic record of research in the contentious area of human rights abuses.
- that the articles as a whole did not imply that Christians alone were to blame and readers would not have been misled.
- that there was more available information on Muslim casualties but that BBC journalists had put considerable effort into seeking to ascertain accurate figures.
- that the fact there was not an equal response from different groups does not imply a lack of impartiality.
- that the failure to quote a spokesman for the Christian community over three articles in three days did not breach the guidelines on giving due weight to opinion and the main strands of an argument.
- that there is evidence to suggest that BBC journalists did try to get a response from the Christian community and that it is not a breach of the impartiality guidelines if one group is not in a position to respond swiftly.
- that the facts do not support the complaint that Muslim figures were consistently given before Christian figures in lists of victims or damaged buildings, and that even if one had been consistently mentioned before the other this would not have been in breach of the impartiality guidelines.

- that, overall, the BBC did everything possible to present a balanced view in remote, difficult and fast-changing circumstances.

The complaint was not upheld.

For the finding in full see pages 23 to 40.

Today, BBC Radio 4, 27 September 2010

The complainant stated that a broadcast of *Today* on 27 September 2010 which had reported that “the moratorium on Israelis building new settlements in the West Bank came to an end” had been inaccurate. The complainant said that the moratorium that had come to an end was on new construction within existing Israeli settlements in the West Bank.

The Committee concluded that:

- this was a topic which particularly demands accuracy and precision in order for the audience to be well-informed. The introduction to the interview had therefore breached the Accuracy guideline in respect of the requirement to present output “...in clear, precise language”.
- there was no evidence that the BBC had knowingly misled the audience and there had been a number of occasions on the day where the *Today* programme had reported the matter correctly. The programme had therefore not breached the part of the Editorial Guidelines on Misleading Audiences.

The complaint was upheld in part with regard to accuracy.

For the finding in full see pages 41 to 47.

Appeal Findings

Inside Out (Yorkshire and Lincolnshire), BBC One, 15 February 2010

1. Background

This is an appeal against a partially upheld Editorial Complaints Unit (ECU) finding concerning an item in the Yorkshire edition of *Inside Out* on BBC One transmitted on 15 February 2010. The item was about a long running case of historic child abuse at a Catholic-run approved school.

The complainant alleged that the item lacked both accuracy and impartiality and may have been unfair to him personally. Two of his twelve heads of complaint were upheld by the ECU. Of those that were not upheld, four are considered here.

It was decided by the Head of Editorial Standards that there was no reasonable prospect of success for the other six points.

This appeal is concerned with the very long-running police investigations into physical, psychological and sexual abuse at a Catholic-run approved school in Market Weighton, Yorkshire between 1960 and 1992. There have been three police investigations into the alleged abuse. One person, the principal, Brother James Carragher, was convicted twice (in 1993 and 2004) of many counts of serious sexual abuse; he is still serving his second prison sentence.

The complainant taught at the school for 23 years and was acquitted of charges relating to physical abuse in 2003.

There has also been an investigation and full (though unpublished) report into the police's procedures and investigation by the Independent Police Complaints Commission (IPCC). This was triggered, in part, by the complainant.

There is ongoing litigation. With over 150 plaintiffs, it is the largest case of its sort in Great Britain, seeking compensation from the school authorities, the diocese or the de la Salle order (which ran the school) for long-running abuse. This case, which is run by David Greenwood of Jordans Solicitors in Wakefield who specialise in child abuse claims, has already been to the High Court and the Appeal Court to determine who has the "vicarious liability" to pay the compensation. In February 2011 the Supreme Court decided to consider the appeal as to who is liable to pay compensation but no date for a hearing had been set when the ESC considered the matter.

Summary of the item being appealed

The item was transmitted as the lead story in the Yorkshire & Lincolnshire edition of the *Inside Out* magazine programme, which is broadcast simultaneously on BBC One in ten different local versions. The item was about nine minutes long and was the first of three in that programme.

The item included a long interview with one of those claiming compensation for abuse, Robert Maxwell; as well as with the solicitor handling his and others' cases, David Greenwood; the policeman, Richard Kerman, who had conducted the enquiry known as Operation Aldgate; two local residents, Richard Henley and Roy Gibson plus Anne

Lawrence of Ministry and Clergy Sexual Abuse Survivors. There was also considerable use of library footage from the Look North archive, including clips with three other claimants.

The programme did not refer to the complainant by name or to any allegations against him.

2. The Complaint

Stage 1

The complainant contacted the programme because he thought the "...tone and content of the piece was defective and heavily biased" and that there was no attempt to make it clear that the programme was dealing with allegations rather than facts.

He said the use of the word "clergy" was inaccurate as the only person convicted of sexual abuse was a member of a lay religious congregation and not a clergyman in Holy Orders.

He added that it was wrong not to mention the 26 people accused but never tried or acquitted on all charges, and that the programme had interviewed the wrong people.

The complainant said that the piece referred to the former headteacher of St William's serving a prison sentence and that, as this title had been applied to himself, this was erroneous, distressing and defamatory.

The complainant said that another man identified in the programme as having been convicted of offences was not a teacher at the school, although the programme said he was, and that he was not convicted of anything connected to St William's, although the script implied he had been.

The complainant said that the evidence of the major interviewee, Robert Maxwell, should have been challenged and that he was prompted by leading questions. There were three other "victims" in the programme but one of these had had evidence rejected in a criminal court and the programme should have demonstrated awareness of the possibility of false accusations.

The complainant thought the programme missed the core story about false accusation and "gold-digging" and should have referred to the IPCC report for help on this matter and that it was biased not to do so.

He added that, of the 26 people charged in this case, only three were prosecuted and that his own trial on child cruelty charges was conducted first and he was acquitted "without a stain on [his] character".

He added that the programme should not have interviewed Anne Lawrence.

He said the diocese could not apologise as the case is not concluded, and that the litigation is anyhow being defended by the insurers which limits the diocese's actions.

The complainant said that the interview with DCI Kerman was dated (as he said it was conducted in 2004, although this was not in fact the case) and the allegations about abuse in the chapel were "lurid and sensationalist" reporting like much else in the programme. He said that none of these allegations resulted in guilty verdicts.

He objected to the “shadowy figures in clerical garb” shown in the programme, saying that they were not de la Salle brothers.

He concluded by saying it is “entirely untrue” that there has been a lack of apology and compensation for the abuse as mentioned in the programme.

The Producer replied saying she was only addressing issues specifically linked to the broadcast. She rebutted all of the complainant’s allegations.

Stage 2

The complainant then appealed to the Editorial Complaints Unit and specifically mentioned the question of the de la Salle Brothers and the description of them as “clergy”.

The ECU summarised the complaint under eight points relating to accuracy and a further four on impartiality:

- “1. None of the claims made in the programme regarding abuse have been tested in the courts. People were presented as ‘victims of abuse’ but this was inaccurate and misleading because no allegations have been proved. One of the ‘victims’ was ‘entirely discredited’ in a trial at Sheffield Crown Court in 2004.
2. The programme described St Williams as an Approved School but did not explain that this meant it ‘dealt with difficult and criminal young men’. This omission contributed to the impression that the claims of those who said they were abused should be taken at face value rather than considered as unsubstantiated allegations.
3. The programme prompted one contributor to suggest he had been raped.
4. Past events at St Williams were portrayed as sexual abuse by the clergy but no clergymen have been convicted of any form of abuse relating to events at St Williams. The only person to have been convicted was Mr James Carragher, who was a member of a lay religious congregation (the De La Salle Brothers).
5. The programme referred to a ‘former head teacher’ serving a prison sentence. The person was not named. You have said that you were the person responsible for running the school on the site, and known as the Head Teacher rather than the Principal, and so viewers would have been given the inaccurate and misleading impression that you were the person serving a custodial sentence.
6. The programme referred to a man convicted of offences as a teacher at St Williams. This was inaccurate. He was jailed but was not charged with any crime related to St Williams. This inaccurate reference added to the misleading impression about the extent of criminal activity at St Williams.
7. The programme included a contribution from Richard Kerman in which he referred to abuses in the school chapel. In fact no one was found guilty of any alleged abuses in the chapel. This contributed to the inaccurate impression.
8. The assertion in the programme about a ‘lack of apology and waiting for compensation’ is untrue.”

The ECU summarised the complaints about due impartiality as follows:

“1. The programme did not mention that 26 other people (laymen and Brothers) were accused during criminal inquiries but were acquitted. This was evidence of a lack of due impartiality because it did not draw attention to evidence of false accusations.

2. The programme did not interview anyone with ‘first hand knowledge of the workings of St Williams’. This was further evidence of a lack of due impartiality.

3. The programme interviewed the lawyer Anne Lawrence; she is a ‘badly informed and biased pundit’.

4. The programme made only a fleeting reference to the Independent Police Complaints Commission report into the police investigation ‘...in which massive criticism was detailed’.”

The ECU responded substantively quoting relevant guidelines on Accuracy and Misleading Audiences. The letter used the reference numbers above for each heading of complaint:

1. The ECU upheld the complaint on this point because the programme should have distinguished between those cases where abuse had been proven and those where it was only alleged. It found that from the script and clip of Robert Maxwell at the top of the programme “the only possible inference that viewers could have drawn was that it had been established as a matter of fact that Mr Maxwell had been a victim of abuse at the school”, but that “...as you point out he is among those whose claims have yet to be tested”.
2. The ECU did not uphold this point because the programme made the nature of the school clear and that this “...helped guard against an assumption that claims made by former pupils were necessarily to be taken at face value”.
3. The ECU did not uphold this point because the interviewee looked uncomfortable at discussing what had happened and it had therefore been legitimate for the reporter to use a leading question to get the interviewee to be more specific about his allegations.
4. The ECU did not uphold here, in spite of finding that the complainant was factually quite correct in saying Carragher was not in holy orders. The ECU found that the requirements of “due accuracy” were met in that the audience would not have been misled about abuse perpetrated under the aegis of the church.
5. The ECU did not uphold this point because there had been no room for genuine confusion about who was being referred to in the programme, nor would there have been any “adverse conclusions” about the complainant.
6. The ECU upheld this point, not because the man was inaccurately described as a teacher (which the programme producer had already acknowledged), but because it was not made clear that his convictions had nothing to do with his tenure at St William’s.
7. The ECU did not uphold this because, although there may have been force to the complainant’s point if the allegations had been brought to court and dismissed, in this case the alleged victim had been unable to testify. The finding noted that DCS Kerman may have given the impression that there had been abuse in the chapel, but that as he was talking about Carragher’s second trial and conviction about which viewers might “feel very appalled”, viewers would not be materially misled.

8. Finally, the ECU did not uphold this point because there were genuine victims of Carragher's abuse at the school and they had not had an apology or compensation from the school authorities which might be warranted.

The ECU said that although it was a moot point whether this was a "controversial subject" under the guidelines, the impartiality points would be considered as if it was one.

1. The ECU did not uphold the point about 26 acquittals to one conviction because this had been addressed above in Accuracy and the omission of a mention of acquittal was not evidence of a lack of even-handedness.
2. The ECU did not uphold on the choice of interviewees as this is a matter of editorial discretion, that the diocese was invited but declined and that it was not necessary to interview a former member of staff to be compliant with the guidelines.
3. The ECU did not uphold the point regarding interviewing Anne Lawrence because she was identified as a lobbyist, was a legitimate voice and, while she could have been balanced by the diocesan voice, it was not the programme's fault that the diocese chose not to participate.
4. The ECU did not uphold on the final point because the police failings identified by the IPCC were immaterial to the programme as broadcast.

The ECU published its finding on the BBC website as follows:

"Inside Out, BBC1 (East Yorkshire and Lincolnshire), 15 February 2010

Complaint

The programme featured further allegations of abuse at a former Approved School run by the De La Salle order where a former Principal (James Carragher) had already been convicted of sexual and physical abuse of pupils over a long period. A former teacher at the school complained that the programme was, in a number of respects, inaccurate and misleading, and was biased in its treatment of the Catholic Church.

Outcome

As the De La Salle order is a lay brotherhood, it was not strictly accurate to refer to the events at the school as instances of "clerical abuse", but this inaccuracy was not material to the issue in hand (which was, on any understanding, abuse perpetrated under the aegis of the Church).

However, the item in question did not distinguish clearly between instances of abuse which had been proven in court and instances where allegations of abuse had not been tested, and gave the impression that two men connected with the school, rather than one, had been convicted of abuse at the school (the second being someone who was convicted for offences elsewhere, and after he left the school).

Nevertheless, the item's treatment of its subject did not show bias against the Catholic Church; the Diocese of Middlesbrough had been invited to respond to criticism made in the item, but had declined to do so.

Partly upheld

Further action

The *Inside Out* team has discussed the findings, including the lessons to be learned from the failure to distinguish between proven cases of abuse and untested allegations of abuse as well as the importance of scrutinising the script for accuracy."

Appeal to the BBC Trust

The complainant appealed to the BBC Trust, the third and final stage of the BBC's complaints procedure on 13 March 2011. He asked the Trust to review the voluminous correspondence in the case as he thought the ECU judgment "...falls well short of a respectable remedy".

The Head of Editorial Standards reviewed the papers and decided that some heads of complaint should not be proceeded with but that there were four points which should be investigated and considered by the Editorial Standards Committee.

This finding is concerned only with the four outstanding issues.

The complainant has raised the following points in relation to the accuracy, impartiality and fairness of this item:

- Point (A) Past events at St William's were portrayed as sexual abuse by the clergy but no clergymen have been convicted of any form of abuse relating to events at St William's. The only person to have been convicted was Mr James Carragher, who was a member of a lay religious congregation (the de la Salle brothers).
- Point (B) The programme referred to a "former head teacher" serving a prison sentence. The person was not named. The complainant has said that he was the person responsible for running the school on the site and known as the Head Teacher rather than the Principal, and so viewers would have been given the inaccurate and misleading impression that he was the person serving a custodial sentence.
- Point (C) The programme included a contribution from Richard Kerman in which he referred to abuses in the school chapel. In fact no-one was found guilty of any abuses in the school chapel. This contributed to the inaccurate impression.
- Point (D) The programme did not mention that 25 other people (laymen and brothers) were accused during criminal enquiries but did not go to trial or were acquitted. This was evidence of a lack of due impartiality because it did not draw attention to evidence of false accusations.

3. Applicable Editorial Guidelines

Because this complaint was first made to the BBC before October 2010, the 2005–2010 guidelines apply. The following editorial guidelines are applicable to this case:

- Accuracy
- Impartiality

- Fairness

Editorial Values

Truth and Accuracy

We strive to be accurate and establish the truth of what has happened. Accuracy is more important than speed and it is often more than a question of getting the facts right. We will weigh all relevant facts and information to get at the truth.

Our output will be well sourced, based on sound evidence, thoroughly tested and presented in clear, precise language. We will be honest and open about what we don't know and avoid unfounded speculation.

Impartiality and Diversity of Opinion

We strive to be fair and open minded and reflect all significant strands of opinion by exploring the range and conflict of views. We will be objective and even handed in our approach to a subject. We will provide professional judgments where appropriate, but we will never promote a particular view on controversial matters of public policy, or political or industrial controversy.

Fairness

Our output will be based on fairness, openness and straight dealing. Contributors will be treated honestly and with respect.

Section 3 – Accuracy

Introduction

The BBC's commitment to accuracy is a core editorial value and fundamental to our reputation. Our output must be well sourced, based on sound evidence, thoroughly tested and presented in clear, precise language. We should be honest and open about what we don't know and avoid unfounded speculation.

For the BBC accuracy is more important than speed and it is often more than a question of getting the facts right. All the relevant facts and information should be weighed to get at the truth. If an issue is controversial, relevant opinions as well as facts may need to be considered. We aim to achieve it by:

- the accurate gathering of material using first hand sources wherever possible.
- checking and cross checking the facts.
- validating the authenticity of documentary evidence and digital material.
- corroborating claims and allegations made by contributors wherever possible.

Section Four – Impartiality and Diversity of Opinion

Impartiality lies at the heart of the BBC's commitment to its audiences. It applies across all of our services and output, whatever the format, from radio news bulletins via our web sites to our commercial magazines and includes a commitment to reflecting a diversity of opinion.

The Agreement accompanying the BBC's Charter requires us to produce comprehensive, authoritative and impartial coverage of news and current affairs in the UK and throughout the world to support fair and informed debate. It specifies that we should do all we can to treat controversial subjects with due accuracy and impartiality in our news services and other programmes dealing with matters of public policy or of political or industrial controversy...

In practice, our commitment to impartiality means:

- we seek to provide a properly balanced service consisting of a wide range of subject matter and views broadcast over an appropriate time scale across all of our output. We take particular care when dealing with political or industrial controversy or major matters relating to current public policy.
- we strive to reflect a wide range of opinion and explore a range and conflict of views so that no significant strand of thought is knowingly unreflected or under represented...
- we can explore or report on a specific aspect of an issue or provide an opportunity for a single view to be expressed, but in doing so we do not misrepresent opposing views. They may also require a right of reply.
- we must ensure we avoid bias or an imbalance of views on controversial subjects...
- we must rigorously test contributors expressing contentious views during an interview whilst giving them a fair chance to set out their full response to our questions...

Achieving Impartiality

Impartiality must be adequate and appropriate to our output. Our approach to achieving it will therefore vary according to the nature of the subject, the type of output, the likely audience expectation and the extent to which the content and approach is signposting.

Impartiality is described in the Agreement as "due impartiality". It requires us to be fair and open minded when examining the evidence and weighing all the material facts, as well as being objective and even handed in our approach to a subject. It does not require the representation of every argument or facet of every argument on every occasion or an equal division of time for each view.

Section 5 – Fairness

The BBC strives to be fair to all – fair to those we're making programmes about, fair to contributors, and fair to our audiences.

4. The Committee's decision

The Committee considered the complaint against the relevant editorial standards, as set out in the BBC's editorial guidelines. The guidelines are a statement of the BBC's values and standards.

In reaching its decision the Committee took full account of all the available evidence, including (but not limited to) the Editorial Adviser's report and subsequent submissions from the complainant, the programme producer and the BBC Editorial Complaints Unit.

This appeal raised issues requiring consideration of the editorial guidelines relating to accuracy, impartiality and fairness.

The Committee considered each of the four points in turn.

Point A

The Committee noted the complainant's allegation that: "Past events at St William's were portrayed as sexual abuse by the clergy but no clergymen have been convicted of any form of abuse relating to events at St William's. The only person to have been convicted was Mr James Carragher, who was a member of a lay religious congregation (the de la Salle brothers)."

The Committee considered whether the Accuracy guideline had been breached. The Committee considered whether the BBC had demonstrated that the content was well sourced, based on sound evidence, thoroughly tested and presented in clear, precise language.

The Committee noted that the script said, firstly in the introduction:

"The abuse of children by clergymen is one of the biggest and saddest scandals of recent years; while in America millions of pounds has been paid out in compensation, closer to home in Market Weighton the victims of abuse in a Catholic residential school are still waiting for an apology, Asha Tanna has the story."

And then, over pictures of the Pope in church:

"It's a world-wide scandal, but one of the biggest and most disturbing cases of clergy sexual abuse happened here in Yorkshire."

The Committee noted that the allegation was that it was inaccurate to portray the abuse perpetrated at St Williams School as being by the "clergy" when the only person convicted was not a clergyman but a member of "a lay religious congregation"

The Committee noted that the BBC's response said:

"We used the term 'clergy' to signify people with a position of responsibility within the church who had taken holy orders. We were looking for other ways of saying 'members of a religious order', and had checked that this was a possible dictionary definition. We do think the phrase was appropriate shorthand and stand by what we wrote in our first reply 26/2/2010:

'With regard to your objection to our use of the word "clergy" to refer to the De La Salle Brothers, although the brothers were not priests they had taken holy orders. One dictionary definition of "clergy" is people who give religious leadership, including monks, nuns and brothers. I do not think anyone would dispute that that was one of the purposes of the De La Salle Brothers.'

The Committee noted that the dictionary definition of "clergy" is

clergy n pl -gies
(Christianity / Ecclesiastical Terms) the collective body of men and women ordained as religious ministers, esp of the Christian Church Related adjs clerical, pastoral[from Old French clergie, from cleric ecclesiastic, clerk] Collins English Dictionary – Complete and Unabridged © HarperCollins Publishers 1991, 1994, 1998, 2000, 2003

The Committee noted responses to the Editorial Adviser's question of whether a de la Salle brother could be said to be clergy from the editors of two Christian newspapers.

The Committee noted that Paul Handley, the Editor of the Church Times said:

"The technical term for a lay brother is 'a religious', or, using slightly more mainstream grammar, a member of a Roman Catholic religious order. Some religious are ordained clergy, most are not, and are therefore lay."

He added that Carragher was

"...absolutely a church item, more involved in the Church than an ordinary parish priest, even, and therefore brings his order into disrepute. It's just that, technically, he's not a member of the clergy, he's a ... brother. In the old days, he'd be called a monk."

The Committee noted that Catherine Pepinster, the editor of the Roman Catholic Tablet paper said that there was indeed a distinction to be made between clergy and lay brother:

"Clergy are deacons, priests and bishops who have been ordained and carry out ecclesiastical duties. The priests and bishops can celebrate Mass (the main Catholic church service) and deacons assist at Mass in a particular way. A lay brother is not ordained. He is a member of a religious order and is likely to have taken vows (ie poverty, celibacy) and usually lives in community. There are some people who live in a religious community who will also have been ordained... But if someone is called a lay brother it indicates they are not clergy. The word 'lay' is the signpost that indicates unordained..."

He did, however, belong to a Catholic religious institution."

The Committee noted that The Appeal Court described the de la Salle Order and its members thus:

"The Institute of the Brothers of Christian Schools was founded in Rheims in or about 1680 by Jean-Baptiste de la Salle as a lay community of teachers. It was recognised by a Papal Bull in 1724 and has members in many different countries. The brothers are not, and may not be, ordained priests..."

The brothers are bound together by solemn lifelong vows of chastity, poverty and obedience and by a detailed and very strict 'rule' of conduct. The vow of obedience carries the obligation to obey the superiors of the Institute, including the Provincial and the Director of the community...

The 'rule' is highly particular and governs such matters as the taking of communal meals, a prohibition on private rooms, a ban upon going out except in each other's company or as authorised for the purpose of their calling, and disagreement with each other, although

there was evidence that in some areas the rule's somewhat mediaeval severity is not strictly enforced."

The Committee considered that given the context and the likely expectation of a general audience, it was duly accurate to bring Mr Carragher under the general description of clergy. The Committee was of the view that this would not have misled the audience and that the distinction was of little consequence to a general audience. The Committee considered that the important information was that the abuse happened under the aegis of the Church, that Carragher was someone intimately connected to the Catholic Church and that his actual position was immaterial in the circumstances and it was not significant that he was not in holy orders.

Finding: Not upheld

Point B

The Committee noted that the complainant alleged:

"The programme referred to a 'former head teacher' serving a prison sentence."

The person was not named. The complainant has said that he was the person responsible for running the school on the site and known as the Head Teacher rather than the Principal, and so viewers would have been given the inaccurate and misleading impression that he was the person serving a custodial sentence.

The Committee considered whether the BBC had achieved due accuracy.

The Committee considered whether the BBC had demonstrated that the content was well sourced, based on sound evidence, thoroughly tested and presented in clear, precise language.

The Committee also considered whether the BBC had been fair to the complainant.

The Committee noted that the script says:

"Down this lane there used to be a Care Home, St William's Approved School, it's now closed down and the former Head Teacher is in gaol."

And

"Carragher was the school Principal and regarded as an expert in child welfare..."

The Committee noted the allegation by the complainant that calling the convicted Carragher both "Principal" and "Head Teacher" was inaccurate and unfair to the complainant who says that HE was known as the Head Teacher and that therefore the audience may have been misled into thinking erroneously that he had been convicted.

The Committee noted that the BBC Producer concerned responded saying she thought a good explanation of the language used was in her first letter to the complainant:

"With regard to your assertion that you were the head teacher, and therefore people could have been confused into thinking you were the person referred to, there are several points to make.

1. You were not named anywhere in the piece.

2. Your official title was deputy principal of the school (and formerly house master I believe), not head teacher.
3. We made it very clear several times in the piece that the person who went to jail was James Carragher."

The Producer added:

"In my first phone conversation with (the complainant) (when he called to make his initial complaint), he referred me to the High Court papers, which he claimed referred to himself, as the head teacher. I did check these papers and this was not true. The court papers referred to James Carragher using both the word 'principal' and 'head teacher', (the complainant) was referred to as 'a teacher', (the complainant) acknowledged this mistake in a subsequent conversation when I rang him to clarify some of the points he wanted me to investigate.

I cannot find any reference to (the complainant) as the head teacher of the school and indeed he was not the head teacher, a fact he himself acknowledges. As you will see from the transcript and dvd, James Carragher was named at several points in the film as the head teacher of the school who had gone to prison and pictures of Carragher were also shown. I am genuinely at a loss to see how anyone could think anything we said in the film referred to (the complainant)."

The Committee noted that its adviser had consulted a range of newspaper coverage of the trials and investigations over several years but found no reference to the complainant as "head teacher". He was often referred to as vice-principal. In the Yorkshire Post of July 2003 for example:

"[the complainant], 60, also known as Brother complainant, the vice-principal at St William's Roman Catholic School in Market Weighton, was cleared by a jury at Grimsby Crown Court yesterday".

The Committee noted that the Pocklington Post in February 2010 described him similarly:

"[the complainant], a former vice principal at St William's Catholic School for Boys..."

The Committee noted that apart from the Yorkshire Post in December 2010, which once described Carragher as "headmaster", all references to Carragher were to him as "principal" or "former principal":

"Claims were first launched six years ago, when the home's former headmaster, Brother James Carragher, was sentenced to 14 years in prison after being convicted of abusing boys at the home between 1968 and 1992."

The Committee noted that The Catholic Herald, Pocklington Post, The Observer, the Yorkshire Post every other time it covered the story, Hull Daily Mail and Northern Echo all use 'principal' or 'former principal'. The Committee's adviser could find no use of "head teacher" about either man and nothing similar in reference to the complainant.

The Committee noted that the IPCC report executive summary refers to "the conviction and imprisonment of James CARRAGHER, the school Principal".

The Committee noted that the Appeal Court judgment (published after transmission and therefore cited here only for guidance) does refer to Carragher as headmaster:

“The Director of the community was, at almost all material times, the brother-headmaster, although during part of the long headmastership of Mr Carragher (1976-1990) the two roles were split.”

And

“alleged abusers fall into at least 6 categories: i) Institute brothers who were on the teaching staff, including one Headmaster about whose abuse there is no doubt because he has been convicted of serial offences”

The Committee noted the Appeal Court judgment refers to the complainant as brother-teacher and lay teacher – but with no suggestion of him being headteacher:

“(the complainant), who had been a brother-teacher but had departed from the Institute and indeed married, was re-engaged as a lay teacher after doing so.”

The Committee considered that the complainant was not named in the piece nor referred to directly nor indirectly, that there was no evidence that the complainant was known as the headteacher, nor was there any confusion by the programme between him and James Carragher and therefore there was no breach of the Accuracy or Fairness guidelines

Finding: Not upheld

Point C

The Committee noted the complaint that:

“The programme included a contribution from Richard Kerman in which he referred to abuses in the school chapel. In fact no-one was found guilty of any abuses in the school chapel. This contributed to the inaccurate impression.”

The Committee considered whether the Accuracy guideline had been breached.

The Committee considered whether the BBC had demonstrated that the content was well sourced, based on sound evidence, thoroughly tested and presented in clear, precise language.

The Committee noted that the relevant script is:

Richard Kerman: “I’ve been involved in some very serious cases, but the sort of abuse that came to light during this enquiry was actually very very shocking to me. There was allegations of abuse in a chapel for example, that took place in a chapel and some of the detail that has not been released, I think would make any decent person feel very appalled at what had happened.”

The Committee noted that the complainant said there had been no proven evidence of abuse in the school chapel and therefore including the claim that there may have been abuse in the chapel made the matter look worse and more shocking than it was and that this was inaccurate.

The Committee noted the BBC’s response:

"Allegations of abuse in the chapel. We checked this with the police at the time of the interview, then checked again with solicitor David Greenwood. At that stage, we hadn't seen any mention of it in court papers. The solicitor told us that there were at least two fresh claims specifically referring to abuse in the chapel, from pupils who hadn't previously been heard in court.

Just to put this in context, it is worth remembering that Kerman's comments were specifically about James Carragher, a violent paedophile who has been convicted on a total of 35 counts of serious sexual offences - including buggery - against young boys in his care at St William's. He is currently serving 14 years in prison after a second trial. Below I have listed the number of counts for each of the two court cases.

He has faced two trials - the first one in 1993 resulted in convictions on 14 counts of sexual offences against nine young boys. The second case, brought in 2004, resulted in convictions on 21 counts.

These offences all took place at St William's over a 20-year period.

In the 2004 trial, four other defendants were also indicted, all of whom worked at the school.

However, on the weekend before the trial was due to start, a key witness committed suicide and this led to significant problems for the prosecution. This led to some charges against Carragher and a couple of other defendants being dropped. This includes allegations against Carragher with regard to the chapel - so it is not true that the allegations were deemed "fraudulent" but it is true to say they were dropped. I do not think we can assume that the witness was a liar but since he is dead his evidence cannot be tested. Equally, since these allegations pertain to Carragher, they cannot be deemed defamatory, given his record.

I have included here the full answer given by Kerman in interview so you can see the context of what he says - ie that he was told of more than one allegation of abuse in the chapel.

'In terms of this enquiry, I can honestly say I've been involved in some serious cases and seen some shocking things, but the sort of abuse that came to light during this enquiry was actually very shocking to me. Some of it's been covered in the press already.

But there was allegations of abuse in a chapel for example, that took place in a chapel. Very vulnerable young boys being terrified by Carragher in particular not to report these allegations. I can honestly report that what came out of Operation Aldgate was very very shocking, and some of the detail which has not been released, I think would have made any decent person feel really appalled at what had happened. St Williams at the time had a good reputation in childcare but we know what the truth was, and the man mainly responsible for that was one James Carragher.'

We also spoke to the solicitor representing the 170 people bringing a class action against the Middlesbrough diocese (this group contains people whose claims have been proven in court and also people who have come forward since the trials). He told us that, within that group, there are at least two further people who allege that they were abused in the chapel. As a general point, I would also reject (the

complainant's use of the word 'fraudulent' to describe testimony from anyone whose allegations did not result in a conviction or indeed anyone whose allegations have never been tested in a criminal court. Many victims (as evidenced above) feel unable to give evidence or make poor witnesses but that does not necessarily make them liars. Equally, I would accept that there could be some people whose claims are not valid."

The Committee noted its adviser had returned to the programme makers and asked about the "chapel" quote which the team said had been included on the basis that the solicitor leading the litigation claimed that there were at least two other people saying similar things. The adviser asked if the team had checked that or talked to them and asked what the police had said to confirm the allegation of abuse in the chapel.

The Committee noted that the producer had responded:

"With regard to the solicitor - we did not speak to the two further people claiming abuse in the chapel. The solicitor told us this and we saw no reason for him to lie about it. We have since rechecked this with him twice more as part of the complaints process and he has re-confirmed that this is the case.

With regard to what the police confirmed, we would refer you to the full answer from Detective Chief Superintendent Kerman as the Senior Investigating Officer, given in our previous response to you, which explains the context of what he was saying about abuse occurring in the chapel. The producer also had a short conversation with DCS Kerman after she had recorded the interview, in which DCS Kerman confirmed that these allegations hadn't come out at the time of the trial. This was a conversation which took place after the interview as the producer wanted to check with him that these allegations had not already been dealt with at the previous criminal trials."

The Committee considered that this information was well-sourced and properly checked. The Committee considered that the allegation was firmly attributed as it was made in the item by the policeman who led the investigation and that it was duly accurate for the programme-makers to include the allegation being made by a policeman without speaking to any witnesses who could corroborate the allegation.

Finding: Not upheld

Point D

The Committee noted the complaint that the programme did not mention that 26 other people (laymen and brothers) were accused during criminal enquiries but that either charges were dropped or they were acquitted.

"This was evidence of a lack of due impartiality because it did not draw attention to evidence of false accusations."

The Committee considered whether the Impartiality guideline had been breached and in particular whether "due impartiality" has been achieved. The Committee decided that this was not a controversial subject – it was not a matter of political or industrial controversy or a matter of current public policy. The Committee therefore considered whether the approach to impartiality in relation to this point was adequate and appropriate to the output taking into account the nature of the subject, the type of output, the likely audience expectation and the extent to which the content and approach was signposted. It also considered whether the BBC was fair and open minded when examining the

evidence and weighing all the material facts, and was objective and even handed in its approach to a subject.

The Committee noted that the complaint about Accuracy raised in connection with this point was upheld by the ECU and thus did not need to be re-opened.

The Committee noted that the ECU said in its finding letter:

"I have acknowledged that only one person has been convicted of abuse against pupils at St William's. This point should have been made clear because it was material to the audience's understanding of what is known to have taken place, and indeed, who was responsible. However, that seems to me to raise an issue of accuracy rather than one of balance or impartiality. The omission of any reference to the fact that some people who worked at the school were acquitted of child abuse charges does not seem to me to be evidence of a lack of even-handedness. I'm therefore not upholding your complaint in this respect."

The Committee noted the complainant's response to the ECU finding of a partial uphold on accuracy but not impartiality:

"On the question of impartiality ... suffice it to say that had the (programme producer) indicated in the piece the fact that 82 counts of abuse saw the light of day before the courts in criminal proceedings and that 21 of them were substantiated in respect of one person only, then viewers may have had the opportunity to do the simple arithmetic and conclude that 75% of the allegations resulted as Not Guilty (3 of the findings of Guilty are now pronounced as unsafe by IPCC, yet you refuse to attach any importance to the IPCC report!) (the BBC) made no attempt to put in any such figures but then that did not fit the 'spin'."

The Committee noted that the complainant said that not making it clear, for instance, that the programme's chief witness, Robert Maxwell, had been sent to St Williams by court order rather than by the request of his mother, made it more likely his testimony would be believed.

The Committee noted that the complainant said there had been many instances of "false accusations" in this long-running case and that it is a breach of the Impartiality guideline for these to be not even mentioned in the piece.

The Committee noted that the programme producer was clear that the acquittals were not mentioned in the script because, given that Carragher had been convicted and that there were further claims of abuse from former pupils, it was of concern that if the acquittals were referenced, the programme might be seen to be implying that those people who had been acquitted could be implicated in the further claims of abuse. She had decided it would be safer not to refer to the acquittals or include any names of those staff not convicted of abuse.

The Committee noted that, asked why it was not made explicit that Robert Maxwell was sent to school by court order (which might go to his credibility as a witness) she responded:

"Maybe we could have been more precise. We could have gone into a great deal more detail about how and why Robert ended up at the school, and what led to him getting a court order but we felt we had made it clear at a couple of points that it was an approved school and that he was no angel. Our main focus was not

the 'minor' offences he had committed (truanting and stealing) but the much more serious offences which were undoubtedly committed at this school."

The Committee noted that the reporter began the whole piece by referring to:

"one of the biggest and most disturbing cases of clergy sexual abuse happened here in Yorkshire."

The Committee considered whether, if it had been made clear that there had only been one conviction and 25 cases where either charges were dropped or the accused acquitted, as the complainant stated, this would have given a wholly different feel to the piece and that not to do so amounted to not being "objective and even-handed" and therefore to a breach of the Impartiality guideline.

The Committee noted that this was a current affairs item reporting on an issue of public interest. It noted that the subject of the item was clearly signposted in the introduction:

"The abuse of children by clergymen is one of the biggest and saddest scandals of recent years; while in America millions of pounds has been paid out in compensation, closer to home in Market Weighton the victims of abuse in a Catholic residential school are still waiting for an apology, Asha Tanna has the story."

And then:

"It's a world-wide scandal, but one of the biggest and most disturbing cases of clergy sexual abuse happened here in Yorkshire."

The Committee concluded that child abuse by the Principal of an approved school had been established in court. It was not necessary to mention the acquittals or raise the possibility of 'false accusations' or give further information about Mr Maxwell in order to achieve due impartiality.

Finding: Not upheld

BBC News Online coverage of Nigerian riots

1. Background

This is an appeal against the response by BBC News to a complaint about BBC News' website coverage of violence in Northern Nigeria in January 2010. The BBC rejected the complainant's arguments that by relying on the BBC Hausa service the coverage was one-sided.

The complainant cited six articles where he believed that:

- **Point One:** the true cause of the violence was ignored
- **Point Two:** the figures for Muslim dead were wrong
- **Point Three:** one article wrongly implied that Muslims had been the only victims and that Christians had been the only aggressors
- **Point Four:** attacks on Muslims had been reported in detail but those on Christians had been more vague
- **Point Five:** Muslim spokesmen had been quoted from the outset but that the first comment from Christians was seven days later
- **Point Six:** even when there was some equity, it was the Muslims mentioned first
- **Point Seven:** the BBC wrongly sought to justify this by pointing to coverage two months later

An outbreak of violence between communities living in the city of Jos in Northern Nigeria in January 2010 resulted in hundreds of deaths. The trouble – which spread to other towns and villages in the area – lasted several days. The casualty figures and initial causes of the fighting continue to be the subject of dispute.

The region has seen outbreaks of violence previously: in 2008 at least 200 people died and even more in 2001. On each occasion, there has been no consensus on the cause: it has been blamed by some on religious differences between Berom Christians and Hausa Muslims. Others ascribe the tension to political differences and disputes between settlers and indigenous peoples.

The particular outbreak which the stories in question covered (2010) led the Nigerian government to set up an inquiry, although its terms of reference have been disputed and the report had not yet been published when the ESC met.

2. The complaint

Stage 1

The complainant initially contacted the BBC in February 2010 claiming the coverage of violence between Christians and Muslims in the town of Jos in Nigeria was biased and unbalanced and did not reflect the reality of the situation.

He felt that the emphasis in the reporting was on Christian violence and Muslim victims, without balance from the Christian side.

The BBC Audience Services response explained that there were – and still are – conflicting accounts as to the cause of the violence, with no single definitive answer. The response explained that while the BBC was sensitive to the claims of both communities the Christian community was reticent about giving access and saying how many of their number had been killed. The analysis boxes published

alongside each article had provided the context for the events.

The complainant requested a more detailed response.

The second response came from the Africa Editor of BBC Online. He said the pieces did not only rely on the BBC Hausa service for its coverage of Nigeria, but also received information from other BBC reporters based in the country. He added they also used several newswires as sources, along with groups such as Human Rights Watch.

The Editor explained the difficulties in confirming the origins of the violence but that different views had been covered and the coverage was not biased in favour of Muslims. He provided examples of how BBC Online avoided portraying one side or another as perpetrators.

He added that the BBC believed that the complainant was correct in saying that there had been some misinformation coming out of Jos, but that they also believed this was from both communities.

Stage 2

The complainant then wrote to the Editorial Complaints Unit (ECU) on 13 July 2010. He said the BBC response had not been able to point to any examples where the coverage had given prominence to violence against Christians to counter the one-sided nature of the coverage.

He said that he was astonished that the BBC was still unable to establish how the violence had started and gave his understanding of the reasons behind the violence.

The complainant added that failure to provide any context to the violence was misleading and that the BBC consistently played down the religious element in the conflict in favour of Islam.

Following correspondence with the ECU, the complaints lead for BBC World Service addressed the complainant's points about religious bias, explaining the sources that were consulted and the problems with misinformation.

She explained that she had talked with colleagues in BBC News who said the lack of any credible report or inquiry on the mass killing of January and March 2010 meant that even now there was little reliable data or evidence in the public domain.

She also disagreed with the complainant's contention that the trigger of the January violence had been clear, and explained that this was not the experience of BBC staff at the time. She said that when violence erupted in Nigeria, there was always confusion over data and the experience of journalists was that it was Muslim NGOs who offered data first.

Appeal to the Trust

The complainant then appealed to the Editorial Standards Committee of the BBC Trust on 29 November 2010.

The Head of Editorial Standards decided that the first six points of the appeal did not refer to the substantive complaint regarding editorial content but were general comments on the BBC responses already received, or were related to the employment of staff in the BBC Hausa service, both of which were outside of the remit of the Editorial Standards Committee to consider.

The Head of Editorial Standards informed the complainant that some elements of the appeal should proceed to the Editorial Standards Committee:

- (A) The complainant raised the following points in relation to the accuracy of the various reports:
- That unsubstantiated specific statistics for the death of Muslims were published – by contrast, those for Christians were vague.
 - That the BBC relied on figures supplied by the organisation Human Rights Watch, which he believed were not to be trusted.
- (B) The complainant also raised the following points in relation to the impartiality of the various reports:
- That a more detailed account of the attacks on Muslims was given than on Christians
 - That Muslim leaders were quoted several times – but it took seven days from the first story being published to secure a quote from a Christian
 - That even when both sides were given equal treatment, the story was laid out to have Muslims listed first
 - That the effect of this was to suggest Muslims were the principal victims, and to imply that Christians were responsible for more of the violence. This was therefore neither even-handed nor impartial.
- (C) The complainant also raised the following points about the BBC's conduct in framing the stories and in its responses to his complaint:
- That the BBC sought to justify the lack of a Christian perspective by pointing to coverage two months later.

3. Applicable Editorial Guidelines

These articles were published before October 2010 so the Editorial Guidelines 2005–2010 were the appropriate guidelines to use in considering this complaint.

Section Three – Accuracy

The BBC's commitment to accuracy is a core editorial value and fundamental to our reputation. Our output must be well sourced, based on sound evidence, thoroughly tested and presented in clear, precise language. We should be honest and open about what we don't know and avoid unfounded speculation.

For the BBC accuracy is more important than speed and it is often more than a question of getting the facts right. All the relevant facts and information should be weighed to get at the truth. If an issue is controversial, relevant opinions as well as facts may need to be considered.

We aim to achieve it by:

- the accurate gathering of material using first hand sources wherever possible.
- checking and cross checking the facts.
- validating the authenticity of documentary evidence and digital material.

- corroborating claims and allegations made by contributors wherever possible.

Misleading Audiences

We should not distort known facts, present invented material as fact, or knowingly do anything to mislead our audiences.

Section Four – Impartiality and Diversity of Opinion

Impartiality lies at the heart of the BBC's commitment to its audiences. It applies across all of our services and output, whatever the format, from radio news bulletins via our web sites to our commercial magazines and includes a commitment to reflecting a diversity of opinion.

The Agreement accompanying the BBC's Charter requires us to produce comprehensive, authoritative and impartial coverage of news and current affairs in the UK and throughout the world to support fair and informed debate. It specifies that we should do all we can to treat controversial subjects with due accuracy and impartiality in our news services and other programmes dealing with matters of public policy or of political or industrial controversy. It also states that the BBC is forbidden from expressing an opinion on current affairs or matters of public policy other than broadcasting. Special considerations apply during the campaign periods for elections.

In practice, our commitment to impartiality means: (relevant clauses)

- we seek to provide a properly balanced service consisting of a wide range of subject matter and views broadcast over an appropriate time scale across all our output. We take particular care when dealing with political or industrial controversy or major matters relating to current public policy.
- we strive to reflect a wide range of opinion and explore a range and conflict of views so that no significant strand of thought is knowingly unreflected or under represented.
- we exercise our editorial freedom to produce content about any subject, at any point on the spectrum of debate as long as there are good editorial reasons for doing so.
- we can explore or report on a specific aspect of an issue or provide an opportunity for a single view to be expressed, but in doing so we do not misrepresent opposing views. They may also require a right of reply.
- we must ensure we avoid bias or an imbalance of views on controversial subjects.

Achieving impartiality

Impartiality must be adequate and appropriate to our output. Our approach to achieving it will therefore vary according to the nature of the subject, the type of output, the likely audience expectation and the extent to which the content and approach is signposted to our audiences.

Impartiality is described in the Agreement as "due impartiality". It requires us to be fair and open minded when examining the evidence and weighing all the material facts, as well as being objective and even handed in our approach to a subject. It does not require

the representation of every argument or facet of every argument on every occasion or an equal division of time for each view.

News, in whatever form, must be presented with due impartiality.

4. The Committee's decision

The Committee considered the complaint against the relevant editorial standards, as set out in the BBC's editorial guidelines. The guidelines are a statement of the BBC's values and standards.

In reaching its decision the Committee took full account of all the available evidence, including (but not limited to) the Editorial Adviser's report.

This appeal raises issues requiring consideration of the editorial guidelines relating to accuracy and impartiality.

The Committee noted that the first of the six articles carried a side box by Shehu Saulawa of the BBC Hausa service:

Jos has long been a time-bomb waiting to explode.

The town is split into Christian and Muslim areas. The divisions have been perpetuated by Nigeria's system of classifying people as indigenes and settlers.

Hausa-speaking Muslims have been living in Jos for many decades but are still classified as settlers, meaning it is difficult for them to stand for election.

The two groups are also divided along party political lines with Christians mostly backing the ruling PDP, and Muslims generally supporting the opposition ANPP.

In Nigeria, political office means access to resources.

The Committee noted that four of the other reports carried a side box with the following background information:

JOS, PLATEAU STATE

- Deadly riots in 2001 and 2008
- City divided into Christian and Muslim areas
- Divisions accentuated by system of classifying people as indigenes and settlers
- Hausa-speaking Muslims living in Jos for decades are still classified as settlers
- Settlers find it difficult to stand for election
- Divisions also exist along party lines: Christians mostly back the ruling PDP; Muslims generally supporting the opposition ANPP

With regard to the first two points of the complaint, the Committee considered whether the accuracy guideline had been breached. In particular, the Committee considered whether the BBC had demonstrated that the content was well sourced, based on sound evidence, thoroughly tested, presented in clear, precise language, honest and open about what it did not know and avoided unfounded speculation.

The Committee also considered whether the subject and nature of the content required the BBC to also demonstrate that it gathered material using first hand sources wherever

possible, checked and cross checked facts, corroborated claims and allegations made by contributors wherever possible, attributed claims, allegations, material facts, or other content that could not be corroborated.

And the Committee considered whether the BBC knowingly and materially misled its audiences with its content. In particular whether it clarified the nature of the content by labelling to avoid being misleading, distorted known facts, presented invented material as fact, or otherwise knowingly did anything to mislead its audience.

The Committee considered the seven points in order.

Point 1: The true cause of the violence was ignored thereby breaching the accuracy and impartiality guidelines

The Committee noted that this is how the various articles covered the causes of the violence:

In the first article:

“It is unclear what the trigger was for the latest bout of violence. Plateau State spokesman Dan Manjang told Network Africa there were reports that it may have started after a football match. But he said it would be surprising if football was the reason. Reuters quoted residents as saying the violence started after an argument over the rebuilding of homes destroyed in the 2008 clashes.”

<http://news.bbc.co.uk/1/hi/world/africa/8468456.stm>

The Committee noted that a version of that form of words appeared in the second, with the additional lines:

“Correspondents say such clashes in Nigeria are often blamed on sectarianism. However, poverty and access to resources such as land often lie at the root of the violence.”

<http://news.bbc.co.uk/1/hi/world/africa/8469863.stm>

The Committee noted that this was also repeated in the third article (<http://news.bbc.co.uk/1/hi/world/africa/8473891.stm>)

The Committee noted that the sixth had this:

“Jos, the capital of Plateau state, lies between Nigeria's mainly Muslim north and predominantly Christian south and has seen sectarian riots in the recent past. But analysts say the real cause of the violence is a struggle for political superiority in the city.”

<http://news.bbc.co.uk/1/hi/world/africa/8482666.stm>

The Committee noted that in a by-lined article on 26 January 2010, Caroline Duffield reported from Jos:

“The town is predominantly Christian, with Hausa Muslims in the minority. But people here respect faith. Everyone insists this violence is not about religion. It is about politics, they say. Jos has an ugly history of violence at election times. Local

politicians are accused of orchestrating violence to rig elections and intimidate their rivals.”

<http://news.bbc.co.uk/1/hi/world/africa/8478335.stm>

The Committee noted that the complainant said that “Caroline Duffield and [the] BBC state that there was no clear cause of the violence, citing several different stories.” The complainant then added:

“Curiously all the stories agree that attacks on churches were the trigger for the violence, although which church is not agreed. Mark Lipdo at Stefanos Foundation is cited by the BBC as a reliable source. You might therefore like to ask him for a copy of his well researched paper into the cause of the outbreaks.”

The Committee noted that there is, in fact, no reference in any of the six online articles to the cause being attacks on churches but understood that the complainant, however, believes that the violence started in a church and provided a narrative of events as told to him by his sources: that 200 Muslim workers were brought into rebuild a house destroyed in the riots in 2008; that the local village head was not warned; that those Muslim workers chanted slogans and one got into an argument with a local man; that this was the spark for attacks by Muslims - including by some Muslim footballers nearby – on Christians and their buildings.

The Committee noted that in the second Stage 1 response, the Africa editor of BBC Online told the complainant that:

“While some news agencies may have said the violence started with an attack on a church, that has not been confirmed to our satisfaction. Caroline Duffield says she has been to St Michael's church and it was never attacked, although there are some reports that worshippers were attacked outside.”

And the Committee noted that in the Stage 2 reply, which the complainant is appealing, the BBC sought further clarification and reported Caroline Duffield's response:

“At the time of the January violence, there was no officially endorsed version from the police or local government of the cause. Anonymous SMS messages circulated and the BBC received hundreds of calls and emails. Rioting in Jos spread quickly and many neighbourhoods suggested they were attacked ‘first’. There was a lack of evidence underpinning these claims, and a clear risk of reporting rumour as fact. In the city of Jos, the BBC saw two different houses rebuilds said to be the cause of violence, and heard about attacks on at least three different churches said to be the cause. Weeks after the violence, one story, told in different ways, gained popularity. To my knowledge, it has never been officially set down as fact by any investigating body or the police. I would remain cautious about offering it as fact.”

The Committee noted that the Stefanos Foundation, referred to by the complainant, describes itself as follows:

“Stefanos is the rising hope of the persecuted. Our main aim is to serve persecuted Christians in Nigeria and around the world. We espouse a policy of non-retaliation towards aggressors, believing this to be the way of Christ.”

The Committee noted that the BBC informed the complainant at Stage Two that it had commissioned Mark Lipdo of the Foundation to gather data on the violence. He was able

to provide some assistance, but not hard figures. Caroline Duffield was in contact with him regarding data for the numbers of Beroms killed in the January 2010 violence:

"I approached him [Mark Lipdo of Stefanos] in January and asked him to compile figures, because of the lack of information, and he said he would try. On 25/01/10, he did send me a report about his assessment of the cause of the violence, which I'd already spoken about on-air. However, it did not contain data about the numbers killed or displaced. I called him, several times, to seek more detail, but I didn't hear back from him until some five weeks afterwards. Then, he said he 'had a general sense that the number was between 30-50'.

"I felt more than a 'general sense' was needed as a basis for a factual news report, and that weeks afterwards, a 'best guess' was not news: I had already talked about 'scores of people reported killed from the Berom community' 'significant numbers reported killed.' I asked him for a press release detailing the final numbers of people killed across the region during the violence. He did tell me a press release with proper figures would come soon - but I never saw this, either sent to me, or on the Stefanos website, or reported in the media - so I was disappointed. Plateau State government and the police have never given any figures."

The Committee noted the BBC did run material from Mark Lipdo some weeks later – but in the context of a further outbreak of violence which appeared targeted at the mainly Christian Berom community in March 2010.

The Committee noted that the complainant made reference at various stages in the complaint to a report commissioned from Chief (Dr) Solomon Lar, who was asked to lead a commission of 28 members to examine the causes of the violence in January 2010. The report does not appear to have been formally made public but there is a reference to the report's findings in the Daily Trust newspaper, published in the capital Abuja which reported on 2 September 2010 that:

"The Lar's committee has, after due consideration of several memoranda, found that the crises arose out of high suspicion among ethnic groups in Jos North Local Government area, the quest for political power and land ownership as well as the misuse of religion for selfish interest.

Although the committee noted that religion was 'exploited by some individuals and groups to gain political popularity and support' it stated that religion was not the main cause of the crises. It indicted the Plateau State Independent Electoral Commission for being partisan during the conduct of the local government election in Jos North."

<http://allafrica.com/stories/201009020221.html>

The Committee concluded that there was no evidence that, in respect of reporting the causes of the violence, the articles did not conform to the BBC guidelines. The Committee thought the evidence was presented in clear, precise language with appropriate attribution. The Committee thought there was nothing that could have misled the audience.

Finding: Not upheld

Point 2: The figures for Muslim dead were wrong thereby breaching the accuracy and impartiality guidelines

The Committee noted that the specific section of the article said:

“An exact death toll is not known but overall 300 or more are thought to have died in the Muslim-Christian clashes. Muslim officials in Jos who spoke to the campaign group Human Rights Watch said 364 Muslims had been killed. Christian groups say their communities have also been attacked but they have not said how many people were killed.”

The Committee noted that the complainant took issue with the article which stated, on Jos as a whole:

“An exact death toll is not known but overall 300 or more are thought to have died in the Muslim-Christian clashes.”

This was followed immediately by:

“Muslim officials in Jos who spoke to the campaign group Human Rights Watch said 364 Muslims had been killed.”

The Committee noted that the complainant believed that:

“...this unfortunate immediate juxtaposition clearly implies that Muslims are the majority of the victims if not all of them, 364 out of 300 [*sic*]”.

The Committee noted that the BBC’s position was that the disparity in the various figures of numbers who died – even within one article – is clearly a feature of the coverage of this conflict. The BBC has explained how there is no single reliable point of information which would allow figures to be published with any certainty. But it provided a list of senior local government and police officials, and other official sources, who were contacted and who were unable to supply authoritative figures. The figures for Muslim dead were supplied by local Muslim leaders but Christian leaders contacted were either unwilling or unable to supply figures for their dead.

The Committee noted that the figures, as published, come from different sources. But it considered that, in quoting local spokesmen for the Muslim community listing what they believed to be the figures for the number of Muslims who died, the BBC did not breach the guidelines whereby facts should be checked and cross-checked.

The Committee concluded that in such situations there is bound to be confusion and that it was common for there not to be precise figures as to the number of casualties. The Committee did not think that the use of this figure suggest that the Muslims were the majority if not all of the victims, as the complainant believed. And the Committee thought that the reference to Christian groups did provide sufficient context to ensure viewers were not misled into believing that only Muslims had been killed. The Committee concluded that the BBC did what it could to get to the bottom of the figures and that this was presented in clear precise language, was appropriately attributed and did not mislead the audience.

Finding: Not upheld

Point 3: That one article wrongly implied that Muslims had been the only victims and that Christians had been the only aggressors thereby breaching the accuracy and impartiality guidelines.

The Committee noted that the complainant made two separate accuracy points here.

It noted that the two relevant extracts regarding the main issue read:

"An exact death toll is not known but overall 300 or more are thought to have died in the Muslim-Christian clashes. Muslim officials in Jos who spoke to the campaign group Human Rights Watch said 364 Muslims had been killed. Christian groups say their communities have also been attacked but they have not said how many people were killed."

"Human Rights Watch said armed men had attacked the mostly Muslim Kuru Karama on 19 January. 'After surrounding the town, they hunted down and attacked Muslim residents, some of whom had sought refuge in homes and a local mosque, killing many as they tried to flee and burning many others alive,' it said in a statement."

A third relevant extract reads:

"Umar Baza, head of Kuru Karama village, told AFP news agency: 'So far we have picked 150 bodies from the wells. But 60 more people are still missing'."

The Committee noted that the complainant's position was

"It seems well established now that both Christians and Muslims were killed in the attack in Kuru Karuma. It is also still unknown who the attackers were. BBC Online coverage 'Nigeria Bodies stuffed in wells' at least strongly implied the attackers were Christians and most of the victims were Muslims: 'After surrounding the town, they hunted down and attacked Muslim residents, some of whom had sought refuge in homes and a local mosque, killing many as they tried to flee and burning many others alive.' You may say you were only quoting HRW [Human Rights Watch] but that does not help if it was wrong."

[<http://news.bbc.co.uk/1/hi/world/africa/8476534.stm>]

The Committee noted the complainant also referred to his second letter at Stage 1, where he quoted his own source in the region which, he said, cast doubts on the BBC's newsgathering and reporting of the story:

"The headman's name is Mr Ajalo Gambo, not Mr Umar Baza. Mr Gambo is not a Muslim. Mr Gambo is perplexed by the (western) reporting, as a verbatim interview passed to me states: 'He was bemused that "those people from abroad" did not seek him out for clarification and said "They just went ahead and were doing what they wanted. And all the things they showed, burnt houses and all, all of that were Christian homes.'"

The Committee noted that two points arise from this – the accuracy with regard to the headman sourced from AFP [Agence France Press] and accuracy with regard to the description of the village and the attack on it sourced from Human Rights Watch.

The Committee noted the BBC position with regards to the headman of the village and that in order to seek clarification for this appeal, the BBC's Caroline Duffield – who was not the author of this particular report - checked her own contacts in the area, because, she said:

"I have never met anyone called Ajala Gambo. [I spoke to] Col. Ogundele, Jos Army Task Force Investigation Officer who said 'I did not meet any Ajala Gambo in the Kuru axis as I investigated the violence of January 2010 after the killings. The problem I had, was that no-body would come out to identify himself as any leader of Berom Christians there. So there was no Ajala Gambo man who formed any part of my inquiries. But I do know the village head man in Kuru personally. He is

the elderly father of the chairman of the Jos South local government area, but he is not called Ajala Gambo.”

And this from Sam Choji, Catholic activist and teacher at St. Joseph's College, in neighbouring Vom:

“I have never heard of this name, Ajala Gambo, before. It is surprising to me, since for a long time, I have known Kuru well. I have always gone there frequently, since our local church headquarters is still there. There are few people still living there today. But I have made inquiries among three families still living there for you, and no-one in those families has ever heard of him.”

The Committee concluded that the use of the quote from the AFP news agency which named the headman as Umar Baza (which the complainant disputes) did not breach the accuracy guideline which says:

“We should normally only rely on an agency report if it can be substantiated by a BBC correspondent or if it is attributed to a reputable national or international news agency.”

The Committee did not think that, in the context of the article as published, this is a substantive point which suggested the audience had been misled.

The Committee noted the complainant's position with regard to Human Rights Watch and that the complainant was also concerned at the use of quotes and information from the organization. In his original complaint, he said that while he did not blame the BBC for citing the HRW's "erroneous material", he believed that if the sources were questionable – and he believed they were – these errors were being compounded by “dubious cross-referencing”. He suggested that the organisation may be wrong.

The Committee noted the complainant had done his own research. He said the village was not mostly Muslim but mixed, that the head of the village was not that named in the BBC report [see above] and that it was Christian homes that were burned.

The Committee noted that, for this appeal, the BBC responded:

“Nigerian NGOs and the government here take them [Human Rights Watch] seriously. They are the only international organisation ever invited to give evidence at two Commissions of Inquiry on violence in Jos, regarding the 2008 outbreak of violence, of 28th/29th Nov. 2008. HRW testified at the Plateau State Commission of Inquiry in July '09, and at the Federal Panel of Investigation on Jos, in December '09. Their American team did so after carrying out weeks of fieldwork. They also submitted petitions to the House of Reps. and the Senate in Abuja.”

The Committee noted that at Stage 2, the BBC gave this explanation about the difficulties of reporting this conflict:

“When violence erupts, all available sources – local government, spokesmen, the police, military, federal government emergency teams, the Red Cross, local businessmen, NGO workers, eyewitnesses and experts on all sides - are consulted. It is striking that no judicial inquiry or investigating committee has yet examined or reported on the violence of either January 2010 or March 2010 and so, contrary to your suggestion otherwise, there is a lack of verifiable, evidence-based facts in the public arena.”

The Committee noted that Human Rights Watch describes itself as:

“one of the world’s leading independent organizations dedicated to defending and protecting human rights. By focusing international attention where human rights are violated, we give voice to the oppressed and hold oppressors accountable for their crimes. Our rigorous, objective investigations and strategic, targeted advocacy build intense pressure for action and raise the cost of human rights abuse. For 30 years, Human Rights Watch has worked tenaciously to lay the legal and moral groundwork for deep-rooted change and has fought to bring greater justice and security to people around the world.”

The Committee decided that it was acceptable for the BBC to quote from Human Rights Watch – which is an established NGO with a strong historic record of on the ground research in the difficult and contentious area of human rights abuses – in laying out the narrative of what may have happened in the town that day. The Committee concluded that this complied with the guideline which says:

“We should try to witness events and gather information first hand. Where this is not possible, we should talk to first hand sources and, where necessary, corroborate their evidence. We should be reluctant to rely on a single source. If we do rely on a single source, a named on the record source is always preferable.”

The Committee considered that there was no reason to think that the articles were not accurate – apart from the complainant’s own allegations. Blame was not attributed to only one side and due impartiality was achieved. The Committee concluded that the articles as a whole did not imply that Christians alone were to blame and the audience would not have been misled.

Finding: Not upheld

Point 4: That attacks on Muslims had been reported in detail but those on Christians had been more vague thereby breaching the impartiality guidelines

The Committee considered the tests as to whether the guidelines on impartiality had been breached in point 4.

The Committee noted that the complainant believed that attacks on Muslims were reported in detail while attacks on Christians were more vague, and that Muslim leaders were quoted several times from an early date yet the first Christian leader was not quoted until 27 January 2010.

The Committee also noted that the complainant took issue with BBC claims that facts and figures are quickly available from Muslim sources while Christians are unable to provide casualty figures. This, he said, raised a serious question about why this should be so:

“Whatever the reason, providing unsubstantiated statistics for Muslim victims and vague ideas on Christian victims is not ‘impartial’ or ‘even-handed’”.

The Committee noted he refers to his original complaint concerning the level of detail:

“There was much more detail on Christian violence and Muslim victims (mobs going from house to house, bodies stuffed in wells and sewage pits) than there was on Muslim violence and Christian victims. For example see ‘Nigeria bodies stuffed in wells’ 23/1/2010 and ‘Nigeria riots: our homes were razed’ 26/1/2010. There appear to be no equivalent detailed Christian victim stories.”

“When reporting ‘Nigeria Texts fuelled Jos riots’ (27/1/2010) the story implies that texts were circulated to both Christians and Muslims but the majority of the story and all the detail is about false texts circulated to Christians calling for attacks on

Muslims and the call by religious (Christian?) leaders to ignore the texts. Again the bias is towards Christian misinformation and potential Christian violence.”

The Committee noted the relevant material in the articles and a summary of what was said:

On 20 January it was reported that:

- 200 had died (attributed to Human Rights Watch) – no religious breakdown
- Two Muslim representatives quoted talking of 192 bodies and 149 bodies respectively
- There was no independent verification of totals and “it is not known how many Christians died”

Later that day it was reported that:

- Religious officials were talking of 265 deaths
- Among the dead were said to be 65 Christians and 200 Muslims
- One senior mosque official told Reuters of 350 deaths among Muslims
- No independent verification was possible

On 22 January it was reported that:

- At least 265 people were reported dead - but there was no breakdown of figures from each community

On 23 January it was reported that:

- Up to 150 bodies had been found in the village of Kuru Karama
- An exact death toll is not known but overall 300 are thought to have died
- Muslim officials speaking to Human Rights Watch told of 364 Muslims having been killed
- Christian groups say their communities had also been attacked but did not say how many people had been killed
- Human Rights Watch says armed men had surrounded the town and then hunted down and attacked Muslim residents – killing many and burning many others alive

On 26 January Caroline Duffield reported that:

- A member of a Muslim Aid group had arrived in the village and described how 62 corpses were pulled from the village wells
- A local mosque reported receiving 31 corpses
- Most of the people she met were Hausa-speaking Muslims but that Christian groups said they were also attacked, although they had not given any details about how many died

On 27 January it was reported that:

- 326 people had died overall – with other estimates much higher
- Muslim officials had told rights groups that 364 Muslims were killed
- Christian leaders had not yet confirmed a death toll – although earlier estimates had put the figure at 65.

The Committee noted the BBC response:

At Stage 1, the Africa editor of BBC Online said that Caroline Duffield had good contacts in the Christian community in Jos, with whom she checks information.

In the Stage 2 response BBC World Service said:

“When violence erupts in Nigeria, there is confusion over data. Local and federal police give conflicting and unlikely figures. Local newspapers and state radio offer figures of their own. Even today, the most senior police officers in Plateau State, and in Nigeria, are vague when asked about the precise numbers killed in January and March 2010. When violence erupts, the experience of journalists is that Muslim NGOs are the first to offer data. Detailed lists of names are displayed in mosques, alongside corpses, for the local and international media to examine. But in the recent past there has been a corresponding lack of similar data from the diverse community of Berom Christians and other ethnic groups. Simply put, the numerous churches - COCIN church, ECWA church, local Baptists, Catholics, Pentecostals, Evangelicals and Anglicans – have not recorded the same data and detail to publish.”

“The BBC was concerned by this during the January crisis, and approached the Christian Stefanos Foundation over the problem. Their activist, Mark Lipdo, undertook to contact hundreds of small communities, gathering and verifying basic facts from the Berom Christian and other indigenous communities. That data has sometimes taken weeks to reach completion, but when it does, it is reported. Thanks to his efforts, lack of data from the indigene community is less severe than it was.

“Our aim is to build up the jigsaw and complete the picture of what is happening over time. As journalists committed to due impartiality, our intent is to ensure we give our audiences the facts, the context and the widest possible range of views and perspectives over the course of time and to help them form their own judgments about events. It is not our role to take an approach on behalf of audiences.”

The Committee noted the information regarding Mark Lipdo given in reference to the previous point.

The Committee noted the complainant alleged that Caroline Duffield was “very difficult to contact” and was, according to his sources, “noticeably absent during the Jos violence”.

The Committee noted the BBC is clear on this. Caroline Duffield informed the Committee that:

“The Jos violence of January 2010 began on the 17th. It was not until the day of the 23rd I reached Jos. I didn't write anything for the website during these days, as I was working on our risk assessment and travelling.”

The Committee noted that for this appeal, Caroline Duffield had put on record the attempts made to clarify the casualty figures and the causes:

“I did speak to many people to uncover a picture of what was happening, and to ask for interviews. I talked to Dan Manjang, official spokesman for the Plateau State local government, and to the State Commissioner of Information, Gregory Yenlong. Both are Berom and represent the Berom-dominated local government: neither would talk to me in detail about the violence, discuss the number of deaths on either side, how it started, or allegations of responsibility. They did give statements urging calm and asked people to stay indoors. In this period I also

spoke to the Plateau State Police Commissioner, and his superior, AIG Iroham - both are Christian; Red Cross teams; Charles Agbo, director at NEMA, the National Emergency Management Agency; Sunday Onohua of the Inter-Faith Action Association; and other friends and contacts in Jos. These conversations happened as I travelled to Jos. I also requested an interview with the office of the Roman Catholic Archbishop of Jos, Ignatius Kaigama, and I left messages at the offices of CAN in Nigeria and WOWICAN, the women's wing of CAN. I either had to leave messages, or people were out of the country, or unavailable to give interviews. No-one came back to me at this time."

The Committee noted the key aspect of the Accuracy guideline here would be:

"We should be honest and open about what we don't know and avoid unfounded speculation."

The Committee considered that what was in the articles suggested that the BBC had made every effort to comply with this. The Committee thought the journalists had done a lot of work to try to redress the balance of a lack of information on the Christian casualty figures. They had gone to a Christian foundation and asked for help – though this was not productive at that time. They had had more information from the Muslim side but they did try to be even-handed. The Committee concluded that the journalists put considerable effort into seeking to ascertain accurate figures. The fact that there was not an equal response from different groups does not imply a lack of impartiality nor a breach of the editorial guidelines.

Finding: Not upheld

Point 5: That Muslim spokesmen had been quoted from the outset but that the first comment from Christians was seven days later thereby breaching the impartiality guidelines

The Committee noted that the complainant said that BBC Online quoted several Muslim leaders but took over a week to quote a Christian leader:

"The excuse that Christian leaders are often hard to contact beggars belief. And if it was difficult in Nigeria, why not get a quote from someone in the UK?"

The Committee noted this summarised his original complaint in which he said:

"It appears that BBC sources were talking to Muslims from an early stage as Muslim leaders were quoted from an early date ... It does not appear that a Christian leader was quoted before quite late, possibly the first was Rev Joseph Hayah in "Nigeria texts fuelled Jos riots" on 27/1/2010

The Committee noted a summary of the articles:

- The first 20 January article carried quotes from the head of the central mosque in Jos and a mosque worker.
- The second 20 January article that day quoted one of them again.
- On 22 January, the same head of the central Mosque was quoted.
- On 23 January, the head of Kuru Karama village was quoted via the AFP news agency describing events in the village; Human Rights Watch was quoted describing the same events; the Catholic Archbishop of Jos Ignatius Kaigama was quoted as saying religion was not the real cause of the violence.
- On 26 January, an official of a Muslim aid group was extensively quoted; a Christian churchgoer was quoted; the Catholic Archbishop was again quoted.

- On 27 January, the Rev Joseph Hayab was quoted on the subject of how text messages had contributed to the violence.

The Committee noted it was three days before a Christian voice was included in the coverage, (not the seven as suggested by the complainant).

The Committee noted the BBC had informed the complainant at Stage 1 that, for whatever reason, Christian leaders were often reticent to talk to the media.

The Committee noted that its editorial adviser's search of media published at this time had failed to establish any source with a definitive figure for Christian casualties. The Committee also noted the BBC's explanation as laid out in the previous point. And that the Africa Editor of BBC Online is unconvinced at the suggestion from the complainant that a quote should have been sought from elsewhere:

"I fail to see what a Christian spokesman in the UK would have to say which would add value to our coverage. As our stories state, the clashes are not about religious matters but a combination of ethnic-linguistic-religious-economic-political divisions."

The Committee considered that the failure to quote a spokesman for the Christian community over three articles in three days – not the seven the complainant asserts - did not breach the guidelines on giving due weight to opinion and the main strands of an argument.

The Committee concluded that there is no evidence the BBC journalists did not try to get a response, indeed there is considerable evidence that they did. As above, it is not a breach of the impartiality guidelines if one group is not in a position to respond swiftly.

Finding: Not upheld

Point 6: That even when there was some equity, it was the Muslims mentioned first thereby breaching the impartiality guidelines

The Committee noted that the articles state variously:

Nigeria Religious Riots 'kill 200' in Jos

At least 200 people have been killed in violence between Christians and Muslims ...

Nigeria text messages 'fuelled Jos riots'

Days of deadly violence between Muslims and Christians in Nigeria last week was fuelled by inflammatory text messages, a religious leader has told the BBC.

Nigeria riots: 'Our homes were razed'

Most of the people I met were Hausa-speaking Muslims but Christian groups say they were also attacked by mobs. Although they have not given any details of how many members of their community were killed.

Nigeria religious riot bodies found in village wells

An exact death toll is not known but overall 300 or more are thought to have died in the Muslim-Christian clashes. Muslim officials in Jos who spoke to the campaign group Human Rights Watch said 364 Muslims had been killed. Christian groups say

their communities have also been attacked but they have not said how many people were killed.

Nigeria riot city under control, says army chief

The Nigerian army says it has regained control of the city of Jos, where fighting between Muslims and Christians in recent days has left scores dead. Lt Col Shekari Galadima told the BBC the city was "very calm" as the army was enforcing a 24-hour curfew. He insisted there would be no more riots. But a BBC reporter in the region says the violence has now spread to Pankshin town, 100km (60 miles) from Jos. Religious officials said at least 265 people had died since Sunday. Among the dead were said to be 65 Christians and 200 Muslims.

The Committee noted that the complainant said that even when there was even-handed phrasing, it was "accidentally" set out so that Muslim victims were listed first:

"This takes no account of the fact that, according to one of your own sources, Muslims tend to throw the first stone."

The Committee noted that the source mentioned is one of many quoted in the responses at Stage 1 and 2, and was not part of any coverage.

The Committee noted that this part of the appeal is different in detail from that pursued at Stages 1 and 2 where the complainant talked of the order in which damaged buildings had been listed.

The Committee noted that at Stage 1, the BBC's Online Africa Editor said:

"I really cannot say why we listed the buildings in that order but can only assure you it was not an attempt to subconsciously suggest that Christians were behind most of the violence."

The Committee noted that this part of the appeal, however, talks of the order in which victims had been listed.

The Committee noted that the BBC said of this:

"We list the Muslims first in these stories because we have a specific number, which seems to be higher than the number of Christians."

The Committee considered that the order in which the buildings and/or victims were listed did not breach the impartiality guidelines.

The Committee concluded that the facts do not back up this aspect of the complaint – there are examples of both Muslims and Christians being mentioned first and, even had one been consistently mentioned before the other, this would not have been in breach of the impartiality guidelines.

Finding: Not upheld

Point 7: That the BBC wrongly sought to justify the coverage of Jos by pointing to coverage two months later

The Committee noted that the complainant took issue with a line from the Stage 2 response:

"[The BBC World Service Complaints Lead] refers to the detailed coverage of the March 2010 attacks on the Berom village of Dogo Nahawa. I hope you will agree

that good coverage of a different incident in March does not make up for poor coverage of Jos in January.”

The Committee noted that in terms of news, web stories should in themselves be duly impartial (although if they are part of a cross referenced web series due impartiality can be measured over the series).

The Committee noted that the complainant summarised his overall concerns as being based on his belief that Muslim radicalism and political exploitation has been a major factor in the violence. He believed the BBC consistently plays down the religious element in the conflict.

The Committee considered that Point 7 is not about the coverage itself but about a response to the complaint and is not therefore covered by the guidelines and should not be upheld.

In conclusion, the Committee agreed that, overall, the BBC did everything possible to present a balanced view in remote, difficult, dangerous and fast-changing circumstances.

The Committee wished to emphasize that it thought the BBC went to great lengths to get information from several sources, that the journalist had tried to fulfil her journalistic obligations, had tried to balance information from both sides and had therefore adhered to the guidelines.

Finally the Committee noted that this complaint had taken an unusually long time to go through the Trust part of the complaints processes and apologised for the delay.

Finding: Not upheld.

Today, BBC Radio 4, 27 September 2010

1. The programme

Today is the BBC's flagship news and current affairs programme broadcast on Radio 4 five days a week between 6am and 9am and on Saturdays between 7am and 9am. The complainant highlighted comments made in an introduction to an interview with Jeremy Bowen, BBC Middle East Editor and Alon Pinkas, a foreign relations expert and former Consul General of Israel in New York. The interview took place following the 8.30am news bulletin and the presenter stated:

"At midnight last night, the moratorium on Israelis building new settlements in the West Bank came to an end. It had lasted for ten months. What happens now? The question matters enormously because the Palestinians have always said there can be no real peace agreement while the Israelis are, as they see it, seizing their land".

2. The complaint

The complainant stated that it was inaccurate to say that the moratorium on Israelis building new settlements in the West Bank had come to an end. The complainant said that the moratorium that had come to an end was on new construction within existing Israeli settlements in the West Bank.

Stage 1

The complainant first contacted BBC Audience Services on 30 September 2010. The complainant said it was inaccurate to say that the moratorium on Israel building new settlements had now ended. The complainant said that the moratorium on building new settlements had been in existence since the early 1990s and remained in place.

"The moratorium that has ended is of the building within existing settlements and that is the restrictions that have been in place for the past ten months."

BBC Audience Services replied to the complainant on 8 October noting that the report also said that for the past ten months the government of Israel had stopped Jewish citizens building settlements in the West Bank. It was one of the things demanded by the Palestinians if there was to be any realistic chance of a peace agreement. At midnight that moratorium expired. BBC Audience Services said the programme believed the information given was accurate although they appreciated the complainant felt the programme should have made it clearer when discussing new and existing settlements.

The complainant replied to BBC Audience Services on 8 October. He repeated that his complaint was one of inaccuracy and quoted the introduction:

"At midnight last night the moratorium on Israelis building new settlements in the West Bank came to an end. It had lasted ten months."

The complainant said that the moratorium on Israelis building new settlements in the West Bank had started earlier than the 10 month moratorium in question and had not come to an end.

"The 10 month moratorium that has now come to an end was on new construction within existing Israeli settlements in the West Bank."

BBC Audience Services replied to the complainant on 22 November noting that the complainant's concerns had been forwarded to the editors at the *Today* programme who

said they wanted to assure the complainant that they were aware of other such building freezes and, in this case, the programme had described the most recent and highly publicised moratorium. BBC Audience Services added that the programme editors said this particular freeze had been given substantial significance as a brokering point during ongoing negotiations and they believed they had made listeners aware of the current context in a clear, fair and accurate manner. BBC Audience Services did not uphold the complaint.

Stage 2

The complainant wrote to the Editorial Complaints Unit (ECU) on 22 November 2010 saying he wanted to appeal against the response by BBC Audience Services.

The Complaints Director, ECU replied to the complainant in full on 15 February 2011. The complaint was considered in relation to the Editorial Guideline on accuracy. The complaint was not upheld on the following grounds:

The ECU noted what had been said by John Humphrys, and quoted how the Israeli government had described the moratorium under discussion in the programme:

“... (a) ten month moratorium on new residential housing construction in the West Bank authorized by the Israeli Security Cabinet on 25 November 2009. Under this moratorium, new residential housing starts in Jewish settlements throughout the entire area of Judea and Samaria (the West Bank) are suspended, as is the granting of new residential building permits in all Jewish settlements in Judea and Samaria.”

The ECU said it seemed this made clear that the moratorium applied to permission for new residential housing within settlements in the West Bank (existing work, public buildings, projects already authorised, and building in Jerusalem were not covered). The ECU agreed that there was a distinction between the construction of new buildings at existing settlements and of entirely new settlements. The reply went on to say:

“However, I am not sure how significant this distinction was in the context of the story which was being reported on. I would also say that it seems to me that this is not an area on which there is consensus – for instance on what a ‘a new settlement’ is.”

The ECU said that the guidelines in force at the time of the broadcast referred to a requirement for “due” accuracy and that it seemed that the primary focus of the report was the impact that the end of the moratorium would have on the peace process – and in particular, how Mahmoud Abbas and the Palestinians (and those trying to broker peace such as the US) would respond.

“In my view, it is in this context that audiences would have heard it and thus the context in which the accuracy of it should be judged.”

The ECU concluded that given the terms of the moratorium, the introduction to the report would have given a fuller picture had it referred to “new building” in the West Bank rather than to “building new settlements”. However, in the context of the report and given the lack of consensus on the meaning and import of this distinction, the ECU did not believe that listeners would have been misled on this point.

Furthermore, for listeners to have been misled by this single statement in an introduction to a discussion would have required that they heard it divorced from the content before and after it:

"... which explored in some depth the nature of the building work that was recommencing, the approach of the Israeli government towards settlements, and the impact that the end of the moratorium was likely to have on the peace process."

The ECU did not believe that this line would have misled the audience and therefore did not uphold the complaint.

Appeal to the BBC Trust

The complainant wrote to the BBC Trust on 17 February 2011 appealing against the decision of the ECU. The complainant repeated his complaint about accuracy and said that the current moratorium on new settlement building started no later than 14 June 2009 when Mr Netanyahu had said:

"The territorial question will be discussed as part of the final peace agreement. In the meantime, we have no intention of building new settlements or of expropriating additional land for existing settlements."

The complainant said that he agreed the Israeli government had been clear when on 25 November 2009 it authorised a:

"ten month moratorium on new residential housing construction in the West Bank."

However, the complainant said the BBC had said something very different on various news programmes.

"when the moratorium came to an end, they emphasised how the new settlement building encroached on the lives of ordinary Palestinians, and made travel between the various parts of the West Bank more difficult. The clear implication of these broadcasts was that the new building would further restrict the lives of ordinary Palestinians."

The complainant said that from the point of view of those Palestinians who considered the settlements to be stolen land, the land within existing settlements had already been "seized".

"The Israelis, in building within existing settlements were not, even in the eyes of Palestinians 'seizing their land', as the same land cannot be seized twice".

The complainant added that not only would the new building within the settlements not disrupt the lives of ordinary Palestinians, but many Palestinians relied on the work they got from the new construction in the settlements. The complainant concluded that in the above context, the statement that the moratorium was on Israelis building new settlements was not only inaccurate but also misleading:

"It gave the strong and FALSE impression that land that had not previously been incorporated in settlements would be after the end of the moratorium, making life even more difficult for ordinary Palestinians."

3. Applicable Editorial Standards

The following editorial guidelines are applicable to this case (Editorial Guidelines 2005 – 2010):

Section 3 – Accuracy

The BBC's commitment to accuracy is a core editorial value and fundamental to our reputation. Our output must be well sourced, based on sound evidence, thoroughly tested

and presented in clear, precise language. We should be honest and open about what we don't know and avoid unfounded speculation.

Misleading Audiences

We should not distort known facts, present invented material as fact, or knowingly do anything to mislead our audiences.

4. The Committee's decision

The Committee considered the complaint against the relevant editorial standards, as set out in the BBC's Editorial Guidelines. The Guidelines are a statement of the BBC's values and standards.

In reaching its decision the Committee took full account of all the available evidence, including (but not limited to) the Editorial Adviser's report and subsequent submissions from the complainant.

This appeal raised issues requiring consideration of the Editorial Guidelines on accuracy and whether or not they had been followed in this instance.

The Committee understood that the complainant said it was untrue to say that the moratorium on Israel building new settlements had now ended. The Committee noted that the complainant stated that the moratorium which ended after 10 months at midnight on 26 September 2010 was a moratorium on Israelis undertaking new building within existing settlements and not on Israelis building new settlements.

The Committee noted that the ECU had responded to the complainant on this point, the summary of which is set out at Stage 2 above.

The Committee noted that the complaints lead for *Today* had noted that in looking at the distinction between new settlements on existing land and new settlements on new land the point is that either type of development has potentially significant consequences for the Middle East peace process and relations between the Israelis and Palestinians. It is in that context *Today* suggests that the quotation should be judged because that is clearly what the item was about.

The Committee noted that *Today* also said that the size of individual settlements is undoubtedly a factor in determining the state of relations between the two sides. In *Today's* view, even if one accepts the complainant's assertion that life would not be made more difficult for ordinary Palestinians by the enlargement of existing settlements, there is still the symbolic importance of continued building work in the occupied territories.¹

The Committee noted that during the *Today* programme broadcast on 27 September 2010, the ending of the moratorium featured throughout the programme, both in the hourly and half hourly news bulletins and in three interviews conducted by John Humphrys during the course of the programme.

The Committee noted that following the 8.30am news bulletin, John Humphrys began an interview with Jeremy Bowen, BBC Middle East Editor and Alon Pinkas, a foreign relations expert and former Israeli Consul General in New York. In the introduction to the interview, Mr Humphrys stated:

¹ To clarify, the complainant's comments were restricted to construction within existing settlements and not to the enlargement of settlement boundaries.

"At midnight last night, the moratorium on Israelis building new settlements in the West Bank came to an end. It had lasted for ten months. What happens now? The question matters enormously because the Palestinians have always said there can be no real peace agreement while the Israelis are, as they see it, seizing their land."

The Committee noted that during the course of the interview Jeremy Bowen said:

"Well, they began the moratorium because there had been a great deal of American pressure for them to stop building settlements anywhere in East Jerusalem or in the West Bank. The Americans got a compromise out of them essentially ten months ago saying that there would be a moratorium. Not total, but a moratorium of sorts in the West Bank. Now they've stopped it because those ten months have gone, there's a pro-settlement government, the cabinet of Mr Netanyahu is made up in the main of people who really support the settlements and so he's made that promise and he's got to stop doing it. Now, what's interesting this morning is that the Palestinians have not actually walked away. They've said that they'd like a meeting with the Arab foreign ministers in about a week from now so there is a bit more time. I think maybe US efforts yesterday paid off in that sense, they haven't said it. The Israelis, as well are saying we will have continuous contacts to try to sort this one out. Perhaps they might go down some sort of road where they say, ok then, we won't have a moratorium, but we won't actually issue all that many permits either, for building. But that may well not be acceptable to the Palestinians."

The Committee noted that on 25 November 2009, Israeli Prime Minister Benjamin Netanyahu had announced the moratorium:

"Today, my cabinet authorized a policy of restraint regarding settlements which will include a suspension of new permits and new construction in Judea and Samaria for a period of ten months. My cabinet authorized this far-reaching step because of our deep desire for peace".

The Committee noted that Mr Netanyahu provided further detail on the practicalities of this moratorium within his speech:

"I have already said that we will not build new settlements and that we would not expropriate additional land for existing settlements. I said we would also restrain settlement activity, and that's exactly what we decided to do today. I promised to enable normal life to continue for the three hundred thousand Israeli citizens, our brothers and sisters, who live in Judea and Samaria. That is why this suspension will not affect construction currently underway. It will not include the schools, kindergartens, synagogues and public buildings necessary for the continuation of normal life over the time period of the suspension. Obviously, any infrastructure that may be needed to protect our national security or to safeguard the lives of our citizens will also be provided during this time."

The Committee noted that the ending of the moratorium was reported by the international media due to its impact on the peace process. Examples of the way in which this story was reported include:

[The Wall Street Journal 27 September 2010](#)

"TEL AVIV—Jewish settlers marked the last day of Israel's construction moratorium in the West Bank with celebrations and vows to build at full steam on Monday, with no sign of a resolution to a settlement-expansion dispute that threatens to undermine the newly restarted Israeli-Palestinian peace talks. Israel has said that

it plans to allow new building in the West Bank settlements after the freeze expired at midnight".²

CNN World 26 September 2010

"Israeli settlers cheered Sunday's expiration of a moratorium on building new settlements in the West Bank, as Israel's prime minister urged Palestinians not to walk away from newly resumed peace talks over the lapsed restrictions".³

Aljazeera 12 September 2010

"Binyamin Netanyahu, the Israeli prime minister, has said the current restrictions on the construction of Israeli settlements in the West Bank will not remain in place, though there will be some limits on future construction. Israel's 10-month freeze on new settlements construction in West Bank expires at the end of this month and is a key point of contention in newly launched peace talks with the Palestinians".⁴

The Guardian 26 September 2010

"Israel's prime minister, Binyamin Netanyahu yesterday urged Palestinian president Mahmoud Abbas to continue with peace talks, despite the end of the West Bank construction freeze. Meanwhile, the US tried to wring a last-minute compromise to keep a Middle East deal on track. The 10-month moratorium on new building in settlements ended at midnight tonight, after Netanyahu had earlier called on Jewish settlers to show restraint, a move that suggested he intended the freeze to expire and for small-scale construction to resume tomorrow. There were fears it could prompt Palestinian negotiators to walk out".⁵

The Committee noted that two of these reports make a distinction between new building in existing settlements and the building of new settlements.

The Committee then went on to consider the clauses of the Accuracy guidelines which state that the BBC's output must be well sourced, based on sound evidence, and thoroughly tested and, particularly relevant in this case, whether it has been presented in clear, precise language.

In addition, the Committee considered the clause within the Accuracy guidelines which relates to misleading audiences and states that the BBC should not distort known facts, present invented material as fact, or knowingly do anything to mislead our audience.

The Committee first considered the requirement for the *Today* programme to use "clear, precise language".

The Committee considered the importance of this news story that had run throughout the *Today* programme and noted the impact of the ending of this moratorium on the Middle East peace process.

The Committee agreed this was a topic which particularly demands accuracy and precision in order for the audience to be well-informed. The Committee concluded that, given the authority and resources of the *Today* programme on Radio 4, it was reasonable to expect that its output would be couched in clear and precise language and that the programme

² <http://online.wsj.com/article/SB10001424052748704082104575515411092622870.html>

³ http://articles.cnn.com/2010-09-26/world/israel.settlement.moratorium_1_danny-danon-future-palestinian-state-palestinian-response?_s=PM:WORLD

⁴ <http://english.aljazeera.net/news/middleeast/2010/09/2010912201832209651.html>

⁵ <http://www.guardian.co.uk/world/2010/sep/26/settlements-freeze-israel-palestine-netanyahu?INTCMP=SRCH>

had not been in this instance. The Committee concluded that, even though Jeremy Bowen had largely corrected the inaccurate introduction to the interview, it was still necessary to avoid inaccuracies elsewhere in the introduction. Otherwise the listener could be left wondering which description of the moratorium was correct.

Overall, the Committee agreed that the introduction to the interview had breached the Accuracy guideline in respect of the requirement to present output "...in clear, precise language".

The Committee considered there was no evidence that the BBC had knowingly misled the audience and the number of occasions on the day where the *Today* programme had got the matter correct supported that conclusion.

The Committee concluded the programme had not breached the part of the Editorial Guidelines on Misleading Audiences. There had been a breach of the guideline with regard to clear, precise language.

Finding: Upheld in part with regard to Accuracy.

Rejected Appeals

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

Top Gear: Middle East Special, BBC Two, 26 December 2010

The complainant appealed to the Editorial Standards Committee following the decision of the Head of Editorial Standards, BBC Trust, not to accept his complaint on appeal.

The complaint

Stage 1

The complainant contacted BBC Complaints on 26 December 2010 stating that a recent edition of *Top Gear* contained references to central Christian facts, such as the gifts of the wise men, the powers of Christ to heal and the ability of Christ to perform miracles, and that these were “treated with the utmost contempt and ridiculed”.

The response from the Executive Producer of *Top Gear* was that the programme had had fun with religion at certain points, but he disagreed that it had mocked the Christian faith. He referred to previous programmes which have had fun with Christianity – *Monty Python*, *The Vicar of Dibley* and others. He said the narrative of the programme was that the three presenters were staging a nativity play – and their actions reflected the often amateur nature of these. The absurdities were clear and often pointed out by the presenters themselves.

In a further reply the Executive Producer of *Top Gear* said that making comic references to well known biblical stories was not the same as ridiculing the Christian faith.

Stage 2

The complainant escalated his complaint to the Editorial Complaints Unit (ECU). Referring to the Executive Producer’s response, the complainant said that he remained “offended and somewhat insulted by the way he seems to think he can brush off my opinions as not being representative of a majority view”.

The ECU expressed regret that the complainant was offended by this edition of *Top Gear*, recognising that programmes which make jokes about religion and aspects of faith or which appear to hold them up to ridicule can be extremely offensive to those who hold strong religious beliefs.

The ECU said that on balance, however, *Top Gear* did not go beyond what might be considered acceptable for a programme of this kind, taking into account its long-standing reputation for irreverent and mocking humour. The majority of regular viewers would have recognised that although the presenters use satire and mockery, they do so in a light-hearted and witty manner. They would also have recognised the established format of the show where the three presenters are set a challenge as a way of creating an entertaining but contrived scenario in which they get to drive inappropriate cars in unusual locations.

The ECU added that it was clear from the tone of the programme that none of the biblical references were intended to be taken seriously or were intended to belittle the Christian faith or Christ. In most cases the audience would have laughed at the foolish behaviour of the presenters.

The humour clearly strayed into the absurd and the ludicrous, and that would have offset the likelihood that viewers would consider the programme to be denigrating widely-held religious beliefs.

The ECU also referred to a well-established tradition of humour based on religion in this country. It had also taken into consideration a report into Taste and Standards in broadcasting commissioned by the BBC Trust in 2009 which looked at audience reaction to, and concerns about, religious-based comedy. This found that "Religion has traditionally been a subject for humour but comedy programmes with faith as a theme did not emerge as a concern for our groups."

The ECU did not uphold the complaint.

Appeal to the BBC Trust

The complainant appealed to the BBC Trust against the decision of the ECU.

The BBC Trust's Head of Editorial Standards wrote to the complainant explaining that the Trust does not adjudicate on every appeal that is brought to it, and that part of her role is to check that appeals qualify for consideration by the Trust (or one of its complaints committees) under the Complaints Framework.

The Head of Editorial Standards noted that the ECU had made a strong case that the material in this particular episode did not go beyond the bounds of what might be considered acceptable for a programme of this kind. The Head of Editorial Standards also noted the ECU's points that, given the programme's reputation for satire and irreverence, the content did not go beyond the expectations of the majority of its audience. For these reasons the Head of Editorial Standards concluded that there was no reasonable prospect of the appeal being successful and that, therefore, she did not propose to proceed with the complaint on appeal to the Trust.

The Committee's decision

The Committee was provided with the complainant's appeal to the Trust, the response from the Trust's Head of Editorial Standards, and the complainant's appeal against the Head of Editorial Standards' decision. The Committee was also provided with the final Stage 2 reply from the ECU and the episode of *Top Gear* complained about.

The Committee noted that the complainant remained dissatisfied with the responses he had received from the BBC. However, the Committee agreed with the Head of Editorial Standards' view that the ECU had made a strong case that the material did not go beyond what might be considered acceptable for a programme of this kind. The Committee also agreed that the content was not likely to have gone beyond the expectations of the majority of the *Top Gear* audience. The Committee agreed with the view of the Head of Editorial Standards that there was not a reasonable prospect of success for the complaint on appeal.

The Committee was therefore satisfied that the decision not to proceed with the appeal was correct.

Top Gear: Middle East Special, BBC Two, 26 December 2010

The complainant appealed to the Editorial Standards Committee following the decision of the Head of Editorial Standards, BBC Trust, not to accept his complaint on appeal.

The complaint

Stage 1

The complainant contacted the BBC to say that themes in *Top Gear: Middle East Special* mocked Christ and were offensive, and that one particular reference to Jeremy Clarkson walking on water was a clear mockery of Christ.

The Executive Producer of *Top Gear* replied saying that, although the programme had had fun with religion at certain points, he disagreed that it had mocked the Christian faith. He referred to previous programmes which have had fun with Christianity – *Monty Python*, *The Vicar of Dibley* and others. He said the narrative of the programme was that the three presenters were staging a nativity play – and their actions reflected the often amateur nature of these. The absurdities were clear and often pointed out by the presenters themselves.

The Executive Producer said that making comic references to well known biblical stories was not the same as ridiculing the Christian faith. He added that there is now in this country an acceptance and appreciation of humour based around the cultural and historical roots of the faith. Viewers would therefore see Jeremy Clarkson's references to healing the wounded and walking on water as comic and would laugh at his delusion.

Stage 2

The complainant escalated his complaint to the BBC's Editorial Complaints Unit (ECU). Referring to the Executive Producer's response, the complainant said that he failed to see the difference between making skits on priests and the clergy and making skits on Christ.

In its response to the complaint the ECU recognised that programmes which make jokes about religion and aspects of faith or which appear to hold them up to ridicule can be extremely offensive to those who hold strong religious beliefs. The ECU said that this episode of *Top Gear* did not go beyond what might be considered acceptable for a programme of this kind, taking into account its long-standing reputation for irreverent humour. The majority of regular viewers would recognise that although the presenters use satire and mockery, they do so in a light-hearted and witty manner. They would also have recognised that the three presenters were set a typical challenge, a contrived scenario in which they got to drive inappropriate cars in unusual locations.

The ECU added that *Top Gear* should be judged in the context of the ludicrous and absurd premise of the programme and the various comic events which occurred on the way. It was clear from the tone of the programme that none of the biblical references were intended to be taken seriously or were intended to belittle the Christian faith or Christ. In most cases the audience would have laughed at the foolish behaviour of the presenters. For example, Jeremy Clarkson's claim to be able to walk on water was blatantly false and ended in ignominious failure.

The ECU also referred to a well-established tradition of humour based on religion in this country. It had also taken into consideration a report into Taste and Standards in broadcasting commissioned by the BBC Trust in 2009 which looked at audience reaction to, and concerns about, religious-based comedy. This had found that "Religion has

traditionally been a subject for humour but comedy programmes with faith as a theme did not emerge as a concern for our groups.”

For these reasons the ECU did not uphold the complaint.

Appeal to the BBC Trust

The complainant appealed to the BBC Trust against the decision of the ECU not to uphold the complaint.

The BBC Trust's Head of Editorial Standards wrote to the complainant explaining that the Trust does not adjudicate on every appeal that is brought to it, and that part of her role is to check that appeals qualify for consideration by the Trust (or one of its complaints committees) under the Complaints Framework.

The Head of Editorial Standards said that she was sorry the complainant found the content of *Top Gear: Middle East Special* to be offensive, but she believed that the ECU had made a strong case that the material in this particular episode did not go beyond the bounds of what might be considered acceptable for a programme of this kind. She also noted the ECU's point that given the programme's reputation for satire and irreverence, the content did not go beyond the expectations of the majority of its audience. For these reasons the Head of Editorial Standards concluded that there was no reasonable prospect of success for the appeal, and she did not therefore propose to put this matter to the Trust.

The Committee's decision

The Committee was provided with the complainant's appeal to the Trust, the response from the Trust's Head of Editorial Standards, and the complainant's appeal against the Head of Editorial Standards' decision. The Committee was also provided with the final Stage 2 reply from the ECU and the episode of *Top Gear* complained about.

The Committee noted the complainant's view that the programme ridiculed biblical events, however, the Committee agreed with the Head of Editorial Standards' view that the ECU had made a strong case that the material did not go beyond what might be considered acceptable for a programme of this kind. The Committee also agreed that the content was not likely to have gone beyond the expectations of the majority of the *Top Gear* audience. The Committee agreed with the view of the Head of Editorial Standards that there was not a reasonable prospect of success for the complaint on appeal.

The Committee was therefore satisfied that the decision not to proceed with the appeal was correct.

Countryfile, BBC One, 17 October 2010

The complainant appealed to the Editorial Standards Committee following the decision of the Head of Editorial Standards, BBC Trust, not to accept his complaint on appeal.

The complaint

Stage 1

The complainant contacted the BBC to complain that a *Countryfile* report on carbon dioxide sequestration supported the view that irresponsible humans were the cause of climate change. The complainant also said that the introduction to the piece was biased and that comments such as “to help save the planet” and “dangerous carbon dioxide” were misleading.

The response from the BBC stated that the programme had been careful to attribute the view to “many scientists” and that the tone of the piece reflected the majority scientific view that scientific evidence supporting the idea of anthropogenic global warming (AGW) is now so strong that it should no longer be seen as a matter of controversy. The response said that this did not mean that the views of those still unconvinced are never heard in BBC programming but that there is no need for a balancing argument to be heard every time the BBC reports on or discusses global warming.

In a further response, the *Countryfile* production team clarified the BBC’s position on climate change; that it does not take a view on the issue but rather has a stated approach to reporting the issue with due impartiality which was outlined in the 2007 report ‘Safeguarding Impartiality in the 21st Century’:

“...the weight of evidence no longer justifies equal space being given to the opponents of the consensus. But these dissenters (or even sceptics) will still be heard, as they should, because it is not the BBC’s role to close down this debate...Impartiality always requires a breadth of view: for as long as minority opinions are coherently and honestly expressed, the BBC must give them appropriate space.”

The BBC response explained that *Countryfile* set out to look at possible methods of disposing of carbon emissions and in this context it was reasonable to base the item on the majority scientific view and to reflect concerns that anthropogenic climate change could worsen the frequency and severity of natural disasters.

The programme team explained that in the light of the full piece and the audience’s likely knowledge of climate change issues, the term “dangerous carbon” clearly refers to carbon emissions produced by man-made industrial processes. These processes are seen by the majority of the scientific community as being partly responsible for climate change and therefore to ask whether the process of capturing and storing those emissions – “could this piece of kit help save the planet?” - is legitimate.

Stage 2

The complainant escalated his complaint to the BBC’s Editorial Complaints Unit (ECU), arguing that the consensus is highly contentious and that there is no scientific evidence to support anthropogenic global warming. The complainant said that it was inaccurate for the piece to say that many scientists believe that anthropogenic climate change could worsen the frequency and severity of natural disasters.

The complainant said that he did not agree that the introduction to the piece clearly refers to carbon emissions produced by man-made industrial processes. He said that it is practically impossible to distinguish differences between the amount of carbon dioxide released industrially and quantities that already exist in the atmosphere. The complainant

referred to recent research which shows that atmospheric carbon dioxide quantities are insufficient in themselves to bring about global warming.

The ECU's response referred to the view of the BBC Trust that the science behind AGW should not be considered "controversial" in the sense that the vast majority of scientists and politicians agree on what is occurring, despite an articulate, sceptical minority. The ECU explained that the BBC is bound by the position of the BBC Trust. This means that the usual requirements for due impartiality and due accuracy when reporting controversial subjects do not apply: equal prominence or weight does not need to be given to the contrary or minority view.

In addressing the complaint about the introduction to the piece, the ECU said that the question, "could this piece of kit help save the planet?", was a legitimate question bearing in mind the scientific consensus that the activities of man have led to a change in climate and that the consequences of those changes are broadly regarded as adverse. The ECU stated that the introduction, in referring to "dangerous carbon", accurately summarised the view of the majority of climate scientists that the emission of greenhouse gases, particularly carbon dioxide, has played a significant role in the observed increase in average global temperatures. The report itself would have ensured that viewers understood that the issue was the attempt to capture the carbon emissions from power stations and that this was the "dangerous carbon" in question.

The ECU said that it was reasonable for the piece to summarise the general scientific consensus on this issue. To support this point the ECU referred to reports by the IPCC, The Royal Society and the US Environmental Protection Agency.

Appeal to the BBC Trust

The complainant appealed to the BBC Trust, responding in some detail to the issue of the scientific consensus on global warming, referencing several reports.

The complainant repeated his assertion that the BBC Trust is wrong to state that the science behind anthropogenic global warming should not be considered controversial. The complainant cited a 2010 Climate Depot Special Report which features the voices of sceptical scientists.

The BBC Trust's Head of Editorial Standards wrote to the complainant explaining that the Trust does not adjudicate on every appeal that is brought to it, and that part of her role is to check that appeals qualify for consideration by the Trust (or one of its complaints committees) under the Complaints Framework.

The Head of Editorial Standards noted that the ECU had outlined the position of the BBC Trust on anthropogenic global warming as set out in previous findings by the Editorial Standards Committee.

The Head of Editorial Standards considered the ECU had made a strong case that the phrases used in the programme were legitimate bearing in mind the scientific consensus that the activities of man have led to a change in climate and that the consequences of those changes are broadly regarded as adverse.

The Head of Editorial Standards noted that the complainant had been informed of the Trust's position on these matters throughout his correspondence, and that this sets out that the impartiality guideline does **not** require equal prominence to be given to those disagreeing with the assertion that human actions have been responsible for global warming. The Head of Editorial Standards therefore concluded that in this instance there was not a case for the BBC to answer and that there was not a reasonable prospect of success for the appeal.

The Committee's decision

The Committee was provided with the complainant's appeal to the Trust, the response from the Trust's Head of Editorial Standards, and the complainant's appeal against the Head of Editorial Standards' decision. The Committee was also provided with the final Stage 2 reply from the ECU and the episode of *Countryfile* complained about.

The Committee noted that the complainant disputed the scientific validity of anthropogenic global warming and the idea that it is not a controversial subject in the terms of the BBC's Editorial Guidelines. Nevertheless, the Committee agreed with the view of the Head of Editorial Standards that the ECU had made a strong case that the phrases used in the programme were legitimate in the context. The Committee agreed that the Trust's position on the issue of climate change had been made clear to the complainant and that there was not a case for the BBC to answer in this case and no reasonable prospect of success for the appeal.

The Committee was therefore satisfied that the decision not to proceed with the appeal was correct.

BBC News coverage of Tony Blair

The complainant appealed to the Editorial Standards Committee following the decision of the Head of Editorial Standards, BBC Trust, not to accept his complaint on appeal.

The complaint

Stage 1

The complainant contacted the BBC to complain that it was promoting Tony Blair's book on TV and on the web and that since he was no longer active in British political life "...he had no democratic mandate to command this level of biased and free promotion from the BBC".

The BBC replied by saying that the coverage was not attempting to advertise or promote the book but rather that it was legitimate to cover the many subject matters that were contained within it. The response said that Tony Blair remained a high profile figure and the BBC had a duty to report on such a substantial event as the publication of his autobiography, which it believed it had done in a fair and impartial manner.

Stage 2

The complainant escalated his complaint to Stage 2 of the complaints process.

The Head of Editorial Compliance and Accountability, BBC News, replied on behalf of the Director of BBC News. She stated that Mr Blair remains a high profile figure who clearly provokes a range of reactions amongst the British public. She believed the BBC covered the issues arising from the book fairly and factually so that the audience could form their own judgements.

The Head of Editorial Compliance and Accountability listed the coverage given on the day of publication, which included the one-hour interview with Andrew Marr to which the complainant had referred, and about two other interviews conducted for BBC Northern Ireland and the World Service for their particular audiences. She also listed the stories on the BBC website, mainly from the day of publication, and stated that she believed that the coverage was proportionate and appropriate.

Appeal to the BBC Trust

The complainant appealed to the BBC Trust, reiterating his belief that the BBC had been promoting the book of a man who no longer had a public profile, that this could lead to civil disorder and injury during the promotional tour and that coverage of events in Dublin had been more impartial on other news outlets.

The BBC Trust's Head of Editorial Standards wrote to the complainant explaining that the Trust does not adjudicate on every appeal that is brought to it, and that part of her role is to check that appeals qualify for consideration by the Trust (or one of its complaints committees) under the Complaints Framework.

The Head of Editorial Standards quoted from the BBC Guidelines on "Undue Prominence and Contributors" which were in use at the time:

"We must avoid undue prominence when contributors appear on chat shows and other programmes where they are promoting a product, such as a film, album or book. Although proper editorial discussion is perfectly acceptable, the related product should not normally be used as a prop. Any visual references, particularly close-ups of an album cover or pages of a book should be clearly editorially justified."

The Head of Editorial Standards noted that Mr Blair's book did not feature in the principal programme to which the complainant objected – the interview with Andrew Marr on BBC Two - except as a “hook” on which to hang his first major television interview in almost three years. There was no reference to the book in the introduction to that programme and the substantive issue for any appeal would be the content of the programme. This alluded to the book but concerned itself solely with the events of his premiership. Mr Blair was rigorously questioned on matters of genuine public interest and on which he had remained silent until that point.

The Head of Editorial Standards referred to other coverage of Mr Blair's book cited in the BBC's Stage 2 response and said that the BBC have clearly explained their reasoning that these were legitimate news stories.

The Head of Editorial Standards went on to say that, since the content of the main interview with Andrew Marr was a clearly-challenged retrospective of his years in office, and the book did not feature directly, she did not believe that the complainant had made a case that the guidelines on undue prominence had been breached.

The Head of Editorial Standards explained that there is a guideline requiring the BBC not to include material in its broadcasts or online content which are likely to lead to disorder. However, she did not believe that the Committee would take the view that the BBC coverage itself was likely to lead to civil disorder as opposed to the actions of Mr Blair. The Head of Editorial Standards noted that the BBC did report the incident in Dublin when protestors threw eggs at Mr Blair and that as a result of this incident Mr Blair chose to cancel his book-signing event in London.

The Head of Editorial Standards concluded that the appeal had no reasonable prospect of success and she did not propose to put the matter to the Committee.

The Committee's decision

The Committee was provided with the complainant's appeal to the Trust, the response from the Trust's Head of Editorial Standards, and the complainant's appeal against the Head of Editorial Standards' decision. The Committee was also provided with the final Stage 2 reply from the Head of Editorial Compliance and Accountability for BBC News.

The Committee noted that the complainant disagreed with the BBC's view that coverage of Tony Blair's book was newsworthy and editorially justified. However, the Committee agreed with the Head of Editorial Standards that a case had not been made that the BBC's Editorial Guidelines had been breached in the coverage given to Tony Blair. The Committee also agreed with the Head of Editorial Standards that the BBC's coverage of events surrounding the release of Mr Blair's book was not itself likely to lead to civil disobedience. The Committee did not agree with the complainant's view that because Mr Blair no longer holds political office in the UK the publication of his autobiography was not newsworthy.

The Committee agreed with the Head of Editorial Standards' conclusion that the complaint had no reasonable chance of success on appeal.

The Committee was therefore satisfied that the decision not to proceed with the appeal was correct.

Chris Moyles Show, BBC Radio One, 11 June 2010

The complainant appealed to the Editorial Standards Committee following the decision of the Head of Editorial Standards, BBC Trust, not to accept his complaint on appeal.

The complaint

Stage 1

The complainant contacted the BBC to say that, having heard Chris Moyles announce that one million pounds would be given away during the following week, he had listened to every minute of the show that week. The complainant said that this had been a “complete waste of time”, as Chris Moyles had not given away one million pounds. The complainant said that he and the rest of the listenership had been misled, and he asked what the BBC was going to do about it, stating that an apology would not suffice.

The BBC’s reply quoted the comment to which the complainant had objected:

“Next week Dave gives away a million pounds. Make sure you tune into the Chris Moyles show from 3 minutes past ten Sunday morning.”

The reply said that this was an off-the-cuff joke, which (the programme not being broadcast after 10 am or on a Sunday) the BBC hoped most listeners would have realised. The reply explained that it had arisen from a slot entitled “Dave’s World Cup Sweepstakes”, which Chris Moyles’ on-air colleague Dave had set up, and in which Dave had ended up with three “hot favourites” to win the World Cup. The reply went on to say that Chris Moyles was “simply expressing his frustration that Dave had picked such good teams in a sweepstake he [had] organised”.

The BBC’s reply pointed out that BBC Radio One does not offer cash prizes for its competitions.

Stage 2

The complainant escalated his complaint to the BBC’s Editorial Complaints Unit (ECU).

In its finding the ECU said that it did not believe that the comment was likely to have misled audiences, or that the complainant’s understanding would have been widely shared, or that it was the natural understanding which listeners would have been likely to take from it. After describing the context (i.e. Chris Moyles teasing Dave for not running a fair competition) and quoting the comment in question, the ECU said that there were several factors which would have guarded against listeners mistakenly assuming that Chris Moyles was formally announcing a competition to be run over the course of the following week.

The ECU said that the tone was clearly light-hearted and sarcastic, in keeping with Chris Moyles’ and the show’s usual approach. Most listeners would have been familiar with this, and with Chris Moyles teasing his on-air colleagues with material that was not intended to be taken seriously. The ECU’s view was that most listeners would have heard the comment in that context, and would have understood what was said as an extension of the previous conversation and a joke. It was not stated explicitly that Dave would give away a million pounds as part of a competition, nor that the recipient would be a listener. Regular listeners would have been aware that BBC Radio One did not offer cash prizes for competitions, and might have expected such a competition, if any, to merit a more formal announcement.

Most significantly, in the ECU's view, Chris Moyles had said that listeners should tune in at 10:03 on Sunday morning, which, if they had done so, would have made it clear that it was a joke, as the programme did not air in that time-slot or on Sundays.

Appeal to the BBC Trust

The complainant appealed to the BBC Trust, stating that he did not feel that Chris Moyles was joking as he was not allowed to make jokes that misled the audience. The complainant added that Chris Moyles was a representative of the BBC, was not new to radio hosting, and should have known better.

The complainant referred to the Editorial Guidelines, which state that the BBC should not knowingly mislead the audience, saying that if Chris Moyles was joking, he was knowingly misleading his audience, which was against the guidelines.

The BBC Trust's Head of Editorial Standards wrote to the complainant explaining that the Trust does not adjudicate on every appeal that is brought to it, and that part of her role is to check that appeals qualify for consideration by the Trust (or one of its complaints committees) under the Complaints Framework.

The Head of Editorial Standards quoted from the guidelines on Misleading Audiences:

"We should not distort known facts, present invented material as fact, or knowingly do anything to mislead our audiences. We may need to label material to avoid doing so."

The Head of Editorial Standards said that the question of whether Chris Moyles had breached these guidelines must be considered not in the abstract but in the context in which the comment was uttered. She went on to state that listeners' interpretation of the content of comments such as the one in question depends to a great extent upon contextual matters. The style and history of the programme, its time-slot, whether the programme is live or recorded, scripted or unscripted, the tone and content of any preceding remarks, the presenter's reputation, and the tone of delivery are all examples of matters that would tend to influence listeners' expectations and determine how they might receive any given comment.

The Head of Editorial Standards added that much humour depends for its effect upon playing with, and sometimes subverting, audience expectations. She said that Chris Moyles is highly skilled in exploiting these to comic effect, by playing upon the tacit rapport that he has established over time with his audience.

Turning to the context in which Chris Moyles made the comment, the Head of Editorial Standards said that she believed it was significant that the comment arose from playful banter between him and Dave. As the BBC had noted at Stage 1 of the complaint, Chris Moyles was responding to the fact that Dave had picked three "hot favourites" in a sweepstake that Dave had organised, in response to which Chris Moyles purported to believe, for comical effect, that Dave had rigged the competition.

The Head of Editorial Standards said that, as the ECU had pointed out, the tone of the exchange was clearly light-hearted and sarcastic, which was in keeping with Chris Moyles' and the show's usual approach. She said that Chris Moyles is well known for his robustly humorous style, and listeners were likely to have understood that his comment was not intended to be taken seriously. They would consequently have interpreted the comment as deriving from the humorous conceit established in the preceding conversation and, therefore, as a joke. The Head of Editorial Standards noted that the complainant did not recognise the comment as a joke, but that did not affect her view of the likely expectations of the audience as a whole.

The Head of Editorial Standards referred to the ECU's comment that it was not stated explicitly in the programme that Dave would give away a million pounds as part of a competition, nor that the hypothetical recipient of the million pounds would be a listener. The existence of a listeners' competition was one possible inference from the comment, but it was not the only or indeed the most likely one. The Head of Editorial Standards reiterated that, in her view, taken in context, it was highly unlikely that other listeners would have interpreted the comment as the complainant had.

The Head of Editorial Standards said that the comment was an impromptu, throwaway remark, made in the course of a live broadcast, and fell far short of the formal announcement of a competition with a cash prize. The Head of Editorial Standards considered it relevant that regular listeners would have been aware that BBC Radio One does not offer cash prizes for competitions, and would have expected the announcement of such a competition not to have been made by an off-the-cuff remark. If it had been a serious competition, it would have been heavily trailed in the press and broadcast media, and more detail would have been included in the programme, not at an unspecified later date. The Head of Editorial Standards noted that the complainant was unaware that BBC Radio One does not offer cash prizes, but that did not affect her view of the likely expectations of the audience as a whole.

The Head of Editorial Standards noted that Chris Moyles said listeners should tune in at three minutes past ten on Sunday morning, whereas the programme was not usually broadcast at that time or on that day. The Head of Editorial Standards said that this was a significant clue that clearly signalled that the comment was not intended to be taken seriously.

The Head of Editorial Standards concluded that, when the comment was considered in the context in which it was uttered, Chris Moyles clearly did not distort known facts, present invented material as fact, or knowingly do anything to mislead the audience. On the contrary, he was evidently joking, and the audience as a whole would have recognised this and would not have taken him seriously.

For these reasons, the Head of Editorial Standards determined that the appeal had no reasonable prospect of success and should not proceed before the Editorial Standards Committee of the BBC Trust.

The Committee's decision

The Committee was provided with the complainant's appeal to the Trust, the response from the Trust's Head of Editorial Standards, and the complainant's appeal against the Head of Editorial Standards' decision. The Committee was also provided with the final Stage 2 reply from the ECU, and the relevant clip of the Chris Moyles Show.

The Committee noted that the complainant considered that he had been misled by the comment made by Chris Moyles, and that he had wasted his time listening to the shows during the week as a result. The Committee also noted that the complainant had requested financial compensation for his loss of time. However, the Committee agreed with the views expressed by the BBC and the Head of Editorial Standards that the comment was unlikely to have been interpreted by the general Chris Moyles audience in the same way as it was by the complainant. The Committee agreed that the complainant had not made a case that the BBC's Editorial Guidelines had been breached, and that the complaint did not have a reasonable prospect of success on appeal.

The Committee was therefore satisfied that the decision not to proceed with the appeal was correct.