

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

The Committee comprises five Trustees: Alison Hastings (Chairman), David Liddiment, Richard Ayre, Sonita Alleyne and Bill Matthews. 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 may consider appeals concerning complaints which allege that:

- the complainant has suffered unfair treatment in a transmitted programme, item or piece of online content, or in the process of making the programme, item or online content
- 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 or online content
- there has otherwise been a failure to observe required editorial standards.

However, not all requests for appeal qualify for consideration by the ESC. The Editorial Complaints and Appeals procedure¹ explains that:

- 5.10 **The Trust will only consider an appeal if it raises "a matter of substance".**² This will ordinarily mean that in the opinion of the Trust there is a reasonable prospect that the appeal will be upheld as amounting to a breach of the Editorial Guidelines. In deciding whether an appeal raises a matter of substance, the Trust may consider (in fairness to the interests of all licence fee payers in general) whether it is appropriate, proportionate and cost-effective to consider the appeal.³ The Trust may not consider an appeal that is trivial, misconceived, hypothetical, repetitious or otherwise vexatious. The Trust may also decline to consider an appeal which includes gratuitously abusive or offensive language if the complainant refuses to reword it after being invited to do so.

¹

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

² Under the Charter and Agreement, the Trust has a role as final arbiter in appropriate cases, and must provide a right of appeal in cases that raise a matter of substance.

³ For example, if an appeal raises a relatively minor issue that would be complicated, time-consuming or expensive to resolve, the Trust may decide that the appeal does not raise a matter of substance, and decline to consider it.

In deciding whether an appeal qualifies for consideration, the Committee may also decide to take only part of the appeal, and consider only some of the issues raised.

Where an appeal or part of an appeal qualifies for consideration, the Committee will aim to provide the complainant with its final decision within 80 working days of accepting the request for an appeal.

The findings for all appeals accepted by the Committee are reported in this bulletin, Editorial Standards Findings: Appeals to the Trust and other editorial issues considered by the Editorial Standards Committee.

Where it is considered that an appeal does not qualify for consideration, the Trust Unit will write to the complainant within 40 working days of receipt of the request for an appeal, declining to put the matter before the Committee and explaining the reasons. If the complainant disagrees with this view then they may, within 10 working days, ask the Editorial Standards Committee to review the decision, and the matter will be reviewed at the next available meeting of the Committee.

The Committee will then decide whether it agrees with the decision not to proceed with the appeal, and again will aim to provide the complainant with its decision within 80 working days of receipt of the request for review. Any appeals that the Committee has declined to consider under the above criteria are reported in the bulletin under the heading Rejected Appeals.

If the Committee disagrees with the decision not to proceed with the appeal, the complainant will be informed following the meeting and the appeal will be considered, following investigation, at a later meeting. In this case the 80 working day time period will start again from the date the Committee informs the complainant it will hear the appeal.

Achievement against these target response times is reported in the BBC's Annual Report and Accounts: <http://www.bbc.co.uk/annualreport/>. 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 and is available from:

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

Summaries of findings

BBC homepage clock

The complainant said that the clock displayed on the BBC website homepage at bbc.co.uk was inaccurate and misleading. He said that, while readers assume that the clock displays the correct time, it merely reproduces the time stored on each individual user's own computer whether this is accurate or not.

The Committee concluded:

- that, in the absence of clear labelling to the contrary, users of the bbc.co.uk website would assume that a clock provided by the BBC on its homepage would reflect as accurately as possible, bearing in mind the technological constraints of delivering data across the internet, the right time in the UK.
- that having a homepage clock which does not necessarily reflect the right time in the UK, and which is not labelled on the homepage as deriving its time from a user's own computer clock, is not consistent with the Guideline requirement for the BBC to do all it can to ensure due accuracy in all its output.
- that, while labelling to clarify the nature of the clock could have been helpful, the BBC had not "knowingly and materially" misled website users in this instance.

The complaint was upheld.

For the finding in full see pages 5 to 7.

The Twelfth, BBC One Northern Ireland, 12 July 2012

The complaint concerns BBC Northern Ireland's live coverage of the Twelfth procession through Belfast. The complainant said that the programme constituted uncritical promotional coverage of the Orange Order parade and had not given due weight to the negative aspects of the parade. He said that there was no challenge in the coverage to any of the participants expressing contentious views about the inclusiveness of the parades, that no alternative viewpoint had been offered, and that the controversy had been at a decisive point but that this was not covered in the programme and that the BBC needed to give due weight to the impact of the event both on community relations and public order.

The Committee concluded:

- that the programme was signposted in such a way that viewers would have been aware of the scope of the programme.
- that, given the long-standing nature of the programme, the audience would have had clear expectations about what the programme would cover, and the approach taken was consistent with that taken in previous years.
- that the subject Trustees needed to consider for the purpose of ascertaining whether it was a "controversial subject" within the meaning of the Editorial Guidelines was the main Belfast procession and, to a lesser extent, the procession in Carrickfergus.

- that the subject was a “controversial” one within the meaning of the Editorial Guidelines but did not cross the threshold for being considered a “major matter” within the meaning of the Editorial Guidelines.
- that, although the subject matter of the programme was controversial, it was not “highly” controversial within the meaning of the Editorial Guidelines.
- that the editorial focus of the programme was clearly the cultural and festive aspects of the parade itself as it passed through the very centre of Belfast, and it would be incorrect to regard this as a “decisive moment in the controversy”.
- that the programme did contain some references which acknowledged the controversial nature of parades in general and these were sufficient in the context of a programme that has such clearly defined ambitions and where the audience would have a pre-existing understanding of the underlying issues.
- that The Twelfth live programme and a later highlights programme were part of a series as they dealt with related issues and were clearly linked by the presenter.
- that the highlights programme reflected the controversy over the Parades Commission ruling and also reported that the parade in North Belfast passed off without incident, and due impartiality had been achieved across both The Twelfth as a standalone programme and across the two programmes in the series.
- that, across the full range of programming, the totality of the picture of the controversial aspects of the parade season was covered.

The complaint was not upheld.

For the finding in full see pages 8 to 18.

Appeal Findings

BBC homepage clock

1. Background

The complaint relates to the main BBC website homepage at bbc.co.uk which displays a traditional analogue-style clock in the top left hand corner. It has appeared in this form since a redesign of the homepage in April 2010.

The complainant said that this clock was inaccurate and misleading, arguing that, while readers assume that the clock displays the correct time, it merely reproduces the time stored on each individual user's own computer whether this is accurate or not.

2. The complaint

Stage 1

The complainant contacted BBC Audience Services on 15 May 2012. After several exchanges of correspondence the complaint was passed to the BBC New Media directorate.

Stage 2

After a series of further exchanges with the BBC the complainant was offered escalation to the Trust on 20 December 2012.

Stage 3 - Appeal to the Editorial Standards Committee (ESC)

The complainant contacted the BBC Trust to appeal against the BBC's decision. He said that the reputation of the BBC and its website depended upon the assumption that all the content was factually accurate. Nothing, he added, was more factual than the correct time. If and when users like himself discovered that the clock on the homepage did not necessarily display the correct time it undermined their trust in the BBC overall. The complainant said that there is no other piece of information the BBC publishes which it knows is factually inaccurate or unreliable. The complainant believed that the clock should either be configured in such a way as to ensure the time was correct or removed from the site.

3. Applicable Editorial Guidelines

The full guidelines are at <http://www.bbc.co.uk/editorialguidelines>

The section on Accuracy is relevant to this case.

4. The Committee's decision

The Committee considered the complaint against the relevant standards, as set out in the BBC's Editorial Guidelines and the BBC Trust's Complaints Framework. 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 comments from the complainant and BBC Future Media.

This appeal raised issues requiring consideration of the guideline relating to Accuracy.

The Committee noted that the BBC had confirmed to the complainant that the clock time displayed was taken from each individual computer's internal system clock. The complainant said that he and other users expected the clock to be factually accurate and it was of no use to anyone if the website did not display an accurate record of the time.

The Committee noted that, in response to the complaint, the Managing Editor of BBC Online had explained that there were two reasons why the website did not offer an accurate, independently-generated clock. Firstly, the system required to do this would dramatically slow down the loading of the BBC homepage, something which he believed was an issue of great importance to the site's users; and secondly that, if the site moved to a format in which users across the world accessed the same homepage irrespective of whichever country they were in, it would be impossible to offer a single zonally-accurate clock.

The Committee noted that, in further correspondence with the Managing Editor, Online, and the Executive Editor, BBC homepage, the complainant argued that it was essential that the clock was factually accurate if it was to be of any practical use, and that if this was not feasible then it should be removed.

The Committee noted that the BBC had asked its product management team to investigate the issue and it had reported back that it would take around 100 staffing days to make the changes involved in switching to an independent clock; and that this could not be justified given the high level of perceived user satisfaction with the clock and an absence of complaints about it.

The Committee noted the complainant's view that the low level of complaints was not surprising given that most users were almost certainly unaware that the BBC's clock did not provide an independent accurate recording of the time. If they were aware of this, he believed, there would be considerable dissatisfaction with the situation.

The Committee noted that the BBC's Editorial Guidelines on Accuracy require the BBC to "do all it can to ensure due accuracy in all our output". The Committee further noted that the term 'due' means that the accuracy must be adequate and appropriate to the output, taking account of the subject and nature of the content, the likely audience expectation and any signposting that may influence that expectation.

The Committee noted the BBC's explanations as to why it was logistically difficult to produce an independently-generated on-screen clock but it did not consider that the current situation of having a homepage clock which does not necessarily reflect the right time in the UK and which is not labelled on the homepage as deriving its time from a user's own computer clock is consistent with the Guideline requirement for the BBC to do all it can to ensure due accuracy in all its output. The Committee considered that, in the absence of clear labelling to the contrary, users of the bbc.co.uk website would assume that a clock provided by the BBC on its homepage would reflect as accurately as possible, bearing in mind the technological constraints of delivering data across the internet, the right time in the UK.

The Committee noted the Accuracy Guideline which states that the BBC must not knowingly and materially mislead its audiences. Whilst the Committee considered that labelling to clarify the nature of the clock could have been helpful, the Committee did not consider that the BBC had "knowingly and materially" misled website users in this instance. The Trustees noted that "knowingly and materially" is a high threshold and considered that they had not seen anything to suggest that this threshold was met.

The Committee concluded that the BBC Executive should, within a reasonable time frame, remedy the situation to ensure that the BBC complies with its requirement to ensure due accuracy in all its output. The Trustees accepted that it is for the Executive to take an operational decision on how to rectify the breach of the Guidelines found by the Committee.

Finding: Upheld.

The Twelfth, BBC One Northern Ireland, 12 July 2012

1. Background

The Twelfth is a live outside broadcast produced by BBC Northern Ireland and transmitted to audiences in Northern Ireland and available throughout the UK on digital TV and also on iPlayer for seven days thereafter. The focus of the programme is to cover the Twelfth procession through Belfast (though processions in other areas, such as Carrickfergus on this occasion, are sometimes covered). *The Twelfth* has been a feature of BBC Northern Ireland's broadcast calendar for 50 years.

Parades have been a prominent feature of the cultural calendar in Northern Ireland since the late 18th century. 12 July is the anniversary of The Battle of the Boyne which took place in 1690. The parades leading up to 12 July and on the day itself are generally considered to be the highlight of the Orange Order year and the 12 July parades are held by groups associated with unionism in Northern Ireland.

The programme traditionally begins at 11am, and on this occasion ran for one hour and 15 minutes. It comprised coverage of, and commentary on, the main Belfast procession (and to a lesser extent, the procession in Carrickfergus) interspersed by short informal interviews with a variety of guests: including Orangemen, Unionist politicians, event organisers, the former Fianna Fail Mayor of Drogheda in his capacity as a prominent local historian, a well-known local musician, the women on the Food Northern Ireland stall and tourists from around the globe.

In recent years, the Orange Order, with support from Belfast City Council, has sought to rebrand the day as "Oranifest", an event for the whole community. After the parade passes the city centre at midday, the shops now reopen and the city centre resembles an open air festival with food stalls, entertainment and family-focussed events.

The Orange Order parades are seen by many Catholics and nationalists as triumphal and divisive. However, conflict usually only arises when a procession "interfaces" with a nationalist area. Following major standoffs in Drumcree, in 1998 the Secretary of State for Northern Ireland set up the Parades Commission, a quasi-judicial body whose seven members are appointed by the Secretary of State.

The Commission can place conditions on a parade (including conditions relating to timings and the route) and can also exclude a group from a parade. The majority of parades are not classified as "contentious" by the Parades Commission. Of the thousands of parades notified to the Commission in 2012, 4% were classified as "contentious" by the Commission, and 3% were subject to some form of Parades Commission intervention.

In 2012, the Parades Commission placed restrictions on the return of the 12 July feeder parade that was due to pass along a stretch of road dividing Catholic and Protestant communities. During the parade, marchers adhered to the restrictions, but later in the day violence broke out between a group of republicans and loyalists at the interface between the two communities. Nine police officers were injured and there were a number of arrests. There were also disturbances on a smaller scale in Londonderry/Derry, and in Craigavon.

2. The complaint

Stage 1

The complainant wrote to BBC Complaints on 15 July 2012 saying that he and probably the vast majority of the public on the British mainland would be appalled at the "uncritical promotional coverage such as provided by BBC Northern Ireland in programmes like 'The Twelfth'."

He argued that the programme normalised sectarianism in a society in which probably more than 42% of the population believes the Orange Order contributes very negatively to community relations.

The Head of Entertainment and Events for BBC Northern Ireland responded on 30 July 2012 stating that the wider issues noted by the complainant in relation to aspects of the Orange Order parades that may be seen as controversial were covered elsewhere in news and related programmes, and that taken as a whole, BBC NI output includes the widest possible range of opinions and beliefs.

The complainant responded on 31 July 2012 questioning whether the fact that the output "includes the widest possible range of opinions and beliefs" negates the need for each individual programme within that output to present a balanced view. He said the live broadcast of the event still required it to be placed in its social and political context.

The Head of Corporate and Community Affairs for BBC Northern Ireland responded on 3 August 2012 reinforcing the points made in the Head of Entertainment's initial response and stating that the "live television programme seeks to reflect the community and cultural significance of twelfth demonstrations, making use of guest contributors and interviewees. Its purpose is to describe and explain what is happening, its historical context and relevance for those taking part. Debate about the Twelfth, Orangeism and issues around community relations are extensively covered in BBC NI's news and other programming".

Stage 2

The complainant wrote to the Editorial Complaints Unit (ECU), Stage 2 of the complaints process, on 7 August 2012. He reiterated the points he had raised at Stage 1, adding some additional commentary. He also quoted excerpts from the impartiality guidelines, stating that "this was clearly a controversial subject". He alleged that there was "no context to or weighing of material facts in the programme" and that it was "not reasonable for a state broadcaster to provide uncritical promotional coverage of an event that contributes extremely negatively to community relations" and asserted that "it is difficult to see how this program, in this uncritical format, is in keeping with [the guidelines on impartiality]".

The ECU did not uphold the complaint. It provided the complainant with the following reasons for that decision:

- the brief for the programme was to reflect the parade and spectacle of the day and not to get involved in the political aspect of the event which is in the news domain.
- it is such a long-standing event and its heritage so familiar to those who would be watching the coverage that there was no question of the audience being unaware of the political issues and differences of opinion that surround it.
- the programme kept to its brief (to reflect the parade and spectacle of the day) but included references that acknowledged a degree of controversy historically surrounds the parades.

- given the size of the event and its cultural significance to a large number of licence fee payers, giving coverage to the parade was justified.

The ECU concluded by stating that it appreciated that the coverage did not give a huge amount of perspective on the controversy that surrounds the march and noted that had the coverage itself included any political rhetoric, it would have required considerably more. The ECU also noted that the Head of Entertainment and Events for BBC Northern Ireland had assured the ECU that the manner in which BBC NI covered the event is constantly the subject of close scrutiny and review; detailed discussion was taking place at a senior level about the nature of the coverage in 2013.

The complainant responded on 18 October 2012. The complainant:

- reiterated that he was in favour of the Orange parades being covered by the BBC and that his complaint was about this specific programme.
- stated that "in addition to the usual controversy that surrounds this parade, the marchers were obliged to comply with the Parade Commission ruling regarding the return of their parade through North Belfast and at the time of broadcast the organisers of the parade had not given an undertaking to comply with the law (they had made a statement that they had decided on a 'peaceful solution'). As it turned out there was serious violence...".
- asked whether "audience expectation" meant that impartiality would be less relevant because the audience was aware of the nature of the programme and would know what to expect.
- said that the move to Orangefest rebranding was a "welcome and positive element of the 12th parade". However, "there are other elements of Orange Parades which in the view of a sizeable proportion of the Northern Ireland population are not positive and contribute very negatively to community relations" and that "the nature of Orange parades is therefore a matter of contention and controversy between both communities".
- stated that, in his opinion it is both misleading and partial for the BBC to concentrate on those initiatives to make this a family day with a festival atmosphere, when there are many non-positive aspects to the 12th celebrations which were not touched on.
- stated that although the brief reference to a "good proportion of the population" not wanting anything to do with the parade "introduced an element of balance into the programme", it understated the attitude of many nationalists to the parade.
- stated that the reference in the coverage to members of the Roman Catholic community being present at the parade strengthened the need for greater balance in the programme, as this statement was made by a Unionist politician and the "Roman Catholic community has serious issues with Orange marches".
- concluded by stating that "I think it is fair to suggest that in order to comply with its own guidelines, that it is not feasible for the BBC to produce a programme (and which appeared to be promotional in nature) on such a controversial subject in a divided society like Northern Ireland without giving due weight to the impact of the event on both community relations and public order".

The ECU finalised its decision on 29 October 2012. It said it did not accept that in order to meet the requirements for impartiality the programme was required to include details of the negative incidents that occurred in relation to the parade on 12 July.

In later correspondence from the ECU, the Complaints Manager clarified that she was not saying that the "parade is not controversial" and acknowledged that the fact that coverage of the subject is the subject of much in-depth discussion at the BBC, is evidence of their recognition of its controversial nature. She went on to conclude that "the guidelines allow for coverage of a single aspect of an issue within individual programmes where there is editorial justification, provided a range of views is reflected across the output as a whole". She stated that her finding reflects the view that "there was sufficient editorial justification for providing coverage of the parade simply as a spectacle and that because the parade's controversial nature is common knowledge among audiences in Northern Ireland, the allusions to the controversy included in the coverage were sufficient acknowledgement of it in this context".

Appeal to the Trust

The complainant appealed to the BBC Trust on 22 November 2012 acknowledging the thoroughness of the review conducted by the ECU but stating he did not accept their conclusions. By way of explanation as to why he did not accept their views, he enclosed his email dated 18 October 2012 which he had sent in response to the ECU's findings. The points raised in that email have been summarised above.

3. Applicable Editorial Guidelines

The section of the BBC Editorial Guidelines (2010) relating to Impartiality are applicable to this appeal. The full guidelines are at <http://www.bbc.co.uk/editorialguidelines>

4. The Committee's decision

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 the subsequent submissions from the complainant and from BBC Northern Ireland.

Points made by the BBC and the complainant in correspondence

In particular, the Committee members had at the forefront of their minds the below points raised by the complainant:

- the complainant's assertion that *The Twelfth* constituted uncritical promotional coverage of the Orange Order parade.
- there was no challenge to any of the participants expressing contentious views about the inclusiveness of the parades.
- no alternative viewpoint was offered.
- at the time of broadcast, marchers in North Belfast had not said they would comply with a Parades Commission ruling; the controversy was at a decisive point yet this aspect of the controversy was not mentioned in the programme.
- the argument that it was a long-standing programme and would have met audience expectations failed to take into account the many political and social

changes in Northern Ireland over the year and the live political issues in play on the day of the parade.

- the programme's uncritical coverage normalised sectarianism because despite rebranding (which was welcome) the parades remain a matter of contention and controversy in the community.
- the programme should have given "due weight" to the negative aspects of the parade given the serious ongoing public order issues surrounding the parade on that day and should not have confined itself largely to the rebranding of the Orange festivities.
- "In order to comply with its own guidelines it is not feasible for the BBC to produce a programme ... on such a controversial subject in a divided society like Northern Ireland without giving due weight to the impact of the event on both community relations and public order."

The Committee noted the principal factors considered by the ECU in deciding not to uphold the complaint:

- the Head of Entertainment and Events' view that the programme's brief was to reflect the parade and spectacle of the day but to leave the political aspect to the news.
- the Head of Entertainment and Events' views that because the programme is such a long-standing event, and its heritage is very familiar to those who would be watching, there was no question of the audience being unaware of the political issues and differences of opinion that surround it.
- the ECU's conclusion that, taking into account the pre-existing understanding of the audience about the underlying issues, and the brief occasions where the programme acknowledged the controversial nature of the parades, the programme satisfied the requirements set out in the guidelines in the context of this genre of programme.

The Committee noted the comments from the Head of Corporate and Community Affairs for BBC Northern Ireland in response to the points raised in the appeal:

"I think that the live television programme needs to be understood/assessed within the context of its editorial remit and our wider programming about the Twelfth and related issues. We provided extensive coverage of disputes relating to several Orange Order parades – a small % of the overall total, albeit with adverse impacts for public order and community relations. Our programming featured a diverse range of voices and perspectives."

The Committee noted the additional points made by the Head of Corporate and Community Affairs:

- our role is to reflect (the Twelfth demonstrations) and other aspects of local cultural diversity, in all their differing aspects. Some of these traditions and events are contested and BBC output taken as a whole, should reflect this reality.
- the weighting or prominence given to alternative viewpoints and/or the foregrounding of controversy will depend on the nature and purpose of

individual programmes. None of them should distort the facts or misrepresent situations and events.

- whilst the programme's editorial focus was on the spectacle of large-scale cultural demonstrations (with accompanying referencing of music, costumes and regalia and the significance of banner images etc.) it also included several contributions which acknowledged the extent to which Orange Order events have been/are contested and ongoing efforts to make them more accessible and to address community tensions. Such themes did not predominate, but were well covered in other aspects of BBCNI's output in this period across radio, television and online.
- BBC NI's live television coverage of the Twelfth is an event-based outside broadcast. Its format and approach have evolved over time, reflecting changes in the Belfast event (its nature, composition etc.), technology and our ambition to provide commentary and analysis that explains Orangeism, its traditions and beliefs to a general audience. The programme will always be sensitive to tensions and developments in the wider community, but its role is not to replicate the function/remit of news or investigative programmes. We feel that its purpose is well-understood by BBC audiences in Northern Ireland and that its sign-posting within the schedule, and in associated publicity, makes our intentions clear.
- everything that the BBC does is subject to development and review. We take our responsibilities in reflecting community diversity extremely seriously. Some of this can involve real editorial challenges. It requires us to acknowledge, and reflect, the traditions and beliefs of the communities that we serve and the realities of conflict, where this exists. Diversity isn't always, and everywhere, a synonym for division and BBC programming should ensure that its portrayal of local society isn't exclusively (or even predominantly) framed in these terms.
- some parades, or parts of parades, are "sensitive" in the Commission's terms, but does this condition, or provide a determining frame of reference for, the whole?... the issues which have been raised about the Ardoyne feeder parade seem, in some of the argumentation, to elide into more generalised observations about the Belfast demonstrations and as a basis for describing the event as "controversial".

The wording of the Guidelines

The Committee referred closely to the wording of the relevant editorial standards, as set out in the BBC's editorial guidelines, which are a statement of the BBC's values and standards.

The Committee noted that the requirement for due impartiality means that impartiality must be adequate and appropriate to output, taking into account the subject matter and nature of the content, the likely audience expectation and any signposting that may influence that expectation.

The Committee considered how BBC Northern Ireland had signposted the scope of *The Twelfth* live programme: the pre-publicity and the opening lines of commentary in the programme stated that it was live coverage of the parades in Belfast and Carrickfergus marking the 322nd anniversary of the Battle of the Boyne. In the Committee's view, this signalled to viewers the restricted scope of the programme and the audience would not

therefore have expected reference to events taking place outside the scope of the live programme.

In terms of audience expectation, the Committee noted the long-standing nature of the programme, which had been running in a similar format for at least 50 years, making it a well-established fixture of the Northern Ireland cultural calendar. Consequently, the Committee was of the view that the audience would have had clear expectations about what the programme would cover and agreed that the approach taken in the programme was consistent with the approach taken in previous years.

The Committee then considered the question of whether the coverage dealt with a "controversial subject", as set out in the impartiality guidelines. The Committee noted the relevant section of the guideline:

Controversial Subjects

4.4.5 We must apply due impartiality to all our subject matter. However, there are particular requirements for 'controversial subjects', whenever they occur in any output, including drama, entertainment and sport.

A 'controversial subject' may be a matter of public policy or political or industrial controversy. It may also be a controversy within religion, science, finance, culture, ethics and other matters entirely.

4.4.6 In determining whether subjects are controversial, we should take account of:

- the level of public and political contention and debate
- how topical the subjects are
- sensitivity in terms of relevant audiences' beliefs and culture
- whether the subjects are matters of intense debate or importance in a particular nation, region or discrete area likely to comprise at least a significant part of the audience
- a reasonable view on whether the subjects are serious
- the distinction between those matters grounded in fact and those which are a matter of opinion.

4.4.7 When dealing with 'controversial subjects', we must ensure a wide range of significant views and perspectives are given due weight and prominence, particularly when the controversy is active. Opinion should be clearly distinguished from fact.

4.4.8 Due impartiality normally allows for programmes and other output to explore or report on a specific aspect of an issue or provide an opportunity for a single view to be expressed. When dealing with 'controversial subjects' this should be clearly signposted, should acknowledge that a range of views exists and the weight of those views and should not misrepresent them."

The Committee agreed that the "subject" it needed to consider for the purpose of deciding whether this programme covered a "controversial subject", was the subject of the main Belfast procession (and to a lesser extent, the procession in Carrickfergus) which the programme covered. The Committee noted the wording in 4.4.6 above, and agreed that this topic was a sensitive one in terms of relevant audiences' beliefs and culture. It also noted that the subject matter sometimes gave rise to intense debate. The Committee therefore concluded that this was a controversial subject within the meaning of the

Editorial Guidelines. The Trustees noted that they were considering this programme and these parades and that their decision did not necessarily as a consequence apply to all parades or all aspects of parading. The BBC needs to approach each decision as to whether subject material is controversial and take it based on the unique facts associated with each case. There is a wide spectrum of what may or may not be considered controversial.

Having satisfied itself that the subject matter covered in the Twelfth programme was a controversial subject in accordance with the definition set out in the Editorial Guidelines, the Committee considered whether the subject fell within the scope of 4.4.9 of the Impartiality Guideline, which provides:

4.4.9 In addition, we must take particular care and achieve due impartiality when a 'controversial subject' may be considered to be a major matter. 'Major matters' are usually matters of public policy or political or industrial controversy that are of national or international importance, or of a similar significance within a smaller coverage area. When dealing with 'major matters', or when the issues involved are highly controversial and/or a decisive moment in the controversy is expected, it will normally be necessary to ensure that an appropriately wide range of significant views are reflected in a clearly linked 'series of programmes', a single programme or sometimes even a single item.

The Committee noted the wording carefully. It noted that although major matters are "usually" matters of "public policy or political or industrial controversy that are of national or international importance", the fact that a subject meets this criterion does not automatically mean that it is a "major matter". The Committee agreed that the threshold for deciding whether something is a "major matter" was a high one and it was satisfied that, in this instance, that threshold was not met.

The Committee then considered whether the issues involved were "highly controversial" or whether a "decisive moment in the controversy was expected". The Committee agreed that although the subject matter in the Twelfth programme was controversial, it was not "highly" controversial. Again, the Trustees considered that this was a matter of degree and, in their judgement, they did not think that the necessary threshold was met. They noted that there was an expectation that the Belfast parade would be held, as it was yearly, and this was not in doubt. Although there was concern at the time about the return of the North Belfast feeder parade, the editorial focus of the programme was clearly the cultural and festive aspects of the parade itself as it passed through the very centre of Belfast. The Committee agreed that it would be incorrect to regard this as being a "decisive moment in the controversy". Consequently, the Committee agreed that the BBC did not have an obligation to "ensure that an appropriately wide range of significant views are reflected in a clearly linked 'series of programmes', a single programme or sometimes even a single item" (4.4.9).

Rather, the Committee noted 4.4.8, which sets out how the BBC should proceed when dealing with a controversial subject (where that controversial subject is not a major matter):

4.4.8 Due impartiality normally allows for programmes and other output to explore or report on a specific aspect of an issue or provide an opportunity for a single view to be expressed. When dealing with 'controversial subjects' this should be clearly signposted, should acknowledge that a range of views exists and the weight of those views, and should not misrepresent them.

Consideration should be given to the appropriate timeframe for reflecting other perspectives and whether or not they need to be included in connected and signposted output.

The Committee noted that the Guidelines allow for "programmes and other output to explore or report on a specific aspect of an issue...". The Committee noted that controversy was alluded to on three separate occasions in the programme (albeit that these references were very brief):

The first two references relate to the rebranding of the parade in Belfast as Orangefest and are contained within the extract below:

David O'Reilly (reporter): Who is your key target?

Andrew Irvine (Belfast City Centre Management): This is about opening up the event, not only to the more and more tourists that we're getting ... but also for the people of Belfast. Let's be frank, there are a good proportion of the population want nothing to do with the parade that's currently coming past us. And as a city we have to have a neutral space that's welcoming and inviting to everybody. So the activities in the afternoon: the food market, the street performers, all of that and the retail shops that are open. I want to appeal to everybody across Belfast no matter what your tradition or background. This city is a neutral city and it's a place for you and it's very much open for business on the twelfth.

David O'Reilly: Is this more about appealing to the people who are already here or is it about attracting a brand new audience to the city centre on the twelfth?

Alderman Jim Rodgers: We would like to see a brand new audience as well as an existing one and people are here from all walks of life and as I walk along Royal Avenue and Donegal Place it was interesting to see a number of members of the Roman Catholic community who I know personally. That's what we want to see. This is a day for everybody, this isn't a day for triumphalism. We want to see Belfast buzzing, we want to see NI going from strength to strength and all of us accepting religions, cultures, political views rather than having all this fighting and argy-bargy. It's not in the interest of anyone to have fights in the street or battles. We want people to really enjoy themselves. Great to have the shops now opening for its fourth year. We've got the Food Hall for the first time in the grounds of City Hall. We've all this great entertainment and this will go on and on as part of Orangefest.

The third reference is to the controversial nature of the historical events which the Twelfth commemorates. The Battle of the Boyne took place in 1690 on the Boyne River near Drogheda in what is now the Irish Republic. The presenter was speaking to Drogheda's former (Fianna Fail) Mayor and local historian Sean Collins who has been conducting group tours of the battlefield since 1978:

Presenter: What sort of reception do you give them and how do they respond to being there and you taking them around?

Sean Collins (former Mayor of Drogheda): Well I always suggest to them that I can tell them the Battle of the Boyne version whether they want the Catholic version, the Protestant version or the truth and we try and stick to the truth. As one famous comedian once said: you won the battle but we got the river.

The Committee agreed that these references were brief. However, it concurred with the ECU's view that the few references in the programme that did acknowledge the controversial nature of parades in general were sufficient in the context of a programme whose ambitions were so clearly defined and where the audience would have a pre-existing understanding of the underlying issues.

The Committee also noted that there is a reference, at the bottom of 4.4.8, to 4.4.25 of the Guidelines, which addresses "impartiality in series and over time". The Committee noted that 4.4.25 provides that "in achieving due impartiality, a 'series of programmes', may be considered as a whole". A 'series of programmes' is defined as being "content that deals with the same or related issues, within an appropriate period, and are clearly linked". The Committee noted that the presenter of *The Twelfth* live programme trailed a highlights programme rounding up the parades of the day from across the province, broadcast at 22.45 on 12 July, at the end of the live programme:

"That's all we've time for. But remember you can watch this programme on the BBC iPlayer for the next seven days and BBC *Newsline* will have a special programme on *The Twelfth* tonight at 10.35 [sic] on BBC One."

The Committee considered that *The Twelfth* live programme and the highlights programme were part of a series, as they dealt with related issues and were clearly linked by the presenter.

The Committee noted that unlike *The Twelfth* live, which was produced by the Entertainment and Events department, the highlights programme was a newsroom production, was branded as such in the titles and was anchored by a recognised news presenter, Sarah Travers. The Committee noted that the highlights programme did reflect the controversy over the Parades Commission ruling and also reported that the parade in North Belfast passed off without incident.

The Committee agreed that due impartiality had been achieved across the two programmes. It also agreed that *The Twelfth* had achieved due impartiality as a standalone programme.

The Committee then noted guideline 4.2.3, which provides that "we seek to provide a broad range of subject matter and perspectives over an appropriate timeframe across our output as a whole".

The Committee considered the coverage of the Belfast and Carrickfergus Twelfth processions and the events that occurred on that day across BBC output as a whole.

The Committee noted that in response to the appeal, BBC Northern Ireland had supplied examples of content elsewhere in its output which might demonstrate how due impartiality in dealing with the controversial aspects of 12 July was achieved. The Committee considered the grid of items which BBC Northern Ireland supplied for this appeal.

The Committee noted that the examples demonstrated that news programmes dealt with the issues around the contested parades in North Belfast and Crumlin; violence in Ardoyne on 12 July in the evening (after the parade had finished); and reaction to footage of a loyalist band which had been filmed outside St Patrick's church in Belfast during the Twelfth demonstration. The Committee noted that the items reflected in a variety of ways, as appropriate to the nature and type of content, the majority of the "negative aspects" of the parade raised by the complainant in his appeal, which he alleged were missing from *The Twelfth* live programme.

The Committee noted that news coverage of events on the evening of 12 July demonstrated that BBC Northern Ireland explicitly distinguished the peaceful parades from the rioting which broke out later in the day and ran them as separate stories in news bulletins.

The Committee noted too the comment in the 11 July news report on the launch of Orangefest that the parades themselves would not appeal to everyone in the city. It noted too that the reporter asked an Orange Order representative how they could focus on Orangefest when there was so much concern about what might happen the following day (in relation to the Parades Commission ruling).

The Committee noted also from the examples supplied that the rioting which broke out after the parade had passed was covered in detail in the late evening news bulletin which preceded and was on the same channel as the highlights programme.

It concluded that the examples supplied demonstrated that, across the full range of programming, the totality of the picture of the controversial aspects of the parade season was covered.

For the reasons outlined above, the Committee was satisfied that *The Twelfth* programme had complied with the editorial guidelines on impartiality.

Finding: Not upheld