

Editorial Standards Findings

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

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In order to provide clarity for the BBC and licence fee payers it is the Trust's policy to describe fully the content that is subject to complaints and appeals. Some of the language and descriptions used in this bulletin may therefore cause offence.

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

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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.

offensive language if the complainant refuses to reword it after being invited to do so.

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

The 99p Challenge, 29 March 2013, BBC Radio 4 Extra

Summary of finding

The complainant alleged that a joke in a comedy panel show concerning the death of Margaret Thatcher (which had originally been produced and broadcast some years before the former Prime Minister's death and subsequently repeated afterwards) was offensive.

The Committee concluded:

- that the programme had made clear the possibility that its content may be provocative. The participants would have been well known for their banter and edgy humour.
- that the exchange about Lady Thatcher was different in nature to those jokes made about other public figures in the programme as those had clearly been surreal flights of fancy while the material about Lady Thatcher was based around the known fact that she had Alzheimer's.
- that it could not agree that that jokes about subjects such as Alzheimer's, Cancer, Aids, Parkinson's or the death of living people should never be heard on the BBC.
- that, while the exchange was open to different interpretations, its editorial purpose was rooted in the fact that Lady Thatcher remained a controversial figure among those who opposed her when she was Prime Minister and criticised her record as Prime Minister.
- that this would not have breached generally accepted standards taking into account audience expectations for this type of humour on this programme and on this service.
- that, although this broadcast came very close to the limits of what was acceptable in terms of offence and undoubtedly would have offended some listeners, it would not have been outside the expectations of most listeners to this programme.

The complaint was not upheld.

For the finding in full see pages 5 to 9.

Coverage of climate change, Natural History Unit

Summary

The complainant claimed that the BBC interpreted impartiality in a way that denied the integrity of climate science. In particular, he considered the BBC did not reflect any link between CO2 emissions and climate change. In previous correspondence with the BBC the complainant had been told that the BBC considered it had addressed the complaint as fully as possible and did not consider that there had been a breach in editorial standards so was not able to engage in further correspondence.

The Committee concluded:

- That the points the complainant made had been raised with the BBC on previous occasions and had been addressed by the BBC.
- that they had not seen evidence that climate change was a subject that the BBC had not addressed openly, as the complainant considered.
- that the complaint did not raise an issue that might have related to a breach of the Editorial Guidelines and that BBC Audience Services had acted appropriately in closing down the correspondence at an earlier stage.

The complaint was not upheld.

For the finding in full see pages 10 to 13.

Appeal Findings

The 99p Challenge, 29 March 2013, Radio 4 Extra

1. Background

This edition of the comedy panel show *The 99p Challenge* was broadcast on BBC Radio 4 Extra (content for which comes mostly from the BBC's archive) on 29 March 2013 at 2.30am. The edition, which had originally been broadcast on Radio 4 in 2004, included a round that was intended to spoof newspaper birth, marriage and death announcement pages. The following exchange took place in this part of the programme:

Miranda Hart: I just want to announce, regretfully, the untimely death of my billionaire father, Rufus, in the billiard room with the lead piping at three pm this afternoon. At which time I was in the Red Lion in Chislehurst in front of 42 independent friends, sorry, witnesses. Also I would like to announce the death of Margaret Thatcher. (Audience laughter).

Sue Perkins: Surely that must now be an inevitability?

Armando Iannucci: Actually Margaret Thatcher has got Alzheimer's and is pretty senile, so her condition is satisfactory.

2. The complaint

The complainant asked if it was entertainment to wish for anyone's death or to be glad that anyone suffered from Alzheimer's. She asked if the BBC would make a joke of this nature about other former Prime Ministers.

Stages 1 and 2

The complainant received three replies to her complaint from the BBC at Stage 1. The complaint was not upheld by the Editorial Complaints Unit (ECU) at Stage 2 of the complaints process.

The BBC said they had no plans to repeat the programme.

3. Appeal to the Trust

The Trust Unit initially rejected the appeal as having no reasonable prospect of success but the complaint was taken on appeal by Trustees after this decision was challenged by the complainant.

The complainant's appeal correspondence raised the following points in relation to the harm and offence the complainant believed was caused by the programme:

- She said it was "totally unacceptable to mock anyone suffering from mental illness" or "anyone suffering from Alzheimer's".
1. She realised that off the cuff remarks may be made in programmes such as *The 99p Challenge*, but the BBC had repeated it ever since and within days of the death of Margaret Thatcher.

2. The introductory warning about the programme being provocative would not have prepared her for what followed.
3. She noted that the BBC had said that Margaret Thatcher was a “highly divisive public figure” who still provoked strong reactions amongst political opponents in 2004 but said that she found these comments totally unacceptable whoever they were made about.
4. “No jokes should be made on a BBC programme that a person is suffering from a serious disease whether Alzheimer’s, Cancer, Aids, Parkinson’s or other affliction.”

4. Applicable Editorial Guidelines

The sections of the BBC Editorial Guidelines relating to Harm and Offence are applicable to this case. The full guidelines are at www.bbc.co.uk/editorialguidelines

5. 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 of the available evidence, including (but not limited to) the Editorial Adviser’s report, and subsequent submission from the complainant.

The Committee noted that this appeal raised issues which required consideration of the Guidelines relating to Harm and Offence.

The Committee noted that BBC content could include challenging material that risks offending some of the BBC’s audience but that there should be a clear editorial purpose, taking account of generally accepted standards and it should be clearly signposted. Such material might include discriminatory treatment or language.

It was noted that the Guidelines on Intimidation and Humiliation set out that, while some content can be cruel, unduly intimidatory, humiliating, intrusive, aggressive or derogatory remarks aimed at real people should not be celebrated for the purposes of entertainment, and that care should be taken that such comments and the tone in which they are delivered are proportionate to their target.

The Committee noted the segment in which the exchange about the former Prime Minister Baroness Thatcher occurred (set out above).

The Committee noted that Radio 4 Extra was asked for their comments on how the exchange about Lady Thatcher complied with the BBC’s Editorial Guidelines on Harm and Offence and why the programme was repeated. It noted that Radio 4 Extra made the following points:

- The joke may have been considered to be predicated on bad taste, but there was a long comedic tradition of performers using bad taste, in a knowing manner, as a means of humour.

- The joke was considered within the audience expectation for *The 99p Challenge* and was broadcast in the context of an archive network providing access to the breadth of Radio 4's comedy archive.
- The panellists were well known and some, such as Armando Iannucci, had become better known since 2004 for their over-the-top, challenging and occasionally bad taste humour.
- For those listening who may have been unfamiliar with the programme, the nature of the comedy was signposted by the continuity announcer describing *The 99p Challenge* as a "provocative panel show". It was further signalled within the programme itself by other jokes establishing a context of absurd, over-the-top humour that found comedy in provocative comments of sometimes questionable taste. The BBC highlighted jokes about the death of Jim Davidson at the hands of Chalky (a character he frequently included in his routines) and one by Miranda Hart about serving up the brains of Jamie Oliver with fennel mash.
- Within the context of the programme, it was clear that the comments about Lady Thatcher were said knowingly rather than with genuine malice.
- The BBC said that, in common with much of the programme's content, the panellists were engaged in exaggerated bad taste, in this case for comic representation of the divisiveness and strong reactions that Lady Thatcher provoked amongst those who disliked her policies even some 14 years after she had left office.
- In terms of portrayal, the joke was clearly targeted at Lady Thatcher and the strength of feeling she provoked, rather than against people with dementia in general.
- There was no record accompanying the original 2004 broadcast to say it had provoked complaint and there was no evidence to suggest that the comments represented an area of comedy that had seen a significant shift in generally accepted standards since 2004.

The Committee acknowledged that the programme had made clear the possibility that its content may be provocative and agreed that the participants would have been well known for their banter and edgy humour. In addition, the Committee noted that the audience had been made aware that the programme had been recorded almost a decade prior to its repeat on Radio 4 Extra.

The Committee noted the report "Taste, Standards and the BBC" (BBC June 2009) which considered the area of taste and standards in the media and in particular the BBC's role. It noted that the following analysis was given about how audiences considered comedy:

"Comedy elicited a wide range of responses from our research. It was unique as a genre as it was felt to be almost entirely a matter of personal rather than general taste. Whereas drama might attract a wide range of viewers, audiences were far more specific about the type of comedy they enjoyed and they showed tolerance for material, even when it was not to their individual taste."

The same report noted that

"...there is very little concern about standards of behaviour and morality on radio."

The full report is available at:

<http://downloads.bbc.co.uk/guidelines/editorialguidelines/research/taste-standards.pdf>

The Committee also noted associated qualitative BBC research "Taste and Standards: qualitative research" (BBC April 2009)) carried out to consider the area of taste and standards in the media which, among other issues, examined the appropriateness and acceptability of language. It noted that, with regard to an audience's attitude to comedy, the report found:

- The context provided by a particular type of programme has a strong impact on audience expectations. This affects the way in which issues such as strong language or content are judged.
- Comedy is arguably the most complex genre for the audience in this area of taste and standards. It is an extremely wide-ranging genre and opinions are often very subjective. Individual taste may permit or sanction what others may feel is in poor taste. For the majority, comedy overall comes with its own licence and even more specifically, each style of comedy/comedian has their 'own' licence; although this does not make them immune to perceived lapses in taste if they are felt to be out of step with expectations of the programme audience.
- Audiences draw a distinction between a more derisive, potentially bullying tone and mockery, and as with the comedy genre, taste makes judgement quite subjective. How a line is delivered, and by whom, are crucial factors which define content as acceptable or unacceptable.

The full report is available at:

http://downloads.bbc.co.uk/aboutthebbc/reports/pdf/taste_standards_qualitative.pdf

With this research in mind, the Committee considered the exchange about Lady Thatcher. It believed that this was different in nature to those jokes made about other public figures in the programme as those had clearly been surreal flights of fancy while the material about Lady Thatcher was based around the known fact that she had Alzheimer's.

The Committee acknowledged that since 2004 public understanding of dementia and its consequences had grown with high profile cases leading to a better understanding by the public of what it entailed for both those who had dementia and also for their families and friends. To many a joke on this subject would be deeply offensive whoever it was about. It could not agree, however, that jokes about subjects such as Alzheimer's, cancer, Aids, Parkinson's or the death of living people should never be heard on the BBC. The research demonstrated that factors such as how a line was delivered and by whom and in what tone mattered in terms of what was acceptable to an audience.

The Committee believed that, while the exchange was open to different interpretations, its editorial purpose was rooted in the fact that Lady Thatcher remained a controversial figure among those who opposed her when she was Prime Minister and criticised her record as Prime Minister. The Committee noted that there had long been trenchant political satire containing harsh criticism of authority figures and Prime Ministers - including former Prime Ministers - were frequently the target of jokes.

The Committee noted the proximity of the repeat programme to the death of Lady Thatcher which happened shortly afterwards but accepted that those scheduling Radio 4 Extra could not have known this would happen.

The Committee took into account that this was an archive programme on an archive service. The comedian's style was well known and the provocative nature of the programme had been well signalled. The Committee noted that research has shown that mocking humour of this nature as opposed to bullying humour was more acceptable to audiences. Overall the Committee agreed that this would not have breached generally accepted standards taking into account audience expectations for this type of humour on this programme and on this service.

The Committee concluded that although this broadcast came very close to the limits of what was acceptable in terms of offence and undoubtedly would have offended some listeners, it would not have been outside the expectations of most listeners to this programme.

Finding: Not Upheld

Coverage of climate change, Natural History Unit

1. Background

The complainant had made several complaints to the BBC which had separate case numbers. Some of them referred to specific programmes; some did not. Most related to programmes made by the Natural History Unit (NHU), but one complaint mentioned an interview on BBC Radio 4's *The World at One*.

2. The complaint/s

The complaints related to the BBC's approach to covering climate change. The complainant repeatedly stated that the BBC interpreted impartiality in a way that denied the integrity of climate science. In particular, he considered the BBC did not reflect any link between CO2 emissions and climate change.

Complaint 1: The complainant contacted the BBC on 14 January 2013 about the BBC Two series *The Polar Bear Family & Me* which was broadcast on 7, 8 and 10 January 2013. He complained that the programme had failed to make a link between shrinking sea ice and CO2 emissions which threatened the extinction of the polar bear in the Arctic. The complainant asked that this complaint be dealt with under the Freedom of Information (FOI) Act. In a later letter he added:

"I am concerned as to how the issue of impartiality is interpreted by the BBC with regard to the Natural History Unit. I believe its 'impartiality' is the most rigorous, debilitating and restrictive interpretation; that it in fact denies the integrity of climate science." He went on to state: "I have never ... heard the phrase CO2 reductions ... as a matter of ecological principle integral to the science on wildlife programmes. I merely hear, on the rare occasion, climate change, this seems to have been further reduced to 'extreme weather' in the Polar Bear programme."

On 19 January 2013 BBC Complaints asked the complainant to wait for a response from the FOI department before deciding whether any further action was needed.

The complainant also wrote to the Chairman of the BBC Trust.

On 6 February 2013 the Trust Unit replied to the two letters addressed to the Chairman, noting the complainant's concerns about the impartiality of the BBC with particular regard to its science output. The Trust provided details of its 2010 impartiality review of science coverage and explained the position of the Editorial Standards Committee (ESC) on climate change.

"The Committee decided that its position was that there is a broad scientific consensus that climate change is definitely happening and laid out some of the reasons for reaching that decision, which included the statement by the Royal Society that, 'Our scientific understanding of climate change is sufficiently sound to make us highly confident that greenhouse gas emissions are causing global warming'."

There was some further correspondence on this issue later in the year.

Complaint 2: The complainant contacted the BBC referring to a previous complaint he had made in 2009 about the NHU series *Life*. He asked "whether the words 'climate change' in Africa had ever been edited into one of its series" and suggested a number of examples

which could be used to illustrate his point, such as shrinking summit glaciers on Kilimanjaro or drought in the Okavango.

The complainant also noted that in 2007 the BBC had embarked upon a programme of emission reduction; he asked for information under FOI about the baseline data or starting point for this work, which presenter had reduced their emissions most and who was the worst performer. BBC Complaints replied on 16 February 2013 noting that it had sent the complaint to the BBC's FOI department.

Complaint 3: On 3 October 2013 the complainant contacted the BBC. He referred to BBC Radio 4's coverage of the Intergovernmental Panel on Climate Change (IPCC) report on climate change on *The World at One* on 27 September 2013, in which a climate change sceptic was given airtime:

"In the light of BBC News coverage of an Australian geologists 'critique' of climate science I seek clarification with regard to BBC interpretation of 'impartiality' with regard to its public duty to communicating the integrity of the climate science; with particular regard to the Natural History Unit."

The complainant referred to a previous complaint made in 2009 to the BBC Trust and stated:

"My concern at that time was that coverage of climate change had never been edited into a single BBC Natural History Unit programme from Africa; I believe due to the controversy and lack of clear protocols supporting the 1992 Earth Summit, a matter not of impartiality but of failure in science communication".

On 19 October 2013 BBC Complaints replied, stating:

"We understand you're concerned about the BBC's position on climate change. The BBC's coverage of climate change reflects the fact that the overwhelming majority of scientists accept that anthropogenic warming is a fact as typified by the IPCC report. Nevertheless when it is editorially relevant we do, and will continue to, air the views of those sceptical of the IPCC from time to time."

On 20 October 2013 the complainant responded, saying the BBC had failed to answer his question. He described the approach of the NHU as a "failure in science communication", explaining his view that "presenters have a clear public duty to articulate this integrity; that the science is CO2 emission cuts" and this failure of communication resulted in a breach of BBC standards.

On 25 October 2013 BBC Complaints replied, thanking the complainant for his time in responding but stating that, unless they had misunderstood the correspondence so far, no question of substance had been put.

"You seemed to ask a rather general question about our interpretation of impartiality when it comes 'to communicating the integrity of the climate science'. Our response is that we have offered a wide range of coverage of this wide ranging issue over the years and we will continue to do so. Our coverage of climate change will generally reflect the fact that the overwhelming majority of scientists accept that anthropogenic warming is a fact but that when deemed editorially relevant we do, and will continue to, air the views of those sceptical of the IPCC."

The BBC said it was unable to comment on the previous correspondence with the ESC: for data protection reasons it no longer had access to those records, and if the complainant

wished to pursue points raised in the case it was beyond the timeframe specified in the BBC's complaints process.

In the circumstances the BBC considered it had addressed the complaint as fully as possible and did not consider that there had been a breach in editorial standards so was not able to engage in further correspondence.

3. Appeal to the Trust

The complainant appealed to the Trust on 5 November 2013, stating:

"I would argue that the BBC culture in this instance is 'institutionally corrupt' and blind to the integrity of its public duty to communicate the integrity of the climate science re CO2 reductions; this is true some 21 years after Rio 1992.

"Therefore I have no faith in the BBC complaints procedure or the integrity of the Natural History Unit editorial leadership or its presenters on this matter and have asked my MP to forward this complaint to the Chair of The Select Cttee on Media and Science."

On 3 January 2014 the complainant reworded his appeal, stating that:

"Climate change has warranted but one brief mention in the entire Natural History TV output from Africa 1992-2013 and that was a rather abstract mention re temperature increases in the Kenya Rift in 2013 Africa Series. This was some 21 years and a generation after the international duties imposed upon us by our signatory to the conventions of the 1992 Rio Earth Summit. It is my belief that the implications and ambitions of that Summit has never, ever been communicated."

4. Applicable Editorial Guidelines

The full guidelines are at <http://www.bbc.co.uk/editorialguidelines>. The editorial guidelines on Accountability are applicable to this complaint.

Accountability

19.4.1

...Our commitment to our audiences is to ensure that complaints and enquiries are dealt with quickly, courteously and with respect.

The BBC's Complaints Framework, Procedure No.1, Editorial, can be found in full here: http://downloads.bbc.co.uk/bbctrust/assets/files/pdf/our_work/complaints_framework/2012/editorial_complaints.pdf

5. The Committee's decision

The Committee noted that the complainant had appealed on the substance of his complaint; however, the Committee noted that BBC Audience Services had ceased handling this complaint at Stage 1 and that the complaint had not been considered at Stage 2. The Committee agreed that the point Trustees should consider was the appeal against the decision of BBC Audience Services not to correspond further with the complainant.

The Committee considered the appeal against the relevant editorial standards, as set out in the BBC's Editorial Guidelines. 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.

Trustees considered the responses received by the complainant.

Trustees noted the position of BBC Audience Services:

- BBC Audience Services took Complaint 3 (dated 3 October 2013) as the starting point for this appeal. It believed the essence of the complaint to be that the complainant wished the NHU to make a programme about "science communication" during the period 1992-2013 and that, as it has not been made, this constituted a breach of standards.
- BBC Audience Services understood the complainant's underlying concern to be about how the BBC approaches impartiality when covering climate change. It had therefore explained its approach briefly and correctly.
- BBC Audience Services understood the complainant's letter of 20 October 2013 to be a repetition of the question about why a programme had not been made about science communication. BBC Audience Services said that the Stage 1B shutdown letter issued by BBC Audience Services did not assume the complainant was on a particular side of the debate, but rather outlined the approach to how the BBC approaches coverage of the issues in climate change in order to be impartial.
- BBC Audience Services also stated that it explained why re-opening the ESC ruling of 2009 would be out of time.

The Committee considered whether the BBC had followed its Complaints Framework (referred to in the BBC's Editorial Guidelines on Accountability 19.4.2), in particular the section on Stage 1B shutdowns.

1.7 At all stages of this Procedure, your complaint may not be investigated if it:

- o 1.7.1 fails to raise an issue of breach of the Editorial Guidelines; or
- o 1.7.2 is trivial, misconceived, hypothetical, repetitious or otherwise vexatious.

The Committee noted the complainant felt very strongly about the subject of climate change and how it was covered by the BBC. However, reviewing the correspondence, Trustees considered the points he had made had been raised with the BBC on previous occasions and had been addressed by the BBC. They noted that the subject of climate change had featured in BBC output and considered they had not seen evidence that this was a subject that the BBC had not addressed openly, as the complainant considered. Trustees did not consider the complaint raised an issue that might have related to a breach of the Editorial Guidelines and considered BBC Audience Services had acted appropriately in closing down the correspondence at 1b.

Finding: Not Upheld

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.

Decision of BBC Audience Services not to respond further to complaint about allegation of an offensive comment made during Match of the Day, BBC One, 31 August 2013

Background

The complainant contacted Audience Services on 2 September 2013 to complain about a comment made by Gary Lineker on *Match of the Day* on 31 August 2013. Gary said:

"The two signings that Ian Holloway talked about are ... have confirmed Jimmy Kébé the winger from Reading and also from Huddersfield the right back Jack Hunt - have to be very careful with that one. Next, Manchester City versus Hull City..."

The complainant felt that for Gary to say he had to be "very careful with that one" was a crude and inappropriate comment about Jack Hunt's name on a "family show".

Stage 1a and b

Audience Services responded on 12 September 2013 saying that it was "most definitely not the case" that Gary Lineker had made an "offensive comment". They noted that no laughter had accompanied the comment "be careful with that one", and that nothing had followed which could be interpreted as "crude" or "inappropriate". Audience Services apologised if the complainant had found the comment unacceptable, but said there was "certainly no intention to cause offence".

The complainant was not satisfied with the response and made a follow-up complaint on 8 October 2013.

Audience Services responded at stage 1b on 20 October 2013, explaining that they had nothing further to add to their previous response and did not consider that the complainant's points raised a possible breach of standards. He was advised to contact the BBC Trust if he wished to request a review of their decision.

Appeal

The complainant escalated his complaint to the Trust because he was unhappy with the response he had received at Stage 1b from Audience Services.

He said that it was indisputable that Gary Lineker was "... making a reference to the worst word in the English language..."

He said that the sentence had no purpose other than to emphasise the potential "c" word "trip-up".

He objected to the decision by Audience Services to argue otherwise. He was concerned because he was watching the programme with his young teenage son, who had queried the remark.

The Trust Unit's decision

The Trust's Senior Editorial Complaints Adviser (the Adviser) replied to the complainant explaining that she had carefully read the correspondence that had passed between the complainant and the BBC, and she acknowledged the strength of the complainant's feelings.

The complainant had appealed on the substance of his complaint which was a remark made by Gary Lineker on *Match of the Day* about having to be careful with the way he pronounced the name "Jack Hunt". The Adviser noted, however, that BBC Audience Services had ceased handling this complaint at stage 1 and that the complaint had not gone to stage 2. She therefore decided that the point she should consider was whether an appeal against the decision of BBC Audience Services not to correspond further with the complainant had a reasonable prospect of success.

The Adviser noted the context of the comment made by Gary Lineker. He stated:

"The two signings that Ian Holloway talked about are - have confirmed – Jimmy Kébé the winger from Reading and also from Huddersfield the right back Jack Hunt - have to be very careful with that one. Next, Manchester City versus Hull City..."

She noted that Gary Linker had stressed the letter "H" on the word Hunt, apparently in order to avoid the possibility of a mis-interpretation of the word "Hunt", which, following the word "Jack", might have either been heard by some viewers as a verbal use of the "c" word as mentioned by the complainant, or been printed wrongly on the television screen by the voice-recognition software used for on-screen subtitling for the hard of hearing.

The Adviser also noted that after placing emphasis on the "H" in "Hunt", the context suggested that Gary Lineker had apparently been offering an explanation, in the form of an aside remark: "...have to be very careful with that one" for what in usual speech would have sounded like an unusual exaggeration of emphasis on the "H".

The Adviser acknowledged that the complainant believed it was a "joke" and that he considered Audience Services had been wrong to deny this by suggesting that Gary Lineker had not been making an offensive comment and that there was nothing in his remarks which could be interpreted as crude or inappropriate.

The Adviser appreciated that a lack of careful diction when running together the two words "Jack Hunt" could have the potential to cause offence to viewers. She considered that in placing an exaggerated emphasis on the letter "H", and then acknowledging this deliberate careful emphasis by adding the comment, "...have to be very careful with that one", Mr Lineker was acknowledging the potential for offence which could be occasioned by an on-air slip, while at the same time light-heartedly trying to minimise that potential for offence.

The Adviser believed that the remark made by Gary Lineker would not have exceeded the expectations of the audience for *Match of the Day*, and noted that the programme was not aimed specifically at children. The Adviser considered Trustees would be likely to conclude that no evidence had been presented which suggested that the presenter had

made a remark which was likely to be in breach of the BBC's Editorial Guidelines relating to Harm and Offence.

The Adviser considered that Trustees would be likely to conclude that Audience Services had responded reasonably to the complainant by saying that Gary Lineker had not made an offensive comment, and that it had been reasonable for them to say they could not engage in further correspondence on the complaint. It followed from this that she did not consider the appeal had a reasonable prospect of success and it should not therefore be put before Trustees.

The Adviser also noted the complainant had raised a separate issue in his appeal to the Trust about a comment made by Gary Lineker on Al Jazeera TV in October 2012. The complainant had queried why Gary Lineker should work for the BBC.

The Adviser noted that the Complaints Framework, Procedure No.1, Editorial Complaints, related to BBC content and that the comments referred to had, according to the complainant, been made on Al-Jazeera TV not on the BBC. She also noted that complaints about the BBC's output had to be replied to in the first instance by the BBC Executive, not the Trust. The Adviser therefore considered that it would not be appropriate for this point to proceed to be considered by Trustees. However, for completeness, she noted that following the broadcast on Al Jazeera, Gary Lineker had apologised for any offence that had been caused. She hoped this provided some assurance to the complainant.

Request for review by Trustees

The complainant was dissatisfied with the response and asked the Trustees to consider the issue. He noted that the presenter had smiled as he made the remark. He did not accept that because comments had been made on another broadcaster it was not a matter for the BBC.

The Committee's decision

The Committee was provided with the background correspondence, the complainant's appeal to the Trust, the response from the Senior Editorial Complaints Adviser and the complainant's email asking the Committee to review her decision.

The Committee noted that the BBC's Editorial Guidelines set out the values and standards that all of the BBC's published or broadcast output was required to meet. The editorial complaints process assessed the BBC's output against those standards.

The Committee noted that the complainant did not accept the reasoning given by the Trust's Senior Editorial Complaints Adviser not to proceed with the appeal, and acknowledged the points made by the complainant in his challenge. It also noted that the Trust Unit had mistakenly returned his case to the Executive in the first instance. Trustees regretted the delay this had caused to the complainant's appeal and understood that he was concerned with the overall time it had taken to consider his case.

Trustees noted that the complainant had raised a fresh issue at the Trust about comments which had been made on Al Jazeera. Trustees noted that the 2006 Agreement between the Secretary of State for Culture, Media and Sport and the BBC set out that the Trust should not have a role in handling or determining individual complaints in the first

instance, except where the complaint relates to any act or omission of the Trust or Trust Unit. Trustees agreed this was a matter for the Executive and not a matter for the Trust.

The Committee considered the response of Audience Services in relation to *Match of the Day* and noted that Audience Services had apologised for any offence that had been caused, but had assured the complainant there had been no intention to cause offence and Gary Lineker had not used offensive language. Trustees noted that the complainant had watched with his teenage son and regretted any embarrassment he may have felt. However Trustees considered that the comment made by the presenter was elliptical and would be within the expectations of the audience of the very well established programme. Trustees did not consider the complaint raised an issue that was a potential breach of the Editorial Guidelines.

The Committee agreed that the BBC's responses to the complainant had been appropriate given that the complaint did not raise an issue of a breach of the Editorial Guidelines.

The Committee therefore decided that this appeal did not qualify to proceed for consideration.

Decision of BBC Audience Services not to respond further regarding complaints about references in BBC output to metric units of measurement

Background

Since July 2011, the complainant had made five complaints about the BBC's use of metric measurements, as follows:

First complaint: Formula One German Grand Prix – BBC One – 24 July 2011 (initial complaint dated 25 July 2011)

The complainant argued that Britain used imperial measurements by law, that surveys showed that "some 90%" of British people used and wished to use imperial scales only, and that metric units conveyed nothing to audiences and served only to detract from viewers' enjoyment. The complainant queried why (given that the BBC commented on monetary issues in Pounds Sterling rather than Euros) the BBC used metric units of measurement, which Britain did not use. The complainant found such references confusing, annoying, distracting and offensive and stated that Britain was not a metric nation.

In response, BBC Audience Services stated that there was no BBC policy enforcing absolute use of either the metric or the imperial system. The BBC aimed to reflect common usage and to aid different audiences' understanding. According to BBC Audience Services, the metric system was becoming increasingly widespread and had been taught in UK schools for many years, although BBC Audience Services noted that people usually referred to their height and weight in imperial measurements. Programme makers, producers and presenters were allowed to apply their own judgement when using the measurements that different audiences would find easiest to understand.

Second complaint: The Core – BBC Two – 31 August 2011 (initial complaint dated 2 September 2011)

The complainant argued that British people did not use the metric scales, and claimed that surveys had shown that "some 90%" of people wished to retain imperial scales for ease and simplicity of use and the instant relationship with their daily requirements and activities. The complainant found it distracting, confusing and offensive to be expected to accept foreign metric terms that British people did not use or understand. He claimed that very few in Britain readily comprehended or could visualise metric dimensions, but immediately knew the sizes of imperial measurements. The complainant stated that international law required the use of imperial units in relation to sea and air, that the EU had formally endorsed Britain's indefinite use of imperial measurements, and that there was no law or other obligation upon British people to use metric units, from which he argued that British television programmes should use the measurements that audiences used every day and readily understood. In his view, the programme in question would have been "deeply fascinating" but for its use of metric distances and weights, which the complainant found so distracting and annoying that he changed channel.

BBC Audience Services reiterated its response to the complainant's previous complaint.

Third complaint: Use of metric measurements in broadcasts (initial complaint dated 16 April 2012)

The complainant queried why the BBC used metric units of measurement, most recently in BBC One's Formula One commentary. The complainant stated that the commentary would have been understandable if the commentator had used miles (rather than kilometres) per hour, the latter of which meant nothing and left viewers trying to work out what he was talking about, thus missing the continuity of the programme. He reiterated previous points and extended his arguments.

BBC Audience Services reiterated its response to the complainant's previous complaints.

Fourth complaint: Formula One Indian Grand Prix, 27 October 2013 (initial complaint dated 1 November 2013)

The complainant argued that the programme's commentators had knowingly portrayed metric, rather than imperial, measurements as the lawful standard British units of measurement. The complainant extended his arguments. He argued that imperial units were the legal standard in "this country", and were far simpler to use in commentary on fast-unfolding sports such as Formula One. The complainant alleged that the law required the use of imperial measurements in all broadcasts. The complainant accused the BBC of committing various offences including treason.

In response, BBC Audience Services took the view that any reference to any metric measurement in any situation did not equate to treason.

BBC Audience Services noted that it had previously received, and replied to, a number of similar complaints from the complainant, to which it had nothing to add. BBC Audience Services stated that its complaints service existed to ensure that all licence fee payers could raise issues which might suggest, and enable the BBC to resolve, possible breaches of the BBC's Editorial Guidelines. BBC Audience Services considered that the volume of complaints from the complainant had now made disproportionate demands on licence fee resources, as there was in its view no evidence of any inaccuracy or breach of the Editorial Guidelines and the same issue had been repeatedly raised after it had made its position clear. BBC Audience Services advised the complainant that, in line with the BBC complaints procedure, if he continued to submit similar further complaints on this matter, it might write to explain that it would not continue to reply to him.

Fifth complaint: Unlawful metric measurements in commentary (initial complaint dated 21 November 2013)

The complainant argued that to use or represent metric measurements in British public broadcasts as the accepted legal standard British units of measurement was to seriously mislead the British public. The complainant argued that the law required exclusive use of imperial measurements in all British broadcasting, because only those were the lawful standard units of British measurement. He alleged that current BBC broadcasting standards appeared to permit casually breaking the law and politically misleading the British public. He said this was treason.

In response, BBC Audience Services stated that it had already made its position clear, and that it had nothing to add. BBC Audience Services noted that its previous response had explained that, in line with the BBC complaints procedure, if the complainant continued to submit similar further complaints on this matter, it might write to explain that it would not continue to reply to him. Noting that this was at least the complainant's fifth complaint

on the same topic in two years [*sic*]⁴, with this being the second complaint that month, BBC Audience Services stated that it was important to ensure that the complaints service was run efficiently, to provide access for all licence fee payers and to concentrate its resources proportionately on complaints which might suggest breaches of BBC standards.

BBC Audience Services stated that the complainant continued to write about the BBC's use of metric measurements, whereas it had "clearly and frequently" explained its position and did not consider that the issue represented a breach of the Editorial Guidelines. BBC Audience Services appreciated that the complainant had a strong personal view, but argued that its limited resources must be used fairly so that it could also reply to other complainants. In BBC Audience Services' opinion, the amount of time it would spend on further correspondence with the complainant on that matter would be disproportionate, and as it was fully aware of the complainant's point of view, it requested him not to contact it further in that regard.

BBC Audience Services stated that the Editorial Complaints Procedures explained that, at all stages, an editorial complaint might not be investigated if it failed to raise an issue of breach of the Editorial Guidelines, or was "... misconceived, hypothetical, repetitious or otherwise vexatious". BBC Audience Services considered the frequency and nature of the complainant's complaints met these criteria, in that they were both "repetitious and misconceived" and therefore represented a disproportionate use of the BBC complaints service and of the licence fee.

BBC Audience Services stated that it had limited staff resources and could not continue to respond to the complainant on this matter, as the consequent expenditure resulted in resources being diverted from the proper function of the BBC, which was to provide programmes.

BBC Audience Services informed the complainant that it would apply the BBC's Expedited Complaints Procedure at Stage 1 to any further complaints he made on that matter for a period of two years (ie, until 21 November 2015). Citing Annex B of the BBC's Complaints Framework,⁵ BBC Audience Services stated that the reasons related to paragraph 2 of the Expedited Complaints Procedure: when a complainant had a history of repeatedly making repetitious or otherwise vexatious complaints, or failed to raise an issue of breach of any relevant guidelines or policies.

BBC Audience Services informed the complainant that it would not reply to him or investigate his complaints further during that period, in line with the exceptions and provisions specified in paragraph 3 of the Expedited Complaints Procedure. BBC Audience Services concluded by notifying the complainant of his right to appeal to the BBC Trust and explaining how this should be done.

Appeal

The complainant appealed to the BBC Trust on 25 November 2013. He stated that:

- His endeavour to advise the BBC that it was acting contrary to law seemed to be met with denial that the BBC could do wrong.
- Contrary to BBC Audience Services' claims in its responses to his fourth and fifth complaints, he had received no explanation of the BBC's position regarding metrication in broadcasts.

⁴ In fact, it appeared to be the complainant's fifth complaint in two years and four months.

⁵ www.bbc.co.uk/bbctrust/governance/complaints_framework/

- The law was quite clear: only imperial measurements may be used.
- Some 90% of people objected to metric inclusion.
- The essence of the BBC was being lost through open lawbreaking, politically misleading the public and a complacency that editorial guidelines were absolute.
- The BBC's decision in this matter was unlistening and misinformed.
- A lifelong BBC supporter, the complainant sought only to draw attention to its illegality, but was not understood or taken seriously.
- The BBC's Complaints Framework failed to recognise possibility of error or wrongdoing.

The complainant requested that this "publicly evident matter" be reconsidered.

The Trust Unit's decision

The Trust Unit's Senior Editorial Complaints Adviser (the Adviser) noted that the complainant had not specified whether he wished the Trust to consider one or both of his two pending substantive complaints (namely, the fourth and fifth complaints). The Adviser therefore considered both.

The Adviser noted that the complainant had appealed on the substance of those complaints, both of which concerned references in BBC output to metric units of measurement. The Adviser noted that the Executive had ceased to handle these complaints at Stage 1 of the complaints process. She also noted that the complainant had not escalated his complaints to the Editorial Complaints Unit at Stage 2, but had (on BBC Audience Services' advice) appealed directly to the Trust.

The Adviser decided that the points to be considered were whether:

- an appeal in the fourth and/or fifth complaints; and
- an appeal against the decision of BBC Audience Services not to correspond further with the complainant

had a reasonable prospect of success.

The Adviser had carefully read the correspondence that had passed between the complainant and the BBC, and she noted the strength of the complainant's feelings.

The fourth and fifth complaints

The Adviser noted the complainant's arguments that:

1. BBC commentators had knowingly portrayed metric, rather than imperial, measurements as the lawful standard British units of measurement;
2. this seriously misled and undermined the British public, and amounted to treason;
3. the commentators' actions brought the BBC into disrepute, and, in condoning them, the Director-General and responsible line-managers were equally culpable;
4. the BBC had committed the Common Law offences of Misprision of Treason and Compounding Treason;
5. imperial scales were the standard protected and expected by British law;
6. over 90% of British people consistently required imperial measurements and rejected the metric system;
7. the law required exclusive use of imperial measurements in all British broadcasting, because only those were the lawful standard units of British measurement;

8. current BBC broadcasting standards appeared to permit casually breaking the law and politically misleading the British public.

The Adviser noted that the Royal Charter and the accompanying Agreement between the Secretary of State and the BBC drew a distinction between the role of the BBC Trust and that of the BBC Executive Board, led by the Director-General. "The direction of the BBC's editorial and creative output" was specifically defined in paragraph 38(1)(b) of the Charter as a duty that was the responsibility of the Executive Board, and one in which the Trust did not get involved unless, for example, it related to a regulatory breach (such as a breach of the BBC's Editorial or Fair Trading Guidelines).

The Adviser noted that the issues raised by the complainant's fourth and fifth complaints had previously been considered by the Trust's Complaints and Appeals Board ('CAB'). The CAB's decision could be found online at:

<http://downloads.bbc.co.uk/bbctrust/assets/files/pdf/appeals/cab/apr.pdf> (pages 6–8).

This decision arose from a complaint in which the appellant had asked the BBC if it would follow the legal requirement and the example of the Department of Transport and revert to using only imperial measurements when referring to distances in news and documentary programmes. The appellant argued that the BBC was imposing the EU metric system on viewers and was not complying with UK law. The appellant disputed the BBC's assertion that the metric system was in common usage, arguing that road distances were still commonly measured in miles rather than kilometres.

In reaching its decision, the CAB noted that the BBC had no defined policy either for or against the use of metric units of measurement, and that the choice of what system to use was for individual programme makers. The CAB also noted the appellant's view that a policy was required to ensure consistency in the use of metric and imperial measurements. The CAB was mindful, however, of the distinction drawn in the Royal Charter and the accompanying Agreement between the role of the BBC Trust and that of the BBC Executive. The CAB agreed that the decision whether to use metric or imperial measurements was a matter of the BBC's editorial and creative output, and was not, therefore, a matter in which the Trust should become involved. The CAB therefore decided that the appeal did not qualify to proceed for consideration.

In the Adviser's view, the CAB's decision has previously shown that decisions concerning whether to refer to metric or imperial measurements were a matter of the BBC's editorial and creative output, and did not, therefore, raise a matter in which the Trust should become involved.

The Adviser then considered whether the fourth and/or fifth complaints potentially raised any regulatory breaches which should be brought before Trustees.

The Adviser noted the complainant's argument that he considered the BBC was guilty of a criminal offence, namely the common law offence of compounding treason. She considered Trustees would be likely to conclude that no evidence had been brought forward in support of this claim. She considered the complainant's arguments did not accord with the prevailing legal or political consensus. She noted that, for example, the Weights and Measures Act 1985 and associated secondary legislation mandated the use of metric units as the primary units of measurement for the sale of most goods (although supplementary imperial units were still permitted). The Adviser noted that certain retailers had been convicted of criminal offences under the 1985 Act for selling goods in pounds

and ounces rather than kilos and grams.⁶ She concluded that, notwithstanding the strength of the complainant's views on the validity of such laws, those views were evidently not shared by the criminal courts.

With regard to whether references in the BBC's output to metric units of measurement raised a potential breach of the BBC's editorial standards, the Adviser took the view that, for the reasons stated above, such references were not potentially misleading, as the complainant had alleged, and that no Editorial Guideline was potentially engaged by any of the complainant's allegations in his fourth and fifth complaints.

The Adviser considered that Trustees would be likely to conclude that the fourth and fifth complaints did not have a reasonable prospect of success and should not be put before Trustees. She also concluded that it would not be appropriate, proportionate or cost-effective for Trustees to consider an appeal in either complaint.

Application of expedited complaints procedure

The Adviser noted that paragraph 1.3.2 of the BBC's Complaints Framework states:

"Annex B sets out the BBC's Expedited Complaints Procedure which may be used by the BBC when dealing with complainants who repeatedly and persistently complain about certain matters."⁷

The Adviser noted that Annex B to the BBC's Complaints Framework states:

- "1 The Expedited Complaints Procedure may be used at any stage of the BBC's Complaints Procedures, whether by BBC Audience Services or the relevant BBC department responding to a complaint; the Editorial Complaints Unit (ECU) or the relevant BBC Division; or the BBC Trust.
- 2 The BBC Executive and the Trust may use this Procedure only where a complainant has a history of persistently or repeatedly making complaints which:
 - (a) are trivial, misconceived, hypothetical, repetitious or otherwise vexatious;
 - (b) fail to raise an issue of breach of any relevant Guidelines or Policies (eg in the case of an editorial complaint, the Editorial Guidelines; in the case of a fair trading complaint, the Fair Trading Policies and Framework);
 - (c) use gratuitously abusive or offensive language;
 - (d) are shown on investigation to have no reasonable prospect of success; or
 - (e) after rejection of the complaint at an earlier stage (eg Stage 1), are persistently and repeatedly appealed unsuccessfully to the next stage (eg Stage 2)."

The Adviser noted that, during the preceding two years and four months, the complainant had made five complaints (two of them in the preceding month), all of which concerned references in BBC output to metric units of measurement. The Adviser noted that, in

⁶ See, eg, *Market trader 'in shock' at conviction for selling fruit and veg by the pound*:

<http://www.telegraph.co.uk/news/uknews/3179333/Market-trader-in-shock-at-conviction-for-selling-fruit-and-veg-by-the-pound.html>

⁷ See:

http://downloads.bbc.co.uk/bbctrust/assets/files/pdf/regulatory_framework/protocols/2012/e3_complaints_framework.pdf

response to these complaints, BBC Audience Services had repeatedly set out the BBC's position, which had remained constant throughout that period.

The Adviser noted that BBC Audience Services had decided to apply the BBC's Expedited Complaints Procedure at Stage 1 to any further complaints he made on that issue for a period of two years (ie, until 21 November 2015) on the basis of paragraph 2 of Annex B, in that the complainant had a history of repeatedly making repetitious or otherwise vexatious complaints, or failed to raise an issue of breach of any relevant guidelines or policies.

In the Adviser's view, the complainant's five complaints justified BBC Audience Services' decision. The Adviser considered that Trustees would take the view that BBC Audience Services had repeatedly provided reasoned and reasonable responses to the complainant's concerns. She therefore considered that, in the interests of licence fee payers, it was appropriate for the BBC to decline to devote further resources to engaging in further correspondence with the complainant on this issue. It followed from this that she did not consider the appeal had a reasonable prospect of success and it should not be put before Trustees. She also concluded that it would not be appropriate, proportionate or cost-effective for Trustees to consider this element of the appeal.

Request for review by Trustees

The complainant was dissatisfied with the response and requested that all the issues raised in his original complaint be considered by Trustees and added supporting information.

The Committee's decision

The Committee was provided with the complainant's appeal to the Trust, the background correspondence, the response from the Senior Editorial Complaints Adviser and the complainant's letter asking the Committee to review her decision.

The Committee noted that the complainant did not accept the reasoning given by the Trust's Senior Editorial Complaints Adviser not to proceed with the appeal, and acknowledged the points made by the complainant in his challenge.

The Committee noted that the BBC's Editorial Guidelines set out the values and standards that all of the BBC's published or broadcast output was required to meet. The editorial complaints process assessed the BBC's output against those standards.

The Committee noted that BBC Audience Services had set out the BBC's approach to the use of metric and imperial measurements, and had stated:

"There is no BBC policy enforcing absolute usage of either the metric or the imperial system. We aim to reflect common usage in this country today and to aid understanding for different audiences.

The metric system is becoming increasingly widespread, and has been taught in UK schools for many years now, but many people, for example, usually refer to their own heights in feet and inches, or their own weight in stone.

Programme makers, producers and presenters are allowed to use their own judgement to use what different audiences will find easiest to understand."

The Committee agreed that it had not seen evidence that any of the output referred to was in breach of the Editorial Guidelines. The Committee agreed that the BBC's responses to the complainant had been appropriate given that the complaint had not raised an issue that related to a breach of the Editorial Guidelines. Trustees agreed that it was reasonable for the BBC to have decided not to engage in any further correspondence on the same matter. Trustees noted the number of complaints that had been received by the BBC which raised the same points and noted that, under the Complaints Framework, complainants could be expedited for raising complaints which were "repetitious". Trustees noted the number of similar complaints that had been raised by the complainant that had elicited similar responses from BBC Audience Services and considered that the Executive had acted appropriately in expediting the complainant.

The Committee therefore decided that this appeal did not qualify to proceed for consideration.