

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

January & April 2015, issued May 2015

Contents

Contents	1
Remit of the Editorial Standards Committee	2
Requests to review the Trust Unit’s decisions on appeals	4
BBC Inside Out (West), BBC One, 14 January 2013	4
What’s In It For Me? BBC Two (Scotland), 28 August 2014	11
Reporting of economic stories, 22 and 24 July 2014, News at Six, BBC One and the News Channel	18
“Israel-Gaza conflict: Home for disabled hit in Beit Lahiya”, BBC Online, 12 July 2014	25
News at Six and News at Ten, BBC One, 11 September 2014	29
1700, BBC News Channel, 29 August 2014	36
Newsnight, BBC Two, 5 August 2014	38
“Scottish independence: How might a currency change affect the rest of the UK?” BBC News website, 31 August 2014	42
Appeals against the decision of BBC Audience Services not to correspond further with the complainant	45
Decision of BBC Audience Services not to respond further to a complaint about BBC News Online: “Ukraine crisis: Will war return?”, 12 November 2014	46
Decision of BBC Audience Services not to respond further to a complaint about This Week – By-election Special, BBC News Channel, 9 October 2014	50
Decision of BBC Audience Services not to respond further to a complaint about Question Time, BBC One, 22 January 2015	54
Decision of BBC Audience Services not to respond further to a complaint about The World Tonight, Radio 4, 2 February 2015	59
Decision of BBC Audience Services not to respond further to a complaint about the Scottish Labour Party leadership election coverage	63
Admissibility decisions	70
Panorama: After Paris: The Battle for British Islam, BBC One, 12 January 2015	71
BBC News Online, 13 January 2015	82
BBC Breakfast, report on sexual abuse in Rotherham, BBC One, 28 August 2014, 07.15	84
BBC’s use of the word “State” when referring to the al-Qaeda breakaway group formerly known as ISIS	89

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://downloads.bbc.co.uk/bbctrust/assets/files/pdf/about/how_we_operate/committees/2014/esc_tor.pdf

At the time of these decisions, the Committee comprised five Trustees: Richard Ayre (Chairman), Sonita Alleyne, Diane Coyle, Bill Matthews and Nicholas Prettejohn. The Committee 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 normally 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 normally 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

Requests to review the Trust Unit's decisions on appeals

The following complainants asked the Editorial Standards Committee to review the decision of the Trust Unit that the complainant's appeal did not qualify to proceed for consideration by the Committee.

In each instance, the Committee was provided with the complainant's appeal/s to the Trust, the response or responses from the Trust Unit and the complainant's request/s to review that decision. The Committee was also provided with the relevant broadcast or published content.

BBC Inside Out (West), BBC One, 14 January 2013

At its January 2015 meeting, the Editorial Standards Committee reviewed the Trust Unit's decision that the complainant's appeal did not qualify to proceed for consideration by the Committee.

Background

This complaint concerned an investigative report into the complainant, who practised as a "spiritual healer". The report included an interview with a contributor, who described how, many years previously, he had been given months to live after being diagnosed with non-Hodgkin lymphoma. The contributor stated that he had had two years of treatment before being in remission, and had gone on to write about his experiences in newspaper columns and a book.

In the report, the contributor was interviewed about his own experiences and also agreed to seek an appointment as a client with the complainant, stating that he believed his cancer had returned. The appointment was covertly recorded and was used in the report.

The complaint

The complainant said she considered that the contributor, who was claimed by the programme to be a cancer survivor, had never had cancer.

The Editor, Current Affairs and Weekly Programmes, responded to the complaint. As well as addressing certain procedural issues, he provided a general defence of the programme:

"I can say that as the Editor of the programme in question I stand by it because I am entirely satisfied that it was both factually accurate and fair, and that in its preparation and broadcast the BBC complied with our published Editorial Guidelines and Ofcom's Broadcasting Code in all respects. Thus your complaints are entirely rejected by the BBC..."

At Stage 2 the Head of Editorial Standards, BBC News, stated that he had nothing to add to the points that had previously been made.

Appeal to the BBC Trust

The complainant appealed to the Trust. She made a number of points in support of her allegations about the contributor and she criticised the BBC for, in her view, violating standards of broadcasting. She also asked for a broadcast apology.

The Trust Unit's decision

The relevant correspondence was reviewed by the Trust Unit. The Senior Editorial Complaints Adviser ("the Adviser") and an independent editorial adviser viewed the relevant output. The Adviser considered the appeal did not have a reasonable prospect of success.

The Adviser considered this appeal against the Editorial Guidelines on Accuracy (section 3) and Fairness, Contributors and Consent (section 6). The full text of the guidelines can be found at: <http://www.bbc.co.uk/editorialguidelines/guidelines>.

Accuracy

In terms of the complaint that the programme had falsely presented the contributor as a former cancer patient, the Adviser noted that, having described him as "a cancer survivor", the script stated that he:

"... uses his experience of cancer to give others hope, after being successfully treated in his mid-twenties."

The Adviser noted that he described his personal experience of cancer as follows:

"So I was diagnosed with cancer – non-Hodgkin lymphoma. [SHOWS CHEST X-RAY] I had a tumour in my chest the size of a dinner plate, wedged between my heart and my lungs and when you [HOLDS X-RAY TO CHEST] put it up here you can see the real size of this thing. I had two years' worth of treatment. I tried anything, within reason, that would try and help me."

The Adviser noted that the applicable standard of 'due' accuracy varies according to certain factors. Guideline 3.1 states:

"... 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 Adviser considered that this was generally understood by audiences. As well as noting the complainant's arguments on appeal, the Adviser noted points made in the complainant's submission of 19 July 2014 including:

- The BBC had presented the client as a genuine cancer survivor without presenting any proof.
- The BBC was asked to present current proof that the client had ever had cancer, in default of which it should issue a public apology

- She considered that the client may previously have been treated for cancer by mistake: sarcoidosis⁴, for example, was initially confused with cancer, even today.

The Adviser noted the content of a document which the complainant had published online, which the complainant claimed supported her allegations against the contributor. In the Adviser's view, the document did not contain any evidence of the contributor's current health status or medical history.

The Adviser noted that the complainant said she had been unable to ascertain the contributor's current health status or medical history by contacting approximately 200 third parties, including the programme makers. The Adviser considered that, as the unauthorised disclosure of medical information was a serious breach of confidentiality, the complainant's request might reasonably have been considered inappropriate. In the Adviser's view, no inferences concerning the contributor could be drawn from the lack of response to the complainant's enquiries.

The Adviser noted that the contributor had published books based upon his and others' experiences of cancer. She considered that she had seen no evidence to indicate the contributor was not a former cancer patient and noted that he had been seen, in the report, with an X-ray of the tumour that he had received treatment for. She considered Trustees would be likely to conclude that the programme was duly accurate and was not misleading in this regard. She therefore decided that this point of appeal did not raise a 'matter of substance', and that it should not proceed for consideration by Trustees.

Fairness, contributors and consent

The Adviser noted the allegation that the inclusion of the contributor was unfair to the complainant. However, the Adviser considered Trustees were likely to conclude the programme had been duly accurate in describing him as a former cancer patient. She noted that, in order to facilitate a meeting with the complainant, he had falsely claimed that his cancer had returned. The script stated that the contributor gave the complainant:

"... his real medical history, but for our purposes he's saying he's certain the cancer has returned."

The Adviser considered that the complainant had been deceived in terms of the contributor's current health status, but not his medical history – and that audiences were aware of the degree of deception involved. She noted Editorial Guideline 6.4.17:

"In news and factual output, where there is a clear public interest, it may occasionally be acceptable for us not to reveal the full purpose of the output to a contributor. Such deception is only likely to be acceptable when the material could not be obtained by any other means. It should be the minimum necessary and in proportion to the subject matter."

The Adviser noted that the report showed information from the complainant's website, including:

"Cancer starts in the Soul, prior to incarnation ... All cases of 'miraculous' recovery

⁴ According to the NHS Choices website, sarcoidosis is a rare condition that causes small patches of red and swollen tissue, called granulomas, to develop in the organs of the body. It most often affects the lungs and skin. See <http://www.nhs.uk/conditions/sarcoidosis/Pages/Introduction.aspx>.

from 'terminal' cancer will have entailed fundamental changes in the value systems of those affected."

She noted the complainant was covertly recorded giving the undercover client information about what he should and should not eat, for example, she said he should not eat shellfish, with the possible exception of organic prawns, and that rye-bread would also be good for him. She was recorded saying: "If you want to stop cancer, you have to get high doses of quality calcium".

She noted the undercover footage was shown to the Research Director for Leukaemia and Lymphoma Research, who had stated:

"We know this kind of thing goes on, but to actually see it happening, actually it's quite scary..."

I think it's dangerous - some of the alarming things in the footage which we saw was a total lack of understanding for the biology of cancer. I think the dialogue with the spirit whilst in the room, I think that's very emotionally manipulative – and particularly in the case of a relapsed patient, you've probably got in your mindset that the original treatment hasn't really worked because my cancer's come back."

She noted the report referred to comments the complainant had placed on websites in response to people who had family members suffering from cancer. The reporter stated:

"[The complainant] uses these [online] forums to steer people to her own website where she offers a healing session for £280 – despite it being against the law to advertise cancer treatments."

The Adviser noted that the law referred to was the Cancer Act 1939, which prohibits anyone from advertising "an offer to treat any person for cancer or to give any advice in connection with the treatment thereof".

She considered Trustees would be likely to conclude it was in the public interest to carry out investigations of this nature and that it was in the public interest to deceive the complainant with regard to the contributor's current health status in order to facilitate a consultation. The Adviser also considered that the covertly filmed footage could not have been obtained by any other means and that the level of deception was the minimum necessary and was proportionate to the significance of the output.

The Adviser therefore concluded that both in terms of accuracy and in terms of fairness to contributors, Trustees would be likely to conclude the output met the requirements of the Editorial Guidelines, therefore she did not consider the appeal had a reasonable prospect of success and she did not propose to put it before Trustees.

Request for review by Trustees

The complainant requested that the Trustees review the decision not to proceed with her appeal. She stated that the programme was unacceptable. The points she made included:

- The accusations against her were a fabrication.
- An allegation that the contributor had been paid to appear in the programme.

- The programme had inaccurately depicted the contributor as a cancer survivor.
- The programme's methods were unlawful.
- The complainant ceased offering treatments ten years before the programme was made.
- The programme alleged that the complainant sold "cancer treatments" and referred to the complainant's website, which stated that no-one can heal cancer. The programme could not show that the complainant had asked anyone for money.
- The programme omitted the complainant's repeated statements (which she had made from the outset) that she would not heal the contributor of cancer.
- The legality of offering cancer treatments was irrelevant, as the complainant was not doing so.
- She had healed one of her dogs of a fast-spreading malignant cancer, and had prevented cancer in other animals. She was encouraging people to try to help themselves, on the basis of her experiences.
- The programme had attacked and ridiculed the complainant for encouraging visitors to her website to treat each other humanely and compassionately. Both the programme and the Adviser's letter had attacked the complainant for her belief that good brings good and evil brings evil.

The Committee's decision

The Committee was provided with the complainant's appeal to the Trust, the Adviser's response and the complainant's letter asking the Committee to review her decision. The Committee was also provided with the programme in question.

This appeal was considered against the Editorial Guidelines on Accuracy (section 3) and Fairness, Contributors and Consent (section 6). The full text of the guidelines can be found at: <http://www.bbc.co.uk/editorialguidelines/guidelines>. Trustees noted that legal complaints were outside the scope of the editorial complaints and appeals procedure and they would therefore not review the complainant's comments regarding the legality of the report.

The Committee noted the complainant's arguments in support of her allegation that the programme had inaccurately depicted the contributor as a cancer survivor, and in support of her request to the Committee to review the Adviser's decision on this point.

It was observed that the contributor had explained on camera that he had previously been diagnosed with non-Hodgkin lymphoma and had had a large tumour in his chest, the size and location of which he indicated by holding an X-ray of the tumour against his chest. It was also noted that the contributor had published books based upon his and others' experiences of cancer. Subsequently, the contributor supplied the Trust with the letter that had been given to the BBC from the contributor's GP confirming his cancer diagnosis.

The Committee considered, from a review of the material that they had seen, that the complainant's allegations against the contributor were unfounded and were not supported by any evidence. Trustees had no reason to doubt the contributor's statements about his previous cancer diagnosis. Therefore, Trustees considered that, if they took this on appeal, they would be likely to conclude that the programme was duly accurate and was not misleading in this regard. The Committee therefore decided that this point of appeal did not raise a 'matter of substance', and that it did not qualify to proceed for consideration.

The Committee noted the complainant's arguments in support of her allegations that the deception practised by the programme makers was unfair to her. The Committee also noted the complainant's arguments in support of her request to the Committee to review the Adviser's decision on this point.

In the Committee's view, the programme had explained to viewers the extent and purpose of the deception: the script had clearly stated that, in order to facilitate a meeting with the complainant, the contributor had falsely claimed that his cancer had returned.

The Committee noted that, according to Editorial Guideline 6.4.17:

"In news and factual output, where there is a clear public interest, it may occasionally be acceptable for us not to reveal the full purpose of the output to a contributor. Such deception is only likely to be acceptable when the material could not be obtained by any other means. It should be the minimum necessary and in proportion to the subject matter."

Trustees observed that the report showed information from the complainant's website which included the following statements:

"Cancer starts in the Soul, prior to incarnation... All cases of 'miraculous' recovery from 'terminal' cancer will have entailed fundamental changes in the value systems of those affected."

The Committee noted the content of the undercover footage, and that the Research Director, Leukaemia and Lymphoma Research, had responded to it with expressions such as "quite scary", "dangerous", "alarming", "a total lack of understanding for the biology of cancer", and "very emotionally manipulative".

The Committee noted the allegation in the programme that the complainant had used online forums to steer people to her own website, where she offered a healing session for £280, despite it being against the law to advertise cancer treatments.

The Committee noted that the complainant had been recorded giving the contributor dietary information and saying: "If you want to stop cancer, you have to get high doses of quality calcium".

In the Committee's view, it was clearly in the public interest for the BBC to carry out investigations of this nature, and it was also in the public interest to deceive the complainant about the contributor's current health status in order to facilitate a consultation.

The Committee also considered that, in accordance with Editorial Guideline 6.4.17, the undercover footage could not have been obtained by any other means, and that the level of deception was the minimum necessary and was proportionate to the significance of the output.

Trustees considered that, if they took this on appeal, they would be likely to conclude that the programme had complied with the requirements of the Editorial Guidelines on Fairness, Contributors and Consent. The Committee therefore decided that this point of appeal did not raise a 'matter of substance', and that it did not qualify to proceed for

consideration.

Finally, it was observed that the complainant had made a number of other allegations including her belief that the programme may have misled the Research Director for Leukaemia and Lymphoma Research. Trustees noted their conclusion that they would be likely to conclude that the programme had complied with the relevant Editorial Guidelines under considerations if this matter proceeded to full appeal. Mindful of this conclusion, Trustees took the view that it would not be appropriate, proportionate or cost effective to consider the additional allegations raised by the complainant.

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

NOTE: The complainant questioned whether the BBC had paid the contributor. The decision to pay a contributor is an operational matter for the BBC and does not engage the Editorial Guidelines. However the Trust Unit asked the BBC to clarify that point and the BBC confirmed that the contributor had not been paid.

What's In It For Me? BBC Two (Scotland), 28 August 2014

The complaint

The complainant contacted BBC Audience Services on 1 September 2014. He said that the documentary *What's In It For Me?* contained statements made by a contributor which were factually incorrect. He said that this had led to a distorted picture of the contribution made by those working at the Faslane Naval Base to the local economy of Helensburgh. In particular, the complainant said, the contributor had said that service personnel had no need to leave the base and did not contribute to the economy.

The complainant pointed out that a "Yes" campaign leaflet stated that there were 3,500 servicemen on the base and various websites stated there was accommodation for only 1,800 single personnel: thus, said the complainant, at least 1,700 must live outside the base in the local community. The complainant added that the contributor had failed to acknowledge the 3,200 civilians working in the base (according to the same "Yes" leaflet) who must almost all have lived off-site. They had therefore contributed as much to the local economy as any other commuter.

Audience Services replied on 12 September including a response from the programme's producer. He said that the programme had clearly indicated that the comments made by the contributor were his opinion and his analysis, and that other views had been included. He also explained in detail why he felt that the numbers of service personnel and the numbers of civilian workers living in the area were not easily determined and why these figures had therefore not been included in the programme.

The complainant sent a further detailed response to Audience Services which outlined the resources the complainant had used to ascertain the numbers of service personnel and civilian workers living and working in the Helensburgh area. He repeated his complaint that the contributor had been allowed to make "completely inaccurate statements".

The complainant escalated his complaint to the Editorial Complaints Unit (ECU) who sent a response on 18 December. They did not uphold the complaint. The ECU said that it would have been clear to viewers that the contributor was expressing an opinion based on his own political views and personal experiences. The ECU felt that the audience had therefore been given sufficient information to recognise that the views expressed were the contributor's own rather than recognised truths.

Appeal to the BBC Trust

The complainant appealed to the BBC Trust on 6 January 2015 saying he was unhappy with the responses received at Stage 2. The complainant appealed on the substance of his complaint, that a contributor to the documentary *What's In It For Me?* made inaccurate statements which had not been verified by the programme makers. In particular the complainant cited paragraphs 3.2.1, 3.2.3 and 3.4.3 of the BBC's Editorial Guidelines.

The complainant felt that it was unprofessional as well as in contravention of the accuracy guideline 3.4.3 "to exclusively rely on a partisan source for all the evidence and to expect viewers to discern what was true, what was grossly exaggerated, and what vital statistics

(in this case the existence of more than 3,000 civilian jobs in the base) were being hidden”.

The Trust Unit’s decision

The Senior Editorial Complaints Adviser (the Adviser) watched the relevant output and carefully read the correspondence between the complainant and the BBC. The Adviser noted the complainant’s view that the programme had broken BBC guidelines on Accuracy by misleading its audience. She considered the appeal did not have a reasonable prospect of success.

The Adviser noted that all BBC output was required to meet the standard of “due” accuracy, which was defined as follows:

“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 Adviser noted that in his appeal the complainant had also cited paragraph 3.4.3 of the BBC’s Editorial Guidelines. She noted that this section related to user generated content which she considered did not apply in this case.

The complaint concerned a section of the programme which looked at how the vote for independence might affect the economy of the defence sector in Scotland:

Laura Kuenssberg: But how much do the economies of Scottish towns really rely on the military bases within them? One of Scotland’s biggest and most controversial military assets is here at the Faslane Naval Base just outside Helensburgh. It’s the home of Trident, the nuclear submarine. Graeme McCormick is a solicitor who lives on the edge of Helensburgh. He’s an SNP member who wants to see the subs out of Scottish waters but not just because they are nuclear weapons. He’s concerned at the long term economic effect the base has had on the town.

Graeme McCormick: The base is not really part of the community; it is apart from the community insofar as the service personnel really never need to leave the base. There is a small shopping mall, there are sports facilities, there are leisure facilities, generally very well subsidised.

Laura Kuenssberg: While some traders say the base helps them, Graeme says it’s created a deeper problem in the area, reflected in its house prices, which aren’t recovering as well as the rest of Scotland.

Graeme McCormick: There is a feeling that Helensburgh and Lomond is not as an attractive place to come and live because of the nuclear element. There are some people who are not keen to live in an area which has such a large concentration of nuclear weapons.

Laura Kuenssberg: The Scottish Government says with independence they’d chuck the nuclear weapons out and make Faslane the headquarters of a new Scottish Defence Force. Graeme believes that would rejuvenate the area.

Graeme McCormick: There will be people who will have real decision-making power - there will be good jobs, influential people will live here and as a result of that we will also have service personnel who will live and work in the community. If we have conventional forces here living and working in this community then immediately we have a tremendous boost to this economy. And we can drive it forward. We need young people. We need young, vibrant families to come and live and work in this community. Otherwise the community will just descend into a glorified eventide home; it's as simple as that.

The Adviser noted the complainant felt that the BBC had allowed a contributor (Graeme McCormick) to make unchallenged factual statements which were misleading and which had led to a distortion of the truth. He said the BBC "did not do all they could to ensure accuracy," and he referred to Mr McCormick's view that:

"The base is not really part of the community; it is apart from the community insofar as the service personnel really never need to leave the base. There is a small shopping mall, there are sports facilities, there are leisure facilities, generally very well subsidised."

The complainant said that he had been able to find on the internet the necessary figures relating to service personnel which contradicted Mr McCormick's view. He also complained that Mr McCormick "ignored the economic benefits of the 3200 civilians working on the base".

The Adviser noted the response from the producer of *What's In It For Me?* which had explained in detail why they did not include the sort of figures referred to by the complainant. The response noted that the programme had not used figures from the "Yes" campaign literature but had repeatedly sought independent information from the Ministry of Defence – which had chosen not to give details on this point. They noted too that the civilian staff who did not live in the base did not necessarily live in its immediate environs but could live anywhere within a comparatively wide radius.

The Adviser noted that the guidelines referring to "due" accuracy required that BBC output 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". They required that:

"We should normally identify on-air and online sources of information and significant contributors, and provide their credentials, so that our audiences can judge their status."

The Adviser noted the introduction to the programme which said:

"With the vote just weeks away I'm meeting some very different people from those making it work to people trying to get work. I want to know what they think about independence and their bottom line..."

The Adviser also noted that the complainant had referred to the information provided about the programme on the BBC website. This is how the programme was described:

"I've been talking to Scots from all walks of life, who are all thinking about what independence would mean for them, from established small business owners to twenty-somethings looking for work."

From this the Adviser noted that the programme had intended to include a range of views from workers and residents on a variety of issues affecting them. She considered therefore that the audience would have expected the programme to include a variety of different personal opinions.

Looking at the section of the programme on defence in particular, the Adviser noted that the programme had introduced Graeme McCormick as:

“a solicitor who lives on the edge of Helensburgh. He’s an SNP member who wants to see the subs out of Scottish waters but not just because they are nuclear weapons. He’s concerned at the long term economic effect the base has had on the town.”

The Adviser considered that this introduction made clear that he had been giving his opinion on the future of the naval base and that this was likely to have been influenced by his political views and his personal experience. The Adviser considered from this that the audience was likely to have understood he was giving an opinion on the contribution of the naval base to the local economy rather than stating a series of facts. She therefore agreed with the Editorial Complaints Unit that “the audience was given sufficient information about Mr McCormick’s credentials in order to judge his status as required by the Editorial Guidelines on Accuracy”.

The Adviser noted that in the response from Audience Services the producer of the programme had pointed out that:

“We were clear in our weighting of Graeme McCormick’s contentions about the effect of the base on the local economy. For example, our script noted that ‘while some traders say the base helps them’, Graeme disagreed. We clearly indicated that this was his opinion and his analysis, and not the only one.”

The Adviser agreed with this view that the programme had therefore highlighted the fact that others in the area had held a contrary opinion.

She noted that in their response the programme had also pointed out that the aim of this section was to take a wider look at the different pro and anti-independence arguments surrounding the defence sector rather than focusing solely on the Faslane Naval Base:

“For example the programme featured a ‘Better Together’ supporter and shipyard worker on the risk of losing contracts to build warships if Scotland were to become independent. A resident of Leuchars who pointed out that there were risks to defence jobs whether Scotland stayed in the UK or not, although he was going to vote No in the referendum, and the claims from Graeme McCormick about alternative defence arrangements, and their economic possibilities, using Faslane as an example.”

Taking all this into account, the Adviser considered that Trustees would conclude that the programme had met the requirements of the Editorial Guidelines for “due” accuracy. She therefore decided the complainant’s appeal did not have a reasonable prospect of success and did not propose to put it before Trustees.

Request for review by Trustees

The complainant requested that the Trustees review the decision not to proceed with his appeal. He repeated his complaint that the documentary *What's In It For Me?* contained statements made by a contributor which were factually incorrect.

He said that any discussion of the impact of the base on Helensburgh's economy should have included details of the employment it provided. He said the programme should have included the facts that about 1,700 service personnel lived in the surrounding communities and that 3,200 civilians working in the base must have lived off-site. The conclusion was that the contributor's statement "the base is not really part of the community; it is apart from the community insofar as the service personnel really never need to leave the base" was inaccurate. He added that "if viewers had been informed that the base provided employment for more than 3,000 civilians they would have been able to make their own judgements about the economic benefits".

Referring to the sentence: "While some traders say the base helps them, Graeme says it's created a deeper problem in the area, reflected in its house prices, which aren't recovering as well as the rest of Scotland", the complainant cited an article from 2007 in *The Herald* which indicated that "property prices have not always been depressed" and he said that "the changes in the property market since the referendum demonstrate that the problem was the threat of independence rather than the presence of nuclear weapons".

The complainant also said that the statement about the need for rejuvenation was inconsistent with Argyll & Bute Council's age profiles.

Referring to how the contributor had been introduced, the complainant said that his status as a solicitor would have added to his credibility with a wide section of the audience. He said that as all the contributor's statements had been presented as facts rather than as opinions, the programme makers should have made more effort to broadcast the true facts themselves or included "a non-partisan expert to set out the economic facts".

The complainant did not accept the Adviser's view that the inclusion of the words "some traders say the base helps them" was sufficient to highlight the fact that others held a contrary opinion. He also said that the programme had promised to include contributions from "two of Scotland's most eminent and crucially neutral economists David Bell and Jo Armstrong" but this had not been done in the section on Helensburgh.

The Committee's decision

The Committee noted the complainant's view that the programme had misled its audience by relying on the opinion of a contributor in a section of the programme concerning the Naval Base at Faslane rather than including factual evidence.

Trustees noted that the aim of this part of the programme was to take a broad look at how independence might affect the economics of the defence sector in Scotland rather than a detailed analysis of the specific issues raised. It did this through a series of short illustrative examples including employment in shipbuilding for the Ministry of Defence, the closure of the RAF base at Leuchars and in this case the future of the Faslane Naval Base.

The Committee then turned to the extract under consideration. Trustees noted that the fact that this was a partisan view expressed during the referendum period was clearly signposted to the audience. Mr McCormick was introduced as:

“...a solicitor who lives on the edge of Helensburgh. He’s an SNP member who wants to see the subs out of Scottish waters...”

His opinion on the economic impact of the Faslane base followed:

“The base is not really part of the community; it is apart from the community insofar as the service personnel really never need to leave the base. There is a small shopping mall, there are sports facilities, there are leisure facilities, generally very well subsidised.”

The Committee noted that this extract was about the service personnel and not about the civilian staff. It was a general statement that the base was not really part of the community and that service personnel did not really need to leave the base (for leisure or shopping facilities).

Trustees noted the complainant’s view that some in the audience would have given the contributor’s views additional credence because he was an SNP member. However, Trustees considered it equally likely that many in the audience would have seen his opinions on the economy of Faslane in the light of the SNP’s policy of removing nuclear submarines from Scotland. The Committee considered that the point was that Mr McCormick had expressed his opinion and that his status and credentials were clear.

Trustees noted that the presenter of the programme had then acknowledged there were other views, saying:

“While some traders say the base helps them...”

thus making it clear that not everyone agreed with this particular contributor’s opinion and also that this was an opinion as opposed to established fact. They noted that elsewhere in this section of the programme other contributors had also offered their personal opinions.

Trustees noted that, with regard to the interviewee’s comment:

“...We need young people. We need young, vibrant families to come and live and work in this community. Otherwise the community will just descend into a glorified eventide home; it’s as simple as that”,

the complainant had said this was inconsistent with Argyll & Bute Council’s age profiles. Trustees considered this was an expression of a personal view about the future and that it was not necessary for the programme to have challenged this or included facts about the area’s current age profile.

Finally the Committee noted the complainant’s views on the reason for low house prices. This had not been raised with the BBC and so therefore was not a matter the Trust would address. (Clause 90(3) of the Agreement between the Secretary of State and the BBC makes it clear that the Trust must not decide a complaint in the first instance.)

The Committee therefore concluded that there was no reasonable prospect that it would find the programme had breached the requirements of the BBC Editorial Guidelines.

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

Reporting of economic stories, 22 and 24 July 2014, News at Six, BBC One and the News Channel

The complaint

The complainant contacted the BBC on 25 July regarding coverage of two economic stories on 22 and 24 July. He noted that the BBC had given coverage to figures released by the International Monetary Fund (IMF) – which had raised its estimate of the UK's growth rate – on the News at Six but, in comparison, considered that the BBC had not given equivalent prominence and weight to the coverage of figures released by the Office for National Statistics (ONS) which showed that government borrowing in June 2014 had risen considerably compared to the previous year. He said that the ONS figures were “a statement of hard scientific fact” while “the IMF's forecast is an estimate, opinion or guess”. He considered the output was in breach of the Editorial Guidelines relating to Accuracy, Impartiality and due prominence. He also called for the two stories to be considered by focus groups to assess how they would judge their relative prominence and he called for transcripts and output from previous news bulletins to be made available as part of an ongoing archive.

Audience Services noted that the *News at Six* on BBC One had not covered the ONS figures on the date given by the complainant. The complainant renewed his complaint. Audience Services closed down his complaint at 1b about making news transcripts available and that decision was not appealed to the Trust. In terms of the relative coverage of the different stories, Audience Services stated:

“We very often cover ONS figures, and IMF ones, and whether they get on on a particular day will be down to a range of factors including the news agenda that day. Over time, we take care to report trends in both the deficit and in growth.”

The complainant gave reasons as to why he believed there had been a breach of the Editorial Guidelines 4.4.19 and 4.4.26. The complainant escalated his complaint to Stage 2. He noted that the News Channel had covered the ONS story – and that the presenter had described the figure as “rather boring”. He considered this was indicative of bias. He received a response from the Head of Editorial Standards, BBC News, at Stage 2 which gave a detailed response in terms of how the BBC reported economic news and also in terms of the other stories that were on the news agenda during the time in question. The complaint was not upheld. The complainant commented upon this response. The Head of Editorial Standards, BBC News, confirmed he did not regard “this single month's borrowing figures as a ‘major matter’”.

Appeal to the BBC Trust

The complainant appealed to the Trust on the substance of his complaint, that he considered the BBC had not met the required standard for due impartiality in terms of its coverage of these two economic stories. He referred to the BBC's final response and said that the BBC had justified what he regarded as the lack of due impartiality by reference to the busyness of the day's news agendas and the balance of reporting trends in the deficit and growth over time. He commented on the news agenda for 22 and 24 July.

The Trust Unit's decision

The Senior Editorial Complaints Adviser (the Adviser) decided that the appeal did not have a reasonable prospect of success.

She noted that all BBC output was required to meet the standard of "due impartiality" which was defined as follows:

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

She noted that the complainant considered the BBC had not adequately covered the ONS figures compared to the coverage it had given to the IMF figures. She considered the report of the IMF figure on the *News at Six*, 24 July 2014 that the complainant had referred to. It was an item read by the newscaster that lasted for 26 seconds:

Newscaster: The UK's on course to outpace the world's major advanced economies this year after the International Monetary Fund raised its growth forecast for the UK for the fourth time in a row. The IMF forecast has been upgraded by almost half a percentage point to 3.2% - driven by consumer spending and a tentative boost in manufacturing. The forecast this year for the United States is 1.7% and Germany 1.9%.

She reviewed the coverage on the BBC News Channel of the ONS figures, in which the business reporter had referred to the figures as "boring":

Business reporter, Ben Thompson: On the economic front, Britain's public finances showed a bigger than expected deficit in June continuing a weak start to the tax year and that leaves the chancellor of course with a lot of catching up to do – more on that for you in a moment – but that's why the footsie is where it is today. (On screen, FTSE100 up 0.99% at 6795.34).

[Covers other subjects – impact on the market of the increased likelihood of sanctions against Russia and discussion about Royal Mail shares. He is joined from a remote studio by Holly Cook, from investment website Morning Star.]

BT: Now there's a number that we always have to talk about and it frankly is a bit of a boring number but it's our public finances and our public deficit – once again not good reading for the chancellor.

HC: Not good reading, I actually don't find it boring I find it quite interesting and I'll tell you why. So, public sector borrowing for June came in at £11.4bn and that's almost a 50% increase on the same month a year ago. And the reason I find that so interesting is because it's almost ironic, one of the key causes of global economic crisis was so many of the western economies having high debt to GDP ratios and today's number shows that the UK debt to GDP ratio is now above 77%. If you look back before 2008, before the crisis hit, it was consistently under 50%. So we know this is one of the causes of crisis and yet six or seven years later, we're looking at the numbers and it's actually a much bigger problem. So there's perhaps a little bit of a head in the sand issue here and I think for future generations, we're going to see that they're really going to feel the pinch when the

government – whichever government that may be – decides to start reining in on public spending.

BT: Ok Holly, a very interesting number, I apologise, that's me told.

The Adviser noted that at the end of the exchange, the business correspondent had concluded that in fact the number was not "boring", but was actually "a very interesting number" and had apologised. She considered this was a light-hearted exchange in what was a detailed and considered response and would have been understood as such by the audience. She did not consider this was evidence of bias.

She noted that assessing impartiality was not a stop-watch exercise because there were many factors which could influence the length of any particular report. However, in this instance, the report about the ONS figures was significantly longer than the report about the IMF figures.

The Adviser noted that the Royal Charter and the accompanying Agreement between the Secretary of State and the BBC drew a distinction between the role of the BBC Trust and that of the BBC Executive Board, led by the Director-General. "The direction of the BBC's editorial and creative output" was specifically defined in the Charter (article 38, (1) (b)) as a duty that was the responsibility of the Executive Board, and one in which the Trust did not get involved unless, for example, it related to a breach of the BBC's editorial standards which did not apply in this case. It meant that decisions such as which stories to cover in news bulletins and how to cover them were editorial decisions which rested with the BBC.

She considered Trustees would be likely to conclude that the output met the standards set out in the Editorial Guidelines. It did not therefore have a reasonable prospect of success and she did not propose to put it before Trustees.

Request for review by Trustees

The complainant disagreed with the Adviser's decision and requested that the Trustees review the decision not to proceed with his appeal, making the general points that:

- he thought it was almost impossible to determine what a matter of substance was, and so that cannot be considered a proper standard to judge complaints against
- the Adviser's summary had misrepresented his complaint from the outset and "expunged all evidence" of the key matters of substance raised: to deal with a request for an appeal fairly and impartially it was necessary for Trustees "to examine the evidence presented by the respondents in their own words, not in the words of any third party intermediary".

The complainant also highlighted the Editorial Guidelines relating to *Impartiality in Series and Over Time*. He asked Trustees to consider whether the release of the official monthly deficit figure, in the year leading up to a General Election when the deficit would be central to the debate, constituted a "major matter" as defined by the Guidelines. He noted that the Head of Editorial Standards, BBC News (HoES) did not think this single month's figures were a major matter.

His response to the Adviser's decision also included the following points:

- he had given reasons why the Audience Services statement quoted in the Adviser's decision was in direct breach of Editorial Guidelines 4.4.19⁵ and 4.4.26⁶, and this was a key matter of substance directly related to specific Editorial Guidelines which "the Adviser did not consider substantial enough to include in her summary"
- having received a response from the HoES, which gave a detailed response in terms of how the BBC reported economic news in general and also in terms of the other stories that were on the news agenda during the time in question, the complainant had given "a point-by-point refutation of every single point HoES raised" which HoES had been unable to repudiate before referring the complaint to appeal
- the complainant had referred to breaches of specific parts of the impartiality guidelines, and not simply the overarching requirement to be duly impartial, and to 4.4.13 and the requirement that audiences should not be able to tell from BBC output the personal prejudices of BBC journalists
- there was evidence of bias in the treatment of deficit figures, including:
 - the business reporter's use of the word "boring" and the "light hearted" response of the business reporter and the News presenter (to whom the reporter handed back following Holly Cook's interview in which she had said the UK's debt to GDP ratio was "a much bigger problem" than it was in 2008 and future generations were "really going to feel the pinch"), which the complainant said proved both were biased against giving the June deficit figures the weight and prominence they were due
 - the omission of the June deficit figures on the *News at Six* (which, he said, "tipped the balance [of the evidence] further towards institutional bias")
 - the release of the IMF growth figure two days later and its place on the *News at Six* as fourth item (which he said demonstrated that the BBC was biased "beyond reasonable doubt")
- the complainant agreed that it was not possible to judge impartiality by measuring the time allocated to an item, and said it was meaningless to compare the length of a report on a channel with a low viewing share (i.e. the News Channel) with no report on a channel with a much higher viewing share (i.e. BBC One);
- the complainant said he understood that decisions such as which stories to cover and how to cover them were editorial decisions for the BBC, but drew attention to the statement by the ECU director during the course of his correspondence with the BBC that:

"There are clearly occasions when an editorial decision could lead to a breach of the BBC's Editorial standards"

5 There are some issues which may seem to be without controversy, appearing to be backed by a broad or even unanimous consensus of opinion. Nevertheless, they may present a significant risk to the BBC's impartiality. In such cases, we should continue to report where the consensus lies and give it due weight. However, even if it may be neither necessary nor appropriate to seek out voices of opposition, our reporting should resist the temptation to use language and tone which appear to accept consensus or received wisdom as fact or self-evident.

6 On long-running or continuous output (such as general daily magazine programmes, the News Channel, Online, etc.) due impartiality may be achieved over time by the consistent application of editorial judgement in relevant subject areas... However, editors of long-running or continuous output should ensure that:

- it reflects a broad range of individuals and views, including all main strands of argument
- differing views are given due weight and treated fairly in terms of prominence, treatment and time of day
- there is an appropriate timeframe for assessing that due impartiality has been achieved. Particular care is required approaching elections (see below).

When dealing with 'major matters', due impartiality cannot normally be achieved over time or by a breadth of views available across our online services.

- the complainant noted that this line had been omitted by the Adviser and he considered her conclusion that the Guidelines had not been breached was based on “on evidence that has been tampered with”.

The Committee’s decision

Trustees did not agree with the complainant’s contention that it was almost impossible to determine what a matter of substance was and that therefore it could not be considered a proper standard to judge complaints against, because the standard was set by the BBC’s Royal Charter and its Agreement with the Secretary of State, and associated procedures. The Trust has the duty of setting the framework within which the BBC should handle complaints, and that framework (and its associated procedures) must ensure that all appeals that raise matters of substance are subject to a right of appeal to the Trust, and that the Trust is the final arbiter of whether an appeal is for the Trust to determine or not (Agreement, clause 89 (4)(b)-(c)). The Editorial Complaints Procedure provides (at paragraph 5.10) that:

“The Trust will only consider an appeal if it raises ‘a matter of substance’. 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. The Trust may not consider an appeal that is trivial, misconceived, hypothetical, repetitious or otherwise vexatious.”

Trustees considered that the decision for them in this case was whether or not the complaint raised a reasonable prospect that they would find that there had been a breach of the Editorial Guidelines. These were decisions they were well accustomed to making.

Trustees considered the complainant’s criticisms of the way the Adviser had summarised the complaint in her letter of 23 February 2015 which conveyed her decision that the appeal should not proceed. Those criticisms were contained in the complainant’s letter of 9 March 2015 requesting a review of the Adviser’s decision. Trustees had before them both the appeal and the request to review the Adviser’s decision as well as the content in question. The ability to request a review of a decision by a Trust Adviser was provided so that complainants could make Trustees aware of any concerns complainants had with the Adviser’s decision and it gave complainants an opportunity to rectify any errors.

Trustees did not agree with the contention that to deal with a request for an appeal fairly and impartially it was necessary for them “to examine the evidence presented by the respondents in their own words, not in the words of any third party intermediary”. On the contrary, the Committee considered that it was necessary for the efficient and effective management of appeals that an Adviser summarise complaints to ensure the paperwork before the Editorial Standards Committee was proportionate and focused on the matters on appeal. The Adviser’s letter conveying her decision was not supposed to be an exhaustive record of every point made in the correspondence in the case. Trustees considered that the Adviser’s letter was an adequate explanation of the reasons for her decision, and she had not erred in omitting the reasons the complainant had given when he rebutted Audience Services’ response at Stage 1 or the Head of Editorial Standards, BBC News’ response at Stage 2; still less had she ‘tampered’ with the evidence as the complainant had alleged.

Trustees were satisfied that, by taking full account of the appeal, the Adviser's letter of 23 February and the complainant's response of 9 March, they had before them the material elements of the complainant's request for an appeal, and that this was a proper and sufficient basis on which they could decide whether or not the complainant had raised "a matter of substance" such that the appeal should proceed. Accordingly, the Committee proceeded to consider the substance of the request.

The Committee appreciated that behind this complaint was a concern that a forecast of UK economic growth which might have been taken as evidence that the (then) government's economic policies were working was covered relatively prominently on the *News at Six*, but figures as to the size of the national deficit which (in the complainant's view) provided evidence that those policies were not working had not been covered on BBC One, but on the *News Channel*, and then had been treated in a somewhat flippant manner by presenters. The complainant considered that this was evidence of a lack of due impartiality, and evidence of bias, in that, in the year before a General Election, figures that were a mere forecast, but favoured a government narrative, were given undue prominence compared with figures constituting firm evidence tending to contradict that narrative.

Trustees considered in this context the complainant's concern that BBC News had breached the Editorial Guideline requirement for due impartiality with particular regard to the BBC's commitment to:

"...reflecting a wide range of opinion across our output as a whole and over an appropriate timeframe so that no significant strand of thought is knowingly unreflected or under-represented."

The Committee agreed that decisions such as which stories to cover in news bulletins, where to cover them in the running order, how long to spend on them and how to cover them were editorial decisions which rested with the BBC Executive rather than the Trust, (Royal Charter, Article 38 (1) (b)). The requirement for content to be duly accurate and duly impartial did not mean that equivalent prominence and weight had to be given to different stories on different days on the same service. The "consistent application of editorial judgment" referred to in the Guidelines did not mean a subject had to be included in output on every occasion it reappeared with a new peg.

The Committee noted the complainant's request for it to consider whether the release of the official monthly deficit figure in these circumstances constituted a "major matter" for the purposes of the Editorial Guidelines. Trustees did not consider this to be appropriate. They saw no reason to disagree with the view expressed by the Head of Editorial Standards, BBC News, that "BBC News would not regard *this single month's borrowing figures* as a 'major matter'" (emphasis added). In any event, simply deciding that a matter would have been a "major matter" did not mean it would necessarily have to feature in the news agenda on a particular day.

Trustees noted the complainant had referred to Editorial Guideline 4.4.13:

"Presenters, reporters and correspondents are the public face and voice of the BBC - they can have a significant impact on perceptions of whether due impartiality has been achieved. Our audiences should not be able to tell from BBC output the personal prejudices of our journalists or news and current affairs presenters on matters of public policy, political or industrial controversy, or on 'controversial subjects' in any other area. They may provide professional

judgements, rooted in evidence, but may not express personal views in BBC output, including online, on such matters.”

Trustees did not agree that the light-hearted comment by the News Channel business reporter that the Office for National Statistics figures regarding government borrowing in June 2014 were “boring” amounted to the expression of bias. The significance of the figures was properly explained on the Channel and, after being challenged by another contributor, he had acknowledged that the figures were very interesting. Guideline 4.4.13 had not been breached.

Trustees did not consider that the complaint raised an issue which had a reasonable prospect of leading them to conclude that there had been a breach of Editorial Standards.

The Committee therefore decided that this appeal did not raise a matter of substance and so did not qualify to proceed for consideration.

“Israel-Gaza conflict: Home for disabled hit in Beit Lahiya”, BBC Online, 12 July 2014

The complaint

The complaint concerned a news report from Gaza during the conflict in the territory last summer. The BBC’s Middle East Editor reported from the district of Beit Lahiya where earlier that day an Israeli missile had hit a building which housed a home for disabled people, killing two residents. The report can be found here: <http://www.bbc.co.uk/news/world-middle-east-28279054>

The complainant noted the following sentence:

“After the attack on the centre for the disabled it is clear that the Israelis have some serious questions to answer.”

He said viewers would have been given the impression that Israel deliberately targeted the home for disabled people. He also queried why the reporter failed to mention information which appeared in other media, that the target of the air strike was a commander for Islamic Jihad who owned a flat in the same building.

The complainant received responses at Stage 1 from BBC Audience Services and at Stage 2 from the Editorial Complaints Unit (ECU). His complaint was not upheld.

Appeal to the BBC Trust

The complainant appealed to the BBC Trust. He said it was unbalanced to discuss the air strike without explaining that Israel was “beyond reasonable doubt” intending to strike a terror related target, and that in the absence of further explanation, the only explanation of motivation from the broadcast was that Israel was attacking a home for disabled adults. He alleged that the reporter had intentionally misled the audience with, in his opinion, “a desire to avenge”:

“Why would he [the reporter] have chosen to use the loaded, highly emotive, and obviously provocative words ‘attack on the centre for disabled adults’ other than to insinuate Israeli intentionality in the massacre of innocents? Accurate, factual language was available ‘the attack which struck the centre for disabled adults’.”

The Trust Unit’s decision

The relevant correspondence was reviewed by the Trust Unit. An independent editorial adviser also reviewed the output and carried out further research. The Senior Editorial Complaints Adviser (the Adviser) read the article and watched the relevant item. The Adviser considered the appeal did not have a reasonable prospect of success.

The Adviser noted the points made by the complainant.

The Adviser acknowledged that in isolation the sentence could indeed be read to mean Israel had intentionally targeted a home for the disabled, but in the context of the rest of the news report it was clear to her that such an impression was very unlikely. She noted that a key theme, which ran through the item, was that Israel was charged with not doing

enough to protect civilians – but not that it was specifically targeting them. She noted the following content as relevant to her reaching her conclusion:

- The headline of the article and the final paragraph of the introduction referred to the home for the disabled being “hit”; the word “targeted” did not appear anywhere in the item.
- It was factually correct to state in the final section of the news report that the home for the disabled had been “attacked” as that was precisely what had happened; the footage in the report showed the hole punched by the projectile in the wall of the building and the Adviser noted the only reported casualties of the attack, two dead and four seriously injured, were all residents of the home for the disabled.
- The opening sentence of the report reflected on the virtual impossibility of avoiding civilian casualties in built-up areas:

“There is no such thing as a surgical strike – even with Israel’s modern arsenal, especially in Gaza’s densely-packed towns and refugee camps.”

- The report had made clear that Hamas was continuing to fire rockets from a position near to the home that had been hit:

“Then someone said the Israelis had warned another attack was coming. We heard a rocket and took cover. But it was Hamas, firing into Israel.”

- The end of the report, when considered in the context of the content which preceded it, made it clear that the “serious questions” Israel had to answer were not to the charge that it was targeting civilians, but rather that it was not doing enough to avert civilian casualties – an allegation which the report made clear applied to both parties:

“Belligerents are obliged under the laws of war to protect civilians. The UN has already asked whether Israel is working in the way that it should to fulfil those obligations. After the attack on the centre for the disabled it is clear that the Israelis have some serious questions to answer.

“So do Hamas about their attacks – both sides say they’re protecting their people. It’s hard to enforce the laws of war, but they’re the most impartial measures of actions and their consequences.”

The Adviser concluded that taken as a whole the headline, the introduction and the item itself gave no indication that the charge against Israel was that it was targeting civilians, nor that the reporter intended that meaning to be taken. The Adviser therefore decided the allegation would not have a reasonable prospect of success and should not proceed on appeal.

The Adviser noted the complainant’s assertion that the responses thus far had not addressed the substantive issue, i.e. who the attack was targeting. The Adviser noted the complainant’s view that the intended target was an Islamic Jihad commander who owned a flat in the same building as the home for the disabled. She noted evidence presented in the ECU finding, supported also by research for her decision, that Israel appeared not to have made any statement either at the time or since as to who/what was the target. The

Adviser also noted the source of the complainant's assertion was a report in the Daily Telegraph⁷. She noted the content of that report, which quoted an unnamed "neighbour" as saying members of Hamas and Islamic Jihad lived in the building. The Adviser noted also the ECU's reference to a report in The Guardian⁸ where a neighbour was quoted suggesting a militant might have lived there with his family, but the neighbour was not sure, and another in the Independent⁹ in which a supervisor at the home for the disabled "firmly denied" any Islamic Jihad link with the building; the article also noted there had been no explanation from the Israelis.

The Adviser considered that, in the absence of any Israeli statement as to the intended target; contradictory and inconsistent information from neighbours reported elsewhere in the media; and an apparently emphatic denial from the supervisor that militants were known to live in the building, there was no well-sourced evidence to support the complainant's contention that the target was "beyond reasonable doubt" an Islamic Jihad commander who owned a flat in the same building as the home for the disabled.

The Adviser did not therefore consider any conclusions could be drawn from the reporter omitting to speculate who the target might have been. Nor did she agree with the complainant that in the absence of any reference to a possible legitimate target, the audience would have been likely to conclude that the home for the disabled had been the target.

The Adviser therefore decided the allegation would not have a reasonable prospect of success and should not proceed to appeal.

- **Request for review by Trustees**

The complainant requested that Trustees review the decision not to proceed with the appeal. He said the Adviser should have been willing to exonerate Israel from targeting a centre for disabled adults and that it was "outrageous" that the Adviser had refused to take a stance on the issue.

The complainant stated that the Adviser's decision had failed to consider the normative dictionary definition of the word "attack", which implies intentionality.

The accusation that Israel had attacked a home for the disabled was not balanced by a later suggestion that Israel failed to protect civilians.

The complainant said that there is a widespread issue about imputing intentionality for civilian deaths to Israel without evidence and the Trust should uphold the public interest and set the record straight.

The complainant said that Israel was entitled to an unambiguous statement that it does not attack civilians.

⁷ <http://www.telegraph.co.uk/news/worldnews/middleeast/israel/10963663/Israel-kills-two-handicapped-Palestinian-women-in-air-strike-on-home-for-disabled.html>

⁸ <http://www.theguardian.com/world/2014/jul/12/disabled-palestinians-unable-escape-israeli-air-strike>

⁹ <http://www.independent.co.uk/news/world/middle-east/israelgaza-conflict-israeli-air-strike-demolishes-home-for-the-disabled-killing-two-women-residents-9602441.html>

The Committee's decision

The Committee noted the contradictory evidence throughout the media as to who might have been the intended target. It noted too that Israel appeared not to have offered any information on the incident. In the Committee's view, given the lack of information, the reporter could not have been expected to reach a view that the target of the air strike was a commander for Islamic Jihad who, according to the complainant, owned a flat in the same building. Trustees disagreed with the complainant's conclusion that in not mentioning a specific target the report left the impression that Israel had intended to kill civilians.

The Committee noted that the word "attack" had multiple meanings. It could be applied to an intentional assault. But it could also simply mean that a military attack occurred without any implication as to what the intended target might have been. The Committee noted extracts elsewhere in the report which had made it clear that the charge against Israel was that it was not doing enough to protect civilians. The Committee considered the civilian deaths which occurred after the missile hit the centre for disabled adults illustrated that point. This was not a report which was making the far more serious charge of deliberately attacking civilians. The Committee considered that audiences would have understood that, in the context of the report as a whole, the word "attack" had simply described the fact that an Israeli missile had hit the building.

In the Committee's view, the audience was unlikely to conclude that civilians were being targeted by Israel either in this incident or in the conflict as a whole. It was not necessary to include a statement that Israel did not attack civilians in order to achieve due impartiality or due accuracy.

Trustees noted that the complainant had taken issue with the analysis by the Trust's Adviser. Trustees considered the analysis was appropriate. Trustees decided that the complaint did not have a reasonable prospect of success and it was not appropriate, proportionate or cost-effective to consider it on appeal.

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

News at Six and News at Ten, BBC One, 11 September 2014

The complaint

The complainants wrote to the BBC Trust following the decision of the Editorial Complaints Unit (ECU) to uphold only in part their complaints about coverage of the Scottish referendum on the *News at Six* and *News at Ten* on BBC One, 11 September 2014.

The complaints fell into three broad areas and were that:

- an assertion by Nick Robinson, the BBC's Political Editor, that Mr Alex Salmond did not answer a question he had put to him was inaccurate and misleading
- the Political Editor intentionally misled viewers
- taken as a whole, the report was biased in favour of the 'No' campaign.

The ECU upheld their complaints on the first point about the accuracy of the Political Editor's assertion that Mr Salmond did not answer a question. The ECU did not uphold on the other two points.

The Trust Unit's decision

The Trust Adviser replied to the complainants explaining that the relevant correspondence had been reviewed by the Trust Unit and she did not consider that the appeals had a reasonable prospect of success.

The Adviser noted that the following points had been raised on appeal:

That the Political Editor:

- had intentionally misled the programme's viewers
- was biased against both Mr Salmond and the 'Yes' campaign
- did not apply the same amount of scrutiny to both sides of the argument
- edited the footage of the press conference in a way that was biased against Alex Salmond
- was biased in referring to Mr Salmond's dismissal of questions and doubts as "scaremongering" when Mr Salmond gave numerous answers
- ignored the majority of issues raised at the press conference.

That the report:

- was a "propaganda tool for Westminster"
- reflected the narrative of the Better Together campaign by focusing on the economy
- took statements from ASDA and others at face value, without scrutinising them
- did not put into a proper context references to businessmen who raised concerns that prices could rise in an independent Scotland
- did not include the possibility that prices might fall in an independent Scotland
- did not properly challenge claims by Mr Alistair Darling about potential job losses
- only mentioned businesses which were against independence
- ignored Mr Salmond's comment that there were hugely successful businessmen –

notably Angus Grossart, and Martin Gilbert of Aberdeen Asset Management – who had stated that Scotland would flourish under independence.

The Adviser noted that all output was required to meet the standard of “due impartiality” as set out in the BBC’s Editorial Guidelines which can be found here:

<http://www.bbc.co.uk/editorialguidelines/guidelines/>

In terms of context, the Adviser noted the following introductions that had been read by the presenter of the *News at Six*:

“The first minister, Alex Salmond, has launched a scathing attack on the Westminster government accusing it of bullying and intimidation over the potential costs of independence. It follows the decision by several financial institutions, including Royal Bank of Scotland, to move their company registration to England if there’s a ‘Yes’ vote. Mr Salmond insisted that Scotland was on the cusp of history and would vote for independence in the referendum next Thursday. Our Political Editor, Nick Robinson, has the latest on the campaign with just seven days to go:”

This was the presenter’s introduction to the item on the News at Ten:

“There have been fresh warnings over the potential cost of Scottish independence from more banks and some major retailers. It follows the decision by several financial institutions including the Royal Bank of Scotland to move their company registration to England if there’s a yes vote. But Scotland’s first minister Alex Salmond insisted that Scotland was on the cusp of history and would vote for independence in the referendum next Thursday. He also launched a scathing attack on the government in Westminster accusing it of bullying and intimidation. Tonight a new poll showed a narrow lead for the ‘No’ campaign. Our Political Editor Nick Robinson has the latest with just seven days away.”

Firstly, the Adviser considered the broad point of appeal that the Political Editor had intentionally misled viewers. She noted the ECU’s response regarding allegations of a deliberate intention to mislead and she noted that the Head of Editorial Complaints had queried whether this was likely because it would:

“ ... imply the premise that Mr Robinson, insofar as he would have been aware that he was giving an inaccurate account, would also have been aware that the inaccuracy stood to be exposed as soon as unedited footage of the exchange was in circulation, and was in effect setting himself up to be discredited”.

The Adviser shared the ECU’s view. She noted that politicians expected to face robust and sustained questioning at press conferences from journalists. She noted too that sometimes it was the job of journalists to play devil’s advocate. But this does not imply bias or mean that the questions reflect the personal views of the reporter.

The Adviser noted that in response to one complainant the ECU pointed out that the full video of the press conference shows that:

“Mr Salmond having set out the position on Corporation Tax in the event of RBS moving its registered office to England, Mr Robinson pressed him on whether such a move would have any tax consequences. Mr Salmond then said ‘I’ve answered you’, to which Mr Robinson replied ‘No you haven’t’.”

Regarding the first broad point of appeal, the Adviser considered that Mr Robinson, in asserting that Mr Salmond did not answer the question put to him, was making a professional judgement, as he was expected and entitled to do, rather than offering a personal opinion. She noted that a professional judgement did not in itself imply bias – as set out in the impartiality guideline 4.4.13:

Presenters, reporters and correspondents are the public face and voice of the BBC - they can have a significant impact on perceptions of whether due impartiality has been achieved. Our audiences should not be able to tell from BBC output the personal prejudices of our journalists or news and current affairs presenters on matters of public policy, political or industrial controversy, or on 'controversial subjects' in any other area. They may provide professional judgements, rooted in evidence, but may not express personal views in BBC output, including online, on such matters.

The Adviser considered that on the second broad point – that the Political Editor had deliberately misled viewers – Trustees would agree with the ECU's assessment that the Political Editor had summarised that section of the press conference in a way that was not duly accurate, but would also consider that the Political Editor had been exercising his professional judgement and had not set out or intended to mislead viewers. She therefore considered Trustees would not be likely to consider that the output was in breach of the Editorial Guidelines relating to Impartiality.

Lastly, the Adviser considered the third broad point that, taken as a whole, the report was biased in favour of the 'No' campaign.

The Adviser noted that the time constraints of television news were such that the majority of issues in *any* press conference were unlikely to make it into the final story. She considered that those decisions were matters of editorial judgement. She also noted that the way the final report was edited meant that it contained three separate clips of Mr Salmond speaking at the press conference.

The Adviser also noted the ECU's response:

"...the key parts of Mr Salmond's much longer response to the question about RBS were reported in detail, as was his claim that the Treasury had been caught 'red-handed as part of a campaign of scaremongering' and his call for an inquiry into the leaking of market-sensitive information. To judge by the manner in which Mr Salmond brought his response round to these points, they were the very ones which he would have wished to see reflected in the report."

The Adviser shared the ECU's view on this point. In respect of complainants' allegations that the BBC took statements from retailers at face value and acted as a "propaganda tool for Westminster", the Adviser noted that in a live interview following his report on the *News at Six*, Mr Robinson made the following observation:

"He [Mr Salmond] is convinced that there is an organised campaign, a campaign coming from London, to scare Scotland into voting no. And there's a little bit of evidence for that tonight because the BBC has just revealed – my colleague Robert Peston – that a meeting was held at Number Ten this afternoon with supermarket bosses – in other words some of the very people who've come out to warn that prices could well go up."

The Adviser believed Trustees would conclude that, although the reports did not look at the possibility of prices falling as a result of a 'yes' vote, it was important and legitimate to scrutinise the claims that had been made about price rises.

The Adviser noted that Mr Robinson's report on the *News at Ten* was followed by another in which the BBC's Economics Editor, Robert Peston, analysed in detail the possible economic impact on retailers and businesses. In this report, the claims by the retailers were subject to further and more detailed scrutiny.

The Adviser also noted that, in Mr Peston's report, Mr Salmond's view – and the notion of scaremongering – was reinforced by a clip of Nicola Sturgeon, MSP:

"This is one of the scare stories of the 'No' campaign which has been shot down by Tesco last week. You know, people know that they travel all over the world. Scotland is a rich wealthy country and there's no reason why shop prices will go up in an independent Scotland. It's these kind of scare stories insulting people's intelligence I think that is one of the factors in the growing support for yes."

The Adviser noted complainants' allegations that no pro-independence businesses nor successful business leaders who thought Scotland would flourish under independence were mentioned. However, she noted that Mr Robinson's report was followed by a report from the Business Editor looking in detail at the impact any potential changes might have on financial institutions. Here is the introduction to that report:

"Alex Salmond has played down questions over the future of some Scottish financial institutions in the event of a yes vote. But what impact – if any - would the changes have on the companies, their customers and staff? Our Business Editor Kamal Ahmed has this assessment of the banks' position."

The Adviser also noted that the report included this script line and interview clip:

"Many leading business figures are positive about the prospect of a yes vote. Scotland's largest fund manager said that an independent Scotland would be a big success:

[MARTIN GILBERT, Aberdeen Asset Management]: I don't think that anyone suggests that Scotland wouldn't be a success in the event of a yes vote and I think I probably subscribe to that view as well."

The Adviser noted that the fund manager quoted, Martin Gilbert, was one of the Scottish leaders whose views Mr Salmond had highlighted at his press conference and someone whose views, some complainants had pointed out, had been absent from Mr Robinson's report.

In respect of the allegation that it was biased to concentrate on the economy, the Adviser believed that the Trust would see the future of Scotland's financial institutions as a legitimate line of reporting. The Adviser noted that Mr Ahmed's report looked at what the RBS, Lloyds and TSB had said and then asked:

"But is this just a technical matter of little consequence? I asked one man who speaks for the industry north of the border:

[OWEN KELLY, Scottish Financial Enterprise]: It's important for any national jurisdiction to have large companies registered in that jurisdiction because it sends a signal that we're a good and stable place to do business."

The Adviser noted the complainants' allegation that the claims of Mr Darling and the 'No' campaign about potential job losses were insufficiently challenged. However, she did note that Mr Ahmed's report said:

"All three have made it clear it will have no impact on jobs. Where they pay their main business taxes will also not be affected."

The Adviser believed that the Trust would conclude that it was unrealistic to reflect everything Mr Salmond said in the press conference but that the combination of the elements of Mr Robinson's script explaining Mr Salmond's position, the three clips of Mr Salmond speaking and the way the various issues were analysed in the other reports across the whole programme meant that the coverage was duly impartial.

She therefore considered that Trustees would be likely to conclude that the broad complaint that the report was biased against the 'Yes' campaign did not have a reasonable prospect of success and she did not propose to put it before Trustees.

Request for review by Trustees

The complainants requested that the Trustees review the decision not to proceed with their appeal. The reasons included:

- Regarding the comment "He did not answer" (which had been the subject of a partial uphold by the ECU) a complainant provided one of Mr Salmond's answers. In the complainant's view the comment was misleading and biased.
- It did not make sense to argue that the Political Editor would, by intentionally misleading viewers, be "setting himself up to be discredited". The Political Editor had continued in his role despite the partial uphold by the ECU and that he had been discredited to many.
- The Political Editor did not use Mr Salmond's answer at the press conference regarding two prominent businessmen who stated that Scotland could flourish under independence. Even if their views were reported in a subsequent report it did not make Mr Robinson's report any less biased. It was pivotal in answering the Political Editor's question and should have been included in this report.
- "Whether the rest of the news programme was balanced or not, it is unacceptable that a report by the senior political editor was not."
- A complainant also questioned the sequencing of the report saying it was made to appear as if Mr Salmond had not answered the first question and had gone on to talk about something else before showing the previous answer. This had had the effect of discrediting Mr Salmond.
- Mr Darling was not questioned on his statement, despite the fact that information he gave was contrary to an official statement by Royal Bank of Scotland (RBS).
- Concern that a journalist would investigate the source of the story about the RBS relocation before using it.

The Committee's decision

The Trustees noted the ECU's decision to uphold the complainants' allegations that the Political Editor's assertion that Mr Salmond did not answer a question put to him gave an inaccurate impression. The Trustees accepted that clear, precise language was crucial given the sensitivity of the subject matter. They endorsed the ECU's decision.

With regard to the complainants' allegation that the Political Editor intentionally misled viewers Trustees noted that, while the Political Editor's language in asserting that Alex Salmond had not answered a question may have created an inaccurate impression, they did not consider that this amounted to an intentional attempt to mislead. Not only was it self-evident that any inaccuracy would have been exposed as soon as footage of the press conference was available, but there was also no evidence to suggest that the Political Editor had had any such intent.

The Trustees then turned to impartiality. The Trustees noted that the Editorial Guidelines call for BBC reporters to make a clear distinction between professional judgements and personal opinions and that:

"They may provide professional judgements, rooted in evidence, but may not express personal views in BBC output, including online, on such matters."

The Trustees noted that challenging, adversarial and "devil's advocate" questioning can sometimes be regarded as reporters or presenters taking sides or expressing opinions. But Trustees agreed that it is a normal – and, for politicians, expected – part of press conferences. It does not imply bias on the part of the reporter. The role of the BBC is to report, analyse and test what politicians are saying.

The Trustees noted and shared the view of the ECU and the Trust Unit that the Political Editor was making a professional judgement, which did not imply bias. In respect of the complainants' view that the Political Editor's report was biased, the Trustees noted that the Editorial Guidelines call for the BBC's output to apply "due impartiality" to all subjects and that:

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

The Trustees noted that the complainants' allegations focused on the filmed report by the BBC's Political Editor. But they also noted that the news programmes concerned contained several other reports and live interviews on the Scottish referendum besides the Political Editor's report. They agreed that in considering whether due impartiality had been achieved it was appropriate to consider the broadcast as a whole.

The Trustees noted that reports on news programmes were necessarily short and that it was a matter of editorial judgement for the BBC Executive as to whether an important story was covered in one or more items each covering different news angles. It was understandable that, when a story was covered in a number of items in one bulletin, the BBC might try and avoid repetition to make the best use of valued airtime. This meant that each item would not necessarily carry an analysis of all the important facts and views that had emerged in that day's news.

The Trustees noted that the Political Editor's report had three separate clips of Alex Salmond speaking at his press conference, reflecting differing points. The Committee did not accept the argument that the clips were sequenced in a certain way in order to put Mr Salmond on the back foot and make him look defensive. The BBC was entitled to edit and arrange the sequences within a report in order to create a clear narrative for audiences in complex stories (as long as this did not materially mislead audiences). The sequencing of those clips was not a matter of substance. They did not accept that the use of the word "scaremongering" was flawed in that it only suggested Mr Salmond had accused his opponents of scaremongering when in fact he had given fuller answers. They noted that the clips of Mr Salmond had shown him robustly putting across his point of view.

Trustees noted the complainants' points about taking statements from ASDA and other retailers at face value and not putting them into context, not challenging the 'No' campaign about job losses and ignoring successful businessmen who thought Scotland would fare well under independence.

Trustees considered that, while the Political Editor's report had, in part, set out the issues, the Business Editor had closely scrutinised the statements by financial institutions and had interviewed one of the businessmen, Mr Martin Gilbert, who the complainants alleged had been ignored. The Trustees also noted that the Business Editor, having examined the taxation and employment implications of firms relocating, concluded it would have no impact on either – a point argued by Mr Salmond.

Trustees noted that the Economics Editor had analysed the statements and motives of the retailers, and put them in clear context when he reported:

"... as it happens I've learned that the Prime Minister has, in the past 24 hours, been putting pressure on supermarket bosses to say how prices would rise in an independent Scotland."

With regard to the Royal Bank of Scotland, Trustees noted that the report by Nick Robinson included Mr Salmond reading out a letter from the Chief Executive of the bank about its decision to move its registered HQ to London in the event of independence. Mr Salmond said that the letter explained it was not the bank's intention to move operations or jobs. Mr Darling had been included giving the opposite view – that this was about jobs. The BBC was entitled to carry both opinions so that audiences could judge for themselves. Trustees noted that a complainant wanted to see Mr Darling cross questioned but they felt that the inclusion of Mr Salmond reading out the Chief Executive's letter made the point extremely clearly. Mr Salmond also called for an inquiry into the leak to the BBC of the bank's intentions. This was also included in the report. The BBC had been transparent on this issue (which had not been raised previously by the complainant).

Taking into account the totality of the coverage across each programme, the Trustees considered the bulletins to be duly impartial and not in breach of the Editorial Guidelines (except in respect of that part of the complaint which had already been upheld by the ECU).

The Committee did not consider that the appeal had a reasonable prospect of success.

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

1700, BBC News Channel, 29 August 2014

The complaint

The complainant contacted the BBC on 31 August 2014 to express his concern at what he regarded as a serious factual error when he heard Jehovah's Witnesses described during a BBC news report as a "Christian organisation". He said that, as a Christian himself, he was deeply upset and offended by this reference as he did not regard Jehovah's Witnesses as a Christian organisation. He believed that the BBC had made a serious error and requested an explanation together with an apology.

He said that Jehovah's Witnesses did not use the Bible but used a book called New World Translation of the Holy Scriptures, and that Jehovah's Witnesses were not considered Christians by anyone other than themselves.

The complaint went to Stage 2 and was investigated by the Editorial Complaints Unit. The complaint was not upheld. The Complaints Director explained in his finding that although Jehovah's Witnesses might not share all the same beliefs as other Christian doctrines, they followed the teachings of Jesus Christ and believed that Jesus was the key to salvation. (<http://www.jw.org/en/jehovahs-witnesses/faq/are-jehovahs-witnesses-christians/>)

Appeal to the BBC Trust

Following the complainant's request that his complaint be considered at the next level, the ECU passed his correspondence to the Trust Unit for a review of the complaint.

The Trust Unit's decision

The Senior Editorial Complaints Adviser (the Adviser) considered that the appeal did not have a reasonable prospect of success.

The Adviser noted that the complainant had raised concerns that the BBC's output was not accurate. She noted that all BBC output was required to meet the standards set out in the Editorial Guidelines - these can be found in full at <http://www.bbc.co.uk/guidelines/editorialguidelines>. They require that all output should meet the standard of "due accuracy", which is defined as follows:

"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 Adviser noted that judgements about what was duly accurate would vary depending on the nature of the output and the context. She considered this was generally understood by the audience.

She noted that the news item was a report about a search for a five year old boy with a brain tumour, who had been removed from hospital by his parents, without doctors' approval. The report had included the script line:

"It's been confirmed both parents ... are Jehovah's Witnesses. But a spokesman for the Christian organisation says there's no indication their religious beliefs are behind their decision to remove [their son]..."

Although the Adviser acknowledged that there were differing views on the issue raised by the complainant, she believed that Trustees would be likely to agree with the ECU's conclusion that this was no more than a "passing reference"; that the news reports were duly accurate in referring to the Jehovah's Witnesses as a Christian organisation – even though Jehovah's Witnesses did not share all the same beliefs as other Christian doctrines – and that the report was neither materially misleading nor inaccurate.

She therefore decided that the appeal would not have a reasonable prospect of success and should not be placed before Trustees.

Request for review by Trustees

The complainant requested that the Trustees review the decision not to proceed with his appeal. He said that he strongly believed he was right and that the BBC had been "unfairly dismissive" of his complaint. He noted

"There is immense controversy about whether Jehovah's Witnesses are Christians (with virtually everyone outside of Jehovah's Witness circles believing the Jehovah's Witnesses (J.W's) are NOT Christians)"

He felt the BBC could not have been unaware of the controversy and therefore the potential great offence and controversy the words "Christian organisation" may cause. He said it would have sufficed to refer to the sect as a "religious organisation".

The complainant requested an apology from the BBC and an agreement not to repeat the wording.

The Committee's decision

Trustees noted that the complainant objected to the description of Jehovah's Witnesses as a "Christian organisation" and the points he made in support of his complaint.

Trustees were aware the Trust Adviser had considered the complaint against the guidelines on accuracy. They noted the decision of the ECU which stated that although Jehovah's Witnesses might not share all the same beliefs as other Christian doctrines, they followed the teachings of Jesus Christ and believed that Jesus was the key to salvation. Trustees agreed with that conclusion.

The Committee noted that the report was about a young boy who was unwell. In another report focussing on a different subject, the Committee felt it might have been relevant to explore the nature of the debate outlined by the complainant. However, Trustees felt that if they were to take this case on appeal they would reach the view that, in the context of this report, it was duly accurate, was not offensive in terms of generally accepted standards and did not, as such, present a possible breach of the Editorial Guidelines.

As a result, the Committee concluded an apology was not warranted in this instance.

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

Newsnight, BBC Two, 5 August 2014

The complaint

The complaint related to an item on *Newsnight* about the resignation of Baroness Warsi as a Foreign Office Minister over the Government's position on the Gaza crisis. The discussion was between Sir Menzies Campbell, former leader of the Liberal Democrats, and Douglas Murray, Associate Director of the Henry Jackson Society.

The complainant contacted BBC Audience Services on 7 August 2014, and said that the programme had introduced Douglas Murray "as if he were a neutral commentator", when he represented a pro-Israel organisation. The complainant referred to an earlier complaint which had been upheld by the Trust about a spokesman who had been introduced as if he were neutral, when the think tank he represented had a pro-Israel perspective. He considered the BBC was guilty of "bias and subterfuge".

Audience Services responded saying that *Newsnight* viewers would be aware of Mr Murray's established views on the Middle East and that it had been evident both in the questions put to him and in the answers he had given, that he was supportive of Israel's actions. The complainant escalated his complaint to the Editorial Complaints Unit, who did not uphold the complaint.

Appeal to the BBC Trust

The complainant appealed to the BBC Trust on 19 January 2015. He appealed on the substance of his complaint, that the introduction of one of the contributors on *Newsnight* was biased as it had not made clear his pro-Israel stance.

The Trust Unit's decision

The Senior Editorial Complaints Adviser (the Adviser) considered the appeal did not have a reasonable prospect of success.

The Adviser noted that all BBC output was required to meet the standard of due impartiality, which is defined as follows:

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

She also noted the following section of the Editorial Guidelines on Impartiality:

"We should not automatically assume that contributors from other organisations (such as academics, journalists, researchers and representatives of charities) are unbiased and we may need to make it clear to the audience when contributors are associated with a particular viewpoint, if it is not apparent from their contribution or from the context in which their contribution is made."

The Adviser noted that in his correspondence the complainant had agreed with Audience Services who said that it had been evident both in the questions put to Mr Murray by the presenter and in the answers given by him, that he was supportive of Israel's actions. However, she noted that the complainant nevertheless felt that his position with a pro-Israel organisation should have been pointed out to viewers.

She also noted the complainant's view that while Mr Murray spoke for a pro-Israel organisation, Sir Menzies Campbell was not "a known supporter of the Palestinians" and did not therefore, as the BBC had claimed, counter Mr Murray's perspective.

The Adviser noted how the introduction to the item had framed the discussion:

"There's finally a ceasefire in Gaza but the reverberations of the conflict are now stirring a political battle within the British government. It's rare that a Minister resigns on a matter of principle but today the Foreign Office Minister Baroness Warsi did just that in strongly critical terms. She tweeted that she could no longer support government policy on the war in Gaza and in a letter to the Prime Minister wrote that 'our approach and language during the current crisis is morally indefensible and is not in Britain's national interest'. The Prime Minister said in response that he had been consistently clear in calls for peace. Well tonight the divisions seem to have deepened with Nick Clegg calling for a suspension of arms export licences to Israel. In a moment we'll debate all this but first here's our diplomatic editor Mark Urban..."

The package that followed looked at recent government policy towards Israel and the reasons for, and possible consequences of, current divisions on the issue within the coalition government. The discussion was introduced; with Sir Menzies Campbell, referred to as the former leader of the Liberal Democrats, and Douglas Murray, described as a journalist and writer – with an onscreen caption noting he was the Associate Director, Henry Jackson Society.

The Adviser noted the guidelines had stated that it might be necessary to make it clear to the audience when contributors are associated with a particular viewpoint "if it is not apparent from their contribution or from the context in which their contribution is made". Taking into account the framing of the item and the fact that Mr Murray's association with a pro-Israel perspective was clear from the questions put to him and the answers given, as the complainant had agreed, she concluded that his association with a pro-Israel viewpoint had been clear and would have been apparent to viewers.

The Adviser then noted that the presenter first asked both interviewees for their reaction to the resignation of Baroness Warsi. She noted Sir Menzies Campbell's first answer:

"...I agree with her judgement that it's morally indefensible and against our interests but I would go a little further than that and say that I think it's against the interests of Israel as well...I mean how can you build any kind of peace – either temporary or lasting – based upon the kind of film and the kind of scenes we have seen on our television screens – essentially what is happening in Gaza is that the infrastructure is being systematically taken apart."

She noted that he went on to say that he was in no doubt that "what has happened is disproportionate". He later went on to say that "the real issue is the substance here..." and to explain that in his view the Israeli attack on a UN-run school in Gaza the previous week had been a violation of international law.

The Adviser noted the complainant's view that Sir Menzies Campbell was not "a known supporter of the Palestinians" and that in his opinion Sir Menzies Campbell's contribution did not therefore counter Mr Murray's perspective. However, the Adviser considered from the answers given by Sir Menzies Campbell throughout the interview that viewers would have understood he was giving a clear opposing perspective to Douglas Murray.

The Adviser therefore concluded that Trustees would consider that the item on *Newsnight* had met the requirements for impartiality and that the complainant's appeal did not therefore have a reasonable prospect of success. She did not therefore propose to put it before Trustees.

Request for review by Trustees

The complainant requested that the Trustees review the decision not to proceed with his appeal. He said that his points had not been addressed:

- The BBC should have made plain that the Henry Jackson Society, which Mr Murray represented, was an "extreme pro-Israel organisation". He should not therefore have been introduced as if he were a "neutral commentator". There was no reason to believe that viewers of *Newsnight* would have been aware of his views.
- Sir Menzies Campbell was not a known supporter of the Palestinians and therefore should not have been expected to provide the opposing side of the argument. He gave additional arguments to support this point. (He had condemned a fellow party member who spoke out against the financial clout of the Israel lobby.)
- The ECU said this was not primarily about the rights and wrongs of the Israelis' actions but about the emergence of divisions in the UK Government. But if that was so why was Mr Murray invited to speak, as he represents a think tank focused on the Middle East, Israel and Muslims? He could only have been brought on to attack Baroness Warsi. His affiliation should have been made clear.

The complainant also reiterated points previously made including:

- Whilst it was evident both in the questions put to Mr Murray and the answers that he is supportive of Israel's actions, that did not absolve the BBC of making plain the nature of the Henry Jackson Society. (He referred to a previous Trust finding to support his argument¹⁰.)

The Committee's decision

Trustees noted the complainant's view that Douglas Murray had been introduced as if he were "a neutral commentator" and that it should have been made clear that he was a representative of an "extreme pro-Israel organisation".

The Committee noted that the Adviser had considered the introduction and the content of the interview against the BBC's Editorial Guidelines on Impartiality which required that it might be necessary to make it clear to the audience when contributors are associated with a particular viewpoint "if it is not apparent from their contribution or from the context in which their contribution is made". The Committee noted the introduction to the discussion which described Mr Murray as "a journalist and writer" and the caption which noted he was Associate Director of the Henry Jackson Society.

In considering the appeal the Trustees had some sympathy with the complainant's view. While not agreeing with the complainant that the Henry Jackson Society should have been described as "an extreme pro-Israel organisation", and considering it to be an organisation which expresses views on a variety of issues, Trustees felt that it was

¹⁰ Appeal: BBC News Channel & BBC World News: five items, 14-15 November 2012 - http://downloads.bbc.co.uk/bbctrust/assets/files/pdf/appeals/esc_bulletins/2013/dec.pdf

unfortunate that the introduction to the discussion had not included more detail and were not persuaded that most viewers would have been familiar with the work of the Henry Jackson Society. However, they did not consider that this would amount to a breach of editorial standards. Mr Murray's viewpoint was clear in the interview and so the Guidelines had been complied with.

Trustees also noted that the complainant said that Sir Menzies Campbell was not "a known supporter of the Palestinians" and that his contribution did not therefore counter Mr Murray's perspective. The Committee noted that Sir Menzies Campbell had been introduced as "a former leader of the Liberal Democrats". The Committee considered the opposing views of both interviewees had become clear through their contributions to the discussion.

Having said that, the choice of interviewees and the choice of topic for discussion were decisions relating to the editorial direction of the BBC which the Royal Charter made clear was a matter for the Executive and not the Trust (Charter, Article 38 (1)(b)). Trustees considered that impartiality had to be delivered by what was actually broadcast, and that did not necessarily require that contributors expressing opposing views must come from organisations explicitly committed to those views.

Therefore, the Committee concluded that there was no reasonable prospect of it finding there had been a breach of the Editorial Guidelines on Impartiality.

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

“Scottish independence: How might a currency change affect the rest of the UK?” BBC News website, 31 August 2014

The complaint

The complaint related to a line in the News Online article: “Scottish independence: How might a currency change affect the rest of the UK?” which read:

“The Scottish government has calculated that on the basis of ‘historic’ tax revenues, Scotland could account for £100bn of the UK’s total debt of £1.4 trillion.”

The complainant took issue with the reference to the UK’s total debt. He stated that this figure did not take account of other Government liabilities such as money owed through PFI initiatives, state pensions and nuclear clear up. He considered the figure was inaccurate and biased and he considered the BBC was referring to it because it was also biased “in favour of more borrow and spend”. The relevant article can be found here: <http://www.bbc.co.uk/news/uk-28774703>

The complainant received responses at Stage 1 and Stage 2 and each pointed out that he had made similar complaints about the subject in the past. The ECU did not uphold the complaint and stated:

“The language used made it clear that the £1.4 trillion figure was the UK’s national debt. As I explained in my finding on your previous complaint ... this is based on the latest figures from the independent Office for National Statistics:

“Public sector net debt excluding public sector banks (PSND ex) was £1,449.2 billion (79.5 % of GDP) in October 2014, an increase of £97.1 billion compared with October 2013.

“I appreciate that you believe the figure for the UK national debt should include future Government liabilities such as the state pension and the cost of nuclear clean-up (to name two) but as I explained in my previous finding, neither politicians nor economists take that view. The Office for Budget Responsibility, for example, commented on the nature of the state pension obligation and its degree of certainty:

“The WGA includes net public service pensions liabilities, but excludes the present value of future state pension payments to the population in general. The rationale for this is that the public service pensions are a contractual obligation, while state pensions are a liability that arises according to the circumstances and legislation prevailing at the time of the claim, which makes any estimate of future payments too uncertain.”

Appeal to the BBC Trust

The complainant appealed to the BBC Trust on 4 February 2015 on the substance of his complaint; he also stated that he wished to appear in person for the appeal.

The Trust Unit’s decision

The Senior Editorial Complaints Adviser (the Adviser) considered the appeal did not have a reasonable prospect of success.

She considered the relevant Editorial Guidelines were those for Accuracy and Impartiality. She noted that all output was required to meet the standard of “due” accuracy and impartiality, which was defined as follows:

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

The Adviser noted that the report was not a study of how the national debt was calculated and the different elements that might also be taken into account, but was a consideration of what currency might be used in Scotland in the event of a Yes vote in the independence referendum. She noted that the article had referred to the “UK’s total debt” in the context of querying the proportion that, it could be argued, might have fallen to Scotland to repay.

She noted that the Office for National Statistics, the recognised national statistical institute, stated in its August 2014 report that:

“Public sector net debt excluding public sector banks (PSND ex) was £1,432.3 billion in August 2014, an increase of £96.7 billion compared with August 2013.”

She also noted that the International Monetary Fund in its World Economic Outlook Database for October 2014 also put the United Kingdom’s government net debt at £1,425 billion (<http://www.imf.org/external/pubs/ft/weo/2014/02/weodata/index.aspx>).

The Adviser considered Trustees would be likely to conclude the reference to national debt was duly accurate and impartial in an article about the Scottish currency. She did not consider the appeal had a reasonable prospect of success and did not propose to put it before Trustees.

Request for review by Trustees

The complainant contacted the BBC Trust to say he did not accept the Trust Unit’s decision. He asked to appear in person.

The Committee’s decision

The Committee noted that complainants appear before the Trust in person only in exceptional circumstances. The Committee agreed that such circumstances were not present in this instance and that they had sufficient information within the paperwork to consider this matter without conducting an oral hearing.

The Committee noted that the Trust Adviser had considered the complaint against the Editorial Guidelines on Accuracy and Impartiality.

Trustees noted that both the ECU and the Trust Adviser had cited the Office for National Statistics as one of the sources of the figure to which the complainant objected. The IMF had also been quoted by the Adviser. Both were acceptable sources.

Trustees considered that if they were to take this case on appeal they would reach the view that the reference to national debt was duly accurate and impartial and did not concern a possible breach of the Editorial Guidelines.

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

Appeals against the decision of BBC Audience Services not to correspond further with the complainant

The BBC's editorial complaints system has three stages. During the first two stages complaints are considered and replied to by the BBC. At the third stage the Trust may consider an appeal against a decision by the BBC.

Complaints are answered at Stage 1 by BBC Audience Services. Where complainants remain dissatisfied after a Stage 1 response, they can request a further response at Stage 1. If they are still dissatisfied they may escalate their complaint to Stage 2. Complaints at Stage 2 are answered either by the BBC's Editorial Complaints Unit, or by a senior manager within the BBC.

However, under the Complaints Framework, it is open to the BBC to close down correspondence at any stage – this means the BBC notifies the complainant that it does not wish to respond further. The complainant can appeal to the Trust if they consider the BBC was wrong to close down the correspondence. This is what happened in the following cases. Where a complainant appeals to the Trust in these circumstances, and Trustees uphold the appeal, the complaint is sent back to the BBC for a further response.

The Editorial Complaints and Appeals Procedure¹¹ explains that:

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

fails to raise an issue of breach of the Editorial Guidelines; or

is trivial, misconceived, hypothetical, repetitious or otherwise vexatious.

In all of the following cases the complainants had appealed on the substance of their complaints but as BBC Audience Services had ceased handling the complaints at Stage 1 the point put to the Trustees was whether an appeal against the decision of BBC Audience Services not to correspond further with the complainant had a reasonable prospect of success.

In each of the instances below, the complainant asked the Editorial Standards Committee to review the decision of the Trust Unit that the complainant's appeal did not qualify to proceed for consideration by the Committee.

The Committee was provided with the complainant's correspondence with the BBC, the complaint's appeal/s to the Trust, the response/s from the Trust Unit and the complainant's request/s to review that decision. The Committee was also provided, where appropriate, with the relevant broadcast or published content.

¹¹ http://downloads.bbc.co.uk/bbctrust/assets/files/pdf/regulatory_framework/protocols/2014/complaints_fr_work_ed_complaints.pdf

Decision of BBC Audience Services not to respond further to a complaint about BBC News Online: "Ukraine crisis: Will war return?", 12 November 2014

The complaint

The complainant contacted the BBC on 3 November 2014. He said that BBC News inaccurately described the armed forces in eastern Ukraine as "rebels". He stated that the armed forces in the region were Russian with a minority of Ukrainians.

On 13 November, at the request of Audience Services, the complainant sent an example from the BBC news website, entitled: "Ukraine crisis: Will war return?" <http://www.bbc.co.uk/news/world-europe-30089083>

The article stated:

"Pro-Russian rebels control broad swathes of eastern Ukraine and a fragile ceasefire with government forces could end at any time and return the region to deadly conflict.

"Ukraine's Western allies accuse Russia of sending in troops and armour to help the rebels - an allegation repeatedly denied by the government in Moscow."

The complainant referred to another article on the BBC website titled "Ukraine crisis: Russian 'Cargo 200' crossed border - OSCE" <http://www.bbc.co.uk/news/world-europe-30039004>.

The complainant said that this article referred to the repatriation of dead Russian soldiers and therefore acknowledged that the majority of soldiers fighting the army of Kiev were Russians. Audience Services responded on 26 November:

"It's not accurate to suggest that the second article you've cited in your complaint amounts to the BBC acknowledging that 'the majority of soldiers fighting the army of Kyiv are Russians'.

"In the article we report how:

"Ukraine has repeatedly stated that a number of Russia's regular troops have been killed in fighting in the Donetsk and Luhansk regions.

"Moscow denies the allegations as propaganda, but admits that what it describes as "Russian volunteers" are fighting alongside the rebels.'

"But it doesn't otherwise reference a number of Russian troops involved, only that there are allegations from Ukraine and NATO that Russian troops have been involved in the conflict along with the observations of OSCE that vehicles have returned to Russia apparently carrying the bodies of Russian troops."

Audience Services said that they did not consider the points made by the complainant suggested evidence of a potential breach of the BBC's standards, or that the complaint had raised a significant issue of general importance that might justify either further investigation or a more detailed response.

Appeal to the BBC Trust

The complainant contacted his MP who sent a letter of appeal to the BBC Trust. This appeal concerned the substance of the complaint, that BBC News had inaccurately described forces fighting in eastern Ukraine as “rebels”.

The Trust Unit’s decision

The Senior Editorial Complaints Adviser (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 had a reasonable prospect of success.

The Adviser decided that the complainant’s appeal did not have a reasonable prospect of success.

The Adviser noted that all BBC output was required to meet the standard of “due accuracy”. This was defined in the Editorial Guidelines as follows:

“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 Adviser noted the response of Audience Services to the complainant’s central complaint about the use of the term “rebels”:

“...the forces in question may have a Russian contingent with them and the Russians are still denying Russian involvement, but the group is essentially pro-Russian rebels and we would stand by our use of the word ‘rebels’ in reporting from the region in the articles to which you refer.”

The Adviser noted that the complainant had also referred to another BBC article which reported that OSCE monitors had observed that a vehicle marked with a code indicating it was used for transporting the bodies of Russian soldiers had crossed from Russia to Ukraine and later returned. The Adviser noted that the article also stated:

“In its weekly report on Wednesday, monitors from the Organization for Security and Co-operation in Europe (OSCE) said the ‘Cargo 200’ vehicle was seen crossing from Russia into Ukraine at the Donetsk border checkpoint, Rostov region, on 11 November.

“They said it returned to Russia several hours later. The OSCE did not inspect the vehicle.

“The border crossing on the Ukrainian side - Dovzhansky - is currently controlled by the separatist rebels.

“In Kiev, Ukrainian security spokesman Andriy Lysenko said that five vehicles ‘belonging to the Rostov funeral service’ had crossed the border on Tuesday.

“He alleged that they had transported ‘Russian military men’.

“Ukraine has repeatedly stated that a number of Russia’s regular troops have been killed in fighting in the Donetsk and Luhansk regions. Moscow denies the allegations as propaganda, but admits that what it describes as ‘Russian volunteers’ are fighting alongside the rebels.”

The Adviser noted that Audience Services had informed the complainant that the article had reported Ukraine’s allegations that Russian troops had been involved in the fighting, but had not referred to the number of Russian troops involved.

The Adviser therefore considered that Trustees would be likely to conclude that BBC Audience Services had given a reasoned and reasonable response to the complaint and had acted appropriately in declining to enter into further correspondence. She therefore did not consider the appeal had a reasonable prospect of success and did not propose to put it before Trustees.

Request for review by Trustees

The complainant requested that the Trustees review the decision not to proceed with his appeal. He said he had “proved without a shadow of doubt that the ‘rebels’ and ‘separatists’ are only a small minority of the anti-government forces and the majority are Russian troops, so the descriptions the BBC use are false and misleading”.

He made the following points:

- The BBC had, since the beginning of the conflict in Eastern Ukraine, described the forces fighting against the Ukrainian Army as “rebels” and “separatists”. In the autumn of 2014 this description, even then not totally accurate, was at best acceptable. However, since October of 2014, all credible media organisations, including the BBC, had reported the incursions of the Russian Army into the conflict.
- Up to that point, the Ukrainian Army had won a number of victories, driving their opponents towards the Russian border. The number of front line Russian servicemen and equipment had steadily risen and the tide of this conflict had been reversed. Ukrainians throughout the world had now recognised this conflict as a war; a war Russia had instigated against Ukraine. Most commentators had suggested that the forces fighting the Ukrainian Army were made up of 90% front line Russian Army personnel. One of the commanders of anti-Ukrainian forces had recently complained of the lack of support of the locals; he confirmed that the locals made up less than 10% of his forces.
- Furthermore, more credible reports suggested that more than 6,500 bodies of Russian soldiers had been taken back to Russia and Russian authorities were taking steps to clandestinely hide the bodies of many more.
- The main thrust of the original complaint was the use of the words “rebels” and “separatists” within the whole of the BBC to describe the anti-Kyiv forces. At what point would the composition of these forces change from “rebels” and “separatists” to Russian? By describing them as “rebels” and “separatists”, the BBC was taking the line of the Russian President. NATO commanders were claiming that there were over 12,000 Russian troops in Ukraine; therefore, the question for the BBC was: will the BBC recognise that this is an invasion force and

not “rebels” and “separatists”? The sheer scope of weaponry being used by the Russian troops made the description of these forces as “rebels” and “separatists” implausible.

The Committee’s decision

Trustees noted the complainant’s central concern, which was that the description of Ukrainian armed forces as mainly made up of “rebels” and “separatists” was not duly accurate, because the armed forces in the region were Russian with only a minority of Ukrainians.

The Committee looked at the article given as an example by the complainant at Stage 1 and noted that it said “Pro-Russian rebels control broad swathes of eastern Ukraine” but also included this text:

“Ukraine’s Western allies accuse Russia of sending in troops and armour to help the rebels - an allegation repeatedly denied by the government in Moscow.”

Trustees noted that Audience Services had in a later reply acknowledged that Russian troops were involved in the fighting. Trustees noted that the content cited had not specified numbers for rebels or Russian Troops. The Committee did not consider they had seen evidence of a breach of the Editorial Guidelines on Accuracy. Overall, they considered that BBC Audience Services had given a reasoned and reasonable response to the complaint and had acted appropriately in declining to enter into further correspondence.

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

Decision of BBC Audience Services not to respond further to a complaint about *This Week – By-election Special*, BBC News Channel, 9 October 2014

The complaint

The complainant contacted the BBC on 21 October 2014. He believed the BBC's deputy political editor, James Landale, had been offensive and prejudiced when reporting on the Clacton by-election. He said, by reporting that the council workers carrying out the count needed a tea break, Mr Landale had implied that they were lazy.

After some correspondence between the BBC and the complainant in order to locate the programme in which the comment was made, BBC Audience Services replied on 17 December 2014. They began by apologising that the complainant had to contact the BBC more than once in order for the programme to be identified.

Turning to the comment made by Mr Landale on *This Week, By-election Special*, Audience Services noted that he had been reporting live from the Clacton by-election when he commented "being a council, the staff have to go off and have a little break".

BBC Audience Services said it was clear from the images viewers could see and from Mr Landale's further comments that a long night of counting votes was about to begin. Given this, Audience Services said it would seem reasonable that those involved in the count should have a break. Audience Services described the comments as "off the cuff" and said that, working long hours himself, they were sure that Mr Landale appreciated the necessity of taking a break.

The complainant replied the same day to say that the BBC's response was not satisfactory. He feared it was designed to be off-putting.

The complainant said the BBC's deputy political editor had indicated that the count had already started but there appeared to be an intermission, which he had implied was for the purpose of council workers having a break. He said that Mr Landale was not saying that it was reasonable for them to have a break but appeared to be blaming them for holding things up. He added that it had been inaccurate to say that staff at counts are all council workers and that they had to have a break.

BBC Audience Services responded on 2 February 2015 and apologised for the delay in responding and the initial confusion over the complaint. They said that the BBC's deputy political editor had not suggested a break was taking place during the count, but he had observed that the verification of the votes had finished and a short break was taking place before the count proper began. They considered this was intended as a light-hearted remark in a short update and certainly not a slur. BBC Audience Services apologised if the complainant had been offended by the comment.

BBC Audience Services concluded by saying they had nothing further to add as they did not believe the complaint had raised a significant issue of general importance that might justify further investigation.

Appeal to the BBC Trust

The complainant appealed to the BBC Trust on 2 February 2015 on the substance of his complaint, that the report had been offensive and inaccurate. He said the matter had been dragging on for months and needed resolving.

The Trust Unit's decision

The relevant correspondence was reviewed by the Trust Unit. The Senior Editorial Complaints Adviser also carefully read the correspondence that had passed between the complainant and the BBC. An Independent Editorial Adviser also reviewed the relevant output.

The Adviser noted that Audience Services had ceased handling this complaint at Stage 1 and it had not gone to Stage 2. She therefore decided the point she should consider was whether an appeal against the decision of Audience Services not to correspond further with the complainant had a reasonable prospect of success. The Senior Editorial Complaints Adviser (the Adviser) decided that the complainant's appeal did not have a reasonable prospect of success.

The Adviser began by noting what was said by the BBC's deputy political editor. She noted that the presenter of *This Week, By-election Special*, Andrew Neil, asked Mr Landale what was happening at the count at the Clacton by-election and he replied:

"If you just see behind me, all those boxes there on the floor those are now the verified votes. There are none on the other side, on the right hand side. That means they are about to count. But first of all, of course, it being a council, the staff have got to go off and have a little break so you can see at the bottom they're all going off to have a little break before they start the heavy process of counting and then they are still expecting to get a result at about 2.30 in the morning."

The Adviser noted that BBC Audience Services had apologised to the complainant if the remarks had caused offence. She then noted that the comments were unscripted, but had made clear that the break had come after the votes had been verified and before the count had started. She further noted that Mr Landale had said that the counting was a "heavy process" and had explained that the count was likely to go on until 2.30 in the morning.

Given this, the Adviser did not believe that viewers would have considered that the BBC's deputy political editor was suggesting that the counters were being lazy for taking a break, as he had made clear that counting was demanding work that had to be done into the early morning hours. She also did not believe that he had implied that they were holding up the count by taking a break.

The Adviser noted that the complainant believed it had been inaccurate to say that staff at counts were all council workers and that they had to have a break.

The Adviser noted that local councils are in charge of organising election counts and their staffing. She did not consider Trustees would conclude the report had been inaccurate in the reference it had made to those who were staffing the count.

The Adviser considered that the Trustees would be likely to conclude that BBC Audience Services had given a reasoned and reasonable response to the complaint and had acted appropriately in declining to enter into further correspondence. She therefore did not consider the appeal had a reasonable prospect of success and did not propose to put it before Trustees.

The Adviser noted the point the complainant made regarding the length of time it had taken for the complaint to be heard. She noted that BBC Audience Services had accepted their error and apologised for it. She noted that, in this situation, Trustees would normally consider the matter resolved (unless there were features to the breach which suggested it was so serious that further action might be necessary). The Adviser did not believe that this matter raised such serious issues that further action would be required. She therefore decided the appeal did not have a reasonable prospect of success as it has been resolved.

The Adviser also noted that the complainant was dissatisfied at the use of the webforms and had been irritated by the requirement to re-enter the same information into the online form. She accepted this could be frustrating and would draw his concerns on this matter to Trustees. She hoped he would be reassured to know that this was a matter they were keen to take further action on to ensure the complaints process was straightforward to use.

Request for review by Trustees

The complainant made the following points:

- noted the length of time it was taking to resolve his complaint. He had suggested to the *This Week* production team that the BBC's deputy political editor make a quick apology and recover some goodwill by going to meet a council elections team to learn a bit more about counts.
- He thought it worth re-stating that many election teams working on counts signed a waiver to waive their rights to a tea break in the interests of speedy delivery of a result on the night.
- It was the "it being a council" part of Mr Landale's statement that betrayed some assumptions and prejudices that the complainant felt needed an apology.

The Committee's decision

Trustees noted that this was a light-hearted off-the-cuff comment and that the due accuracy and due impartiality expected of such a comment was limited.

Trustees did not consider that the remark meant that audiences would have understood that all staff at the count were employed by the council but would have understood this was organised by the local council. Trustees did not consider that audiences would have understood the remark to indicate that staff at the count were lazy; nor were they of the view that it had implied that the staff were holding up the count by taking a break. This appeal did not raise an issue of substance.

Trustees also acknowledged the complainant's concern that the BBC deputy political editor had made a remark which showed some prejudice towards council workers by

remarking that, "being a council", the counting staff needed a tea break. They noted that Audience Services had apologised if the remark had caused offence to the complainant.

The Committee noted the appreciable work done by council workers and volunteers across the UK to deliver speedy counts in the interests of the public. This was widely recognised by the public who watched and listened to results programmes overnight. Overall this was a light-hearted comment which did not require close examination. It was not proportionate, appropriate or cost effective to take this case on appeal.

Trustees considered that Audience Services had issued reasoned and reasonable responses to the complaint and it was appropriate for them to say they would not engage in further correspondence on the matter.

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

Decision of BBC Audience Services not to respond further to a complaint about Question Time, BBC One, 22 January 2015

The complaint

This complaint concerned an edition of *Question Time* broadcast on 22 January 2015. The programme included a question from a member of the audience which had been prompted by comments that week made by the leader of the Scottish National Party (SNP), Nicola Sturgeon. She had said that SNP MPs would be prepared to vote on English health matters after the general election to protect the NHS in Scotland.

The panel members were Conservative employment minister Esther McVey MP, Labour MP Diane Abbott, deputy leader of UKIP Paul Nuttall MEP, former president of the Liberal Democrats Tim Farron MP, and Amol Rajan, editor of *The Independent*.

The complainant contacted BBC Audience Services on 23 January 2015. She said that the programme had contained inaccurate statements and opinions put forward by UKIP deputy leader Paul Nuttall which had been left unchallenged by the presenter and had therefore led to bias. She also said that the lack of a Scottish representative on the panel had led to bias.

Audience Services responded on 3 February and included a response from *Question Time's* Executive Editor:

"Following Nicola Sturgeon's assertion that SNP MPs would vote on matters such as health policy given the potential impact on the NHS in Scotland, we received a number of questions on the broad issue from our studio audience. After careful consideration, we felt that it was an issue that was of interest to a UK audience. David correctly pointed out that the SNP were not present for this specific discussion but took the opportunity to announce that Scotland's First Minister will be appearing soon. Furthermore, we aim to have the SNP represented prominently on the programme in the lead up to the UK general election.

"On the specifics of this particular discussion, we are satisfied that all views offered on this matter were robustly challenged and debated."

The complainant responded the same day adding that she did not believe that the views had been "robustly challenged and debated" but that "all views offered were pretty similar" and that the "presenter should have at very least clarified the democratic and legal position of a group of SNP Members of the Westminster Parliament having every right to vote on issues if they so decided".

Audience Services replied on 10 February saying that it was not always possible to represent every view in an individual programme. They added that they had nothing further to add to their previous response and they did not believe the complaint had raised a significant issue of general importance that might justify further investigation.

Appeal to the BBC Trust

The complainant appealed to the BBC Trust on 10 February 2015. She appealed on the substance of her complaint, that this edition of *Question Time* had included inaccurate statements and opinions which had been left unchallenged and had therefore led to bias.

The Trust Unit's decision

The Adviser noted 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 decided that the complainant's appeal did not have a reasonable prospect of success.

The Adviser noted the BBC's Editorial Guidelines which said that all BBC output had to meet the standard of "due" accuracy and impartiality. This was defined as follows:

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

She also noted other relevant excerpts of the guidelines on Impartiality:

"News in whatever form must be treated with due impartiality, giving due weight to events, opinion and main strands of argument.

"We seek to provide a broad range of subject matter and perspectives over an appropriate timeframe across our output as a whole."

The Adviser noted the relevant question which had been put to the panel by a member of the audience:

"Why are the SNP – who lost the Referendum – having so much say in British politics?"

The Adviser considered first of all the complainant's view that the programme had been biased because certain facts and opinions had gone unchallenged. She noted the complainant had said that in the programme "all views offered were pretty similar" and that she had objected in particular to some of the points put forward by the deputy leader of UKIP Paul Nuttall:

"I'm going to say it – and I'm guessing it's what most people in England are thinking – I am absolutely sick to death of Salmond, Sturgeon and the SNP..."

"...you know with them it's take, take, take, take, take, take, take ... and we never get anything back ... they're taking your tax – people in Scotland get an extra £1,600 more than people in England."

The Adviser noted the response from Audience Services which said that the points made in this section had been robustly debated and there had been a balanced discussion. The Adviser considered how the panel and other audience members had responded to the

question and to the comments by Mr Nuttall and considered that a variety of views had been expressed. Tim Farron MP had said:

“You are speaking about the Scottish people the way the Scottish National Party talk about the English people. You are both wrong – this is the politics of division ... I want Scotland part of the United Kingdom and they won’t stay long if they’ve got English people like you telling them things like that.”

Diane Abbott MP had said “the SNP will probably do well in May...” and, after Tim Farron had said that nationalism was something to be worried about, she said:

“I went to Scotland during the independence referendum and some of the support that the SNP got wasn’t just simple nationalism ... it was people who, mistakenly perhaps, people who wanted something different, they thought things could change – and it’s wrong to dismiss all those people who voted for independence as just benighted nationalists – there was a lot more to that phenomenon than that.”

Another member of the audience had commented:

“I’m sure many other English people would not want Paul Nuttall to speak for us in saying we are all sick to death of the SNP – I certainly don’t feel like that – and in a week when we’ve commemorated the oldest democracy in the world surely we’re still in an environment where the SNP are allowed to vote on what they want ... and we should keep that the same.”

The Adviser considered the complainant’s view that the presenter should have pointed out the right of SNP MPs to vote at Westminster. She noted that, as well as the reference by the audience member above, this had been referred to in the first response to the question, given by Tim Farron MP:

“The Scottish National Party have six members of parliament at Westminster and they are elected to vote at Westminster – and the shock and surprise today is that they are actually going to do so ... and in one sense they are entitled to do that, but it is a reminder isn’t it that the Scottish National Party’s decision ... is essentially the SNP shaping up to potentially offer themselves up as part of the coalition government after May 7th.”

The Adviser then considered the complainant’s view that the programme had been biased because “no counter Scottish view by SNP or other Scottish political party was heard”.

The Adviser noted that the BBC had explained to the complainant why *Question Time* had decided to include the question in the programme even though the SNP was not represented on the panel on that occasion. She considered that, as a programme of topical debate which features questions posed by members of the audience, it was not unreasonable to include the question even though a member of the SNP was not present. The Executive Editor in his response had pointed out:

“...we received a number of questions on the broad issue from our studio audience. After careful consideration, we felt that it was an issue that was of interest to a UK audience.”

She noted also that the presenter David Dimbleby had stated that a representative of the SNP was not present but he had added that Nicola Sturgeon would be appearing on the programme in the near future. The presenter had also reminded the panel at one point of the reasons for Nicola Sturgeon's comments:

"What do you make of ... the explanation [Nicola Sturgeon] gives that a vote on the English NHS will have a knock on effect on the health service in Scotland and that's why they'll vote?"

The Adviser noted that the Executive Editor of *Question Time* had added that it was the intention of the programme "to have the SNP represented prominently on the programme in the lead up to the UK general election".

Taking all these points into account the Adviser considered Trustees would be likely to conclude that BBC Audience Services had given a reasoned and reasonable response to the complaint and had acted appropriately in declining to enter into further correspondence. She therefore did not consider the appeal had a reasonable prospect of success and did not propose to put it before Trustees.

Request for review by Trustees

The complainant referred to the circuitous nature of the complaints system. She also objected to the "legalese and jargon". She requested a review of her original complaint and made the following additional points:

- She did not consider that the opinions of the UKIP panel member were "robustly" challenged. She thought the UKIP panel member's prejudices would have been "robustly" challenged and denied by SNP or other Scottish party presence on the panel and that would have represented fairness, balance and impartiality.
- She challenged the BBC to tell her any similar complaint would have little chance of success if the UKIP member had spoken about "immigrants" or said he was sick of another named ethnic group/nationality, on the basis that others "robustly challenged and debated" his views. She said that to expect Scottish licence-fee payers to accept that it was enough that other English representatives of UK parties could speak for and in defence of Scottish parties was unsatisfactory. Unless questions concerning Scottish members of the UK parliament included answers from elected Scottish representatives it was all pure biased conjecture.
- To use the "get out clause" that at some unknown point in the future the BBC hoped to have an SNP or other Scottish party on the panel (knowing full well that the same question would not necessarily be asked and without a UKIP presence the same ignorance displayed) was deeply unsatisfactory and unfair.

The Committee's decision

Trustees noted that the complainant was dissatisfied with the BBC's complaints system. The system had been reviewed by the Trust in 2012 with input from a public consultation and audience research. The various stages were in place to enable errors to be corrected and also so that complainants could ultimately bring their complaint to the Trustees. Trustees accepted that this could feel repetitive but the point was to identify breaches and if possible remedy them and in other cases to try and explain to complainants why a complaint was not in fact a breach of the BBC Editorial Guidelines. The BBC and the BBC

Trust tried to make the language it used as accessible as possible and avoid jargon and legalese. But Trustees accepted that clarity of language was very important and wished to reassure the complainant that this was an issue they took seriously.

Trustees acknowledged that the complainant did not believe this edition of *Question Time* met the BBC editorial standards for due accuracy and due impartiality.

They noted the complainant's view that the programme had been biased because certain facts and opinions had not been challenged, and that "no counter Scottish view by SNP or other Scottish political party was heard". They acknowledged her opinion that it was not sufficient for the BBC to say that it aimed to have the SNP represented prominently on the programme in the lead up to the UK general election.

The Trustees agreed with the Adviser's conclusion that the debate had been duly impartial and that views had been robustly challenged. They noted the complainant's view that it was a "get out clause" to say that the SNP would be represented in a future programme, but they believed Audience Services had responded appropriately by saying that it was not always possible to represent every view in an individual programme, and noting in their response the comments made by the presenter David Dimbleby and the Executive Editor on this point. Trustees noted the Editorial Guideline requirement for the BBC to reflect a wide range of opinion across the output as a whole, and over an appropriate timeframe, so that no significant strand of thought was knowingly unreflected or under-represented.

Trustees did not consider they had seen evidence which would be likely to lead them to conclude that the programme failed to meet the BBC's editorial guideline requirements for due accuracy or due impartiality.

They believed that Audience Services had provided reasoned and reasonable responses to the complaint and that it was appropriate for them to say that they could not engage in further correspondence on the issue.

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

Decision of BBC Audience Services not to respond further to a complaint about *The World Tonight*, Radio 4, 2 February 2015

The complaint

The complainant contacted BBC Audience Services regarding *The World Tonight* on 2 February 2015. He complained that the programme had referred to Eritrea as “tiny” and considered this had been done in order to cause offence. He noted the BBC had previously reached a decision about a reference to Eritrea as “tiny”.. This previous finding by the Editorial Complaints Unit is set out below:

Complaint

A visitor to bbc.co.uk complained that an article on a singer from Eritrea referred to the country as “tiny” when it is not.

Outcome

BBC News Online acknowledged that “tiny” was not the most appropriate term to use given the size of the country, and the word was removed from the article. The ECU considered that this was sufficient to resolve the issue of complaint.

Resolved

The complaint about *The World Tonight* related to a report about the very high number of refugees who were arriving in Italy and the significant proportion of them who came from Eritrea.

Audience Services' response included the following information:

“Concepts such as ‘tiny’ or ‘huge’ are not absolute and depend on the context in which they are used. This feature looked at the situation in Eritrea and why so many Eritreans try to cross the Mediterranean in search of a better life. The programme reported that around one in five of those rescued from boats or reaching the shores of Italy last year came from Eritrea. Bearing in mind that its population is less than 6 million, we feel that in this context it doesn't seem unreasonable to use the word ‘tiny’ to indicate these numbers are not proportional with the size of the country.

“We felt it was important to cover this story and to include the comments of Eritreans themselves as to how they viewed the situation in their country. There was certainly no intention to cause offence to anyone.”

The complainant remained dissatisfied and renewed his complaint. Audience Services repeated that there had been “no intention to besmirch the country” and apologised for offence caused. However, they said they had nothing further to add and informed the complainant he could appeal to the Trust against this decision.

Appeal to the BBC Trust

The complainant appealed to the BBC Trust on 12 February 2015. He disagreed that the reference to Eritrea being “tiny” had related to the size of its population. He did not understand why he had not had a Stage 2 response and nor did he understand why the

same word had been used to describe Eritrea which had previously been the subject of a lengthy complaint to the BBC.

The Trust Unit's decision

The Trust's Senior Editorial Complaints Adviser (the Adviser) 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 decided that the complainant's appeal did not have a reasonable prospect of success.

The Adviser noted that all BBC output was required to meet the standard of due accuracy. Under the Editorial Guidelines, this was defined as follows:

"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 Adviser noted that this meant the degree of accuracy required varied depending on the output – for example, a serious subject that was addressed in a news programme would require a very high level of accuracy, whereas the same serious subject could be addressed in a topical comedy programme and the level of accuracy needed would be significantly lower. The Adviser considered this was broadly understood by audiences.

She noted that in assessing "due" accuracy, output producers had to take into account the subject and nature of the programme and what the likely audience expectations would be.

She noted that the focus of the report was the very high number of people who were fleeing Eritrea and that it was attempting to understand why they were leaving in such numbers. She noted there were two references that were relevant. In the introduction, the presenter stated that although it was only February, already more than three thousand refugees had crossed the Mediterranean to Italy, and continued: "...one remarkable thing about this tide of people is how many of them came from one rather small country. Last year, 35,000 people arrived by boat from Eritrea." Later, the correspondent referred to the number of refugees who were leaving and stated: "Last year, this tiny country was responsible for one in five people who reached the shores of Italy..."

She noted that Audience Services had informed the complainant that the references were intended to relate to the size of Eritrea's population, rather than the land mass of the country. She agreed with the complainant that this had not been specifically stated in the report; however, she considered it was possible to interpret the statements in the way Audience Services had indicated. She also considered that audiences would have understood the focus of the report was on the high number of Eritreans who were seeking refuge abroad. In that context, she did not consider the references were significant and she did not consider it was appropriate for Trustees to consider the matter. She considered Trustees would be likely to conclude Audience Services had acted appropriately, and in the interests of licence fee payers generally, when they closed down the correspondence. She therefore did not consider the appeal had a reasonable prospect of success and did not propose to put it before Trustees.

Request for review by Trustees

The complainant made the following points:

- His complaint centred on the apparent contradictory position of the BBC. He pointed to an ECU finding regarding an article on the BBC website which had acknowledged that “tiny” was not the most appropriate term to use given the size of the country. He contrasted this with Radio 4 saying “tiny” was appropriate based on the context in which it was used. The whole purpose of applying standards was to have consistency.
- An article titled “Letter from Africa: Emptying Eritrea” published on the BBC website on 26 September 2014, had referred to Eritrea as “tiny” and upon his making a complaint the references were removed. This article was also dealing with the number of Eritreans leaving the country. Even though “tiny” was used in this article in a very similar and comparable context to that of the Radio report, the BBC nonetheless acknowledged that in light of the findings of the ECU it was wrong to use the term.
- In both articles, the description of Eritrea as being “tiny” was not the focus but yet it was deemed to be an inappropriate term on both occasions. The complainant could not see how the BBC could now claim that, as the focus of the Radio 4 news item was not the size of Eritrea, it was now appropriate to describe Eritrea as “tiny”.
- In relation to Radio 4’s argument that “tiny” could be an appropriate word depending on context he said that at no point did the ECU state “that “tiny” was inappropriate in the context it was used”. They simply acknowledged that in light of the facts presented to the ECU, the term was not an accurate description and using it was a serious breach of Editorial Standards.
- As this programme was presented as a factual programme dealing with a serious issue, it should therefore have been subject to the more stringent application of the Editorial Guidelines rather than the more relaxed approach reserved for comedies.
- Eritrea was neither “tiny” nor “rather small”, but the BBC insisted on perpetuating this untruth. According to the UN and other sources of World Data, the number of countries in the World larger than Eritrea was approximately equal to those that are smaller than Eritrea. This held true both for size of population and land mass, which therefore meant that the BBC’s description of Eritrea was not accurate.
- He explained why he considered the word “tiny” offensive in that it was used in a demeaning way.

The Committee’s decision

Trustees acknowledged the complainant’s belief that the BBC was adopting a contradictory position over its description of Eritrea as “tiny” and that consistency in standards was important. They noted the points he made in support of his argument.

Trustees noted that the Adviser had explained 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 that context was significant; in assessing due accuracy it was important to note the subject and nature of the context, the audience expectations and any signposting.

In this case, it was a serious topical news programme and the content of the report concerned the high number of people who were fleeing Eritrea, a country which, as noted by the Adviser in her decision letter, was described in one reference as “rather small”, and in another as “tiny”.

Trustees noted that Audience Services had informed the complainant that the references were intended to relate to the size of Eritrea’s population, rather than the land mass of the country. They agreed with the Adviser that this had not been specifically stated in the report, but that it was possible to interpret the statements in the way Audience Services had indicated and it was likely that the audience would have understood that the focus of the report was on the proportionately high number of Eritreans who were seeking refuge abroad. Trustees did not believe they had seen evidence which would be likely to lead them to conclude that there had been a breach of the Editorial Guidelines.

Trustees considered that Audience Services had issued reasoned and reasonable responses to the complaint and it was appropriate for them to say they would not engage in further correspondence on the matter.

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

Decision of BBC Audience Services not to respond further to a complaint about the Scottish Labour Party leadership election coverage

The complaint

The complainant originally contacted the BBC on 3 November 2014 to express his concern at what he considered to be a promotional emphasis on Jim Murphy in the run-up to the Scottish Labour Party leadership election. He said that reports on the BBC News Channel on 1 November 2014 had devoted excessive amounts of air-time to Mr Murphy, as had Radio 4's *Week in Westminster*. He said the other two candidates were mentioned only in passing and were not even named.

He considered this was the result of a "London bubble" type of thinking, so that "only people 'known in London' are worthy of coverage, the rest are also-rans". He considered this was not in line with BBC Editorial Guidelines.

BBC Audience Services replied on 11 December 2014 and apologised for the delay. They made the following points in response:

- The reply could only be in very general terms.
- The key point was "due" weight and impartiality. The BBC's Editorial Guidelines did not stipulate that every candidate or party was required to be covered "equally" and the BBC's approach was based on very careful editorial consideration.
- In this case the "general buzz" was focused on Jim Murphy who was tipped to win the leadership election, and had a high personal profile based on his previous roles and prominence in the "Better Together" campaign.
- There was no bias in favour of Mr Murphy. All candidates were referenced, discussed, reported on and included in debates throughout the campaign.
- The BBC held no view on the candidates; its role was to reflect the reality of the campaigns with reference to the guidelines; the references to Mr Murphy did not equate with "promotion", support, endorsement or preference.
- They did not recognise the complainant's description of a "London bubble" mentality; but said the coverage reflected the reality of the campaign.

The complainant remained unhappy. He said there was no excuse for extremely unequal coverage which entailed concentrating exclusively on one candidate while giving almost no weight to the other two candidates. He considered that it was the "slavish pursuit of the buzz" that was one of the huge problems with BBC News and that the BBC was too concerned with an agenda set by newspapers.

Audience Services responded on 29 December 2014 closing down the correspondence. They did not believe the complaint had raised a significant issue of general importance that might justify further investigation.

Appeal to the BBC Trust

The complainant appealed to the BBC Trust on 13 January 2015. He made the following points:

- The Editorial Guidelines were being interpreted in a way that justified coverage of an important election in a very one-sided way, thus favouring one person in a three-candidate race.
- The Executive made false claims in the response to the complaint, saying for example that “all the candidates were referenced, discussed, reported upon and included in debates”, and the Executive did not address the original complaint about how one candidate was singled out for preferential coverage.
- The Executive denied knowledge of a “London bubble” mentality but this was a widely held view held outside SE England and was also in apparent ignorance of Professor Anthony King’s findings for the BBC Trust in 2008.
- BBC News was too dominated by the agenda set by London-based newspapers.
- The complaints procedure was poor. If the complainant was required to refer to a specific Editorial Guideline, this should be made clear; the 1500 character limit was unduly restrictive; the generation of new case numbers for each response was confusing.

The Trust Unit’s decision

The Trust Adviser decided that the complainant did not have a reasonable prospect of success.

She noted that the complainant had appealed on the substance of his complaint which was that the BBC had given undue prominence in its news coverage to one of the candidates in the Scottish Labour leadership election. 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 that the complainant considered too much coverage had been given to one candidate for the leadership of the Labour Party in Scotland. She noted that all BBC output was required to meet the standard of due impartiality and that, under the Editorial Guidelines, this was defined as follows:

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

The complainant had referred in particular to coverage on the *Week in Westminster* and on the BBC News Channel. The Adviser acknowledged the comments made by the complainant in relation to the “general buzz” mentioned by Audience Services and his concerns about a “London bubble” mentality. However, she did not believe that Trustees would be likely to conclude that they had seen evidence showing that the BBC News

coverage of the Scottish Labour leadership election overall was unduly weighted in favour of Mr Murphy to the detriment of the other candidates.

She noted that Audience Services had explained the broader context of the news coverage given to Mr Murphy's candidature, and the fact that he was widely tipped for the leadership.

The Adviser noted that under the Editorial Complaints and Appeals Procedure (http://downloads.bbc.co.uk/bbctrust/assets/files/pdf/regulatory_framework/protocols/2014/complaints_fr_work_ed_complaints.pdf) complainants were required to include information about the date, time, service and name of broadcast they were complaining about.

For completeness, she listened to the relevant edition of the *Week in Westminster* the complainant had referred to. She noted that the network output had included a lengthy discussion about the Labour Party in Scotland and had focused on its position – and significance – within the UK-wide Labour Party, had considered whether it ought to be wholly independent, had considered also what role Johann Lamont had played in maintaining its influence, and had looked at the threat the SNP had posed and how the Labour Party – in Scotland and across the UK – might respond. The programme had included extended interviews with the former MSP George Foulkes and former First Minister Jack McConnell. She noted that the complainant had also referred to the BBC News Channel but had not referred to specific broadcasts within it. She reviewed a sample of its coverage from the relevant day but did not see any coverage of the Scottish Labour Leadership election. She noted that both the *Week in Westminster* and the BBC News Channel were network output and their coverage was intended to be of interest to a UK-wide audience. She considered that output about specific candidates would be more likely to have been produced by BBC Scotland and noted for example the following online report which also included links to additional information about the candidates.
<http://www.bbc.co.uk/news/uk-scotland-scotland-politics-29770199>

She noted that the Royal Charter and the accompanying Agreement between the Secretary of State and the BBC drew a distinction between the role of the BBC Trust and that of the BBC Executive Board, led by the Director-General. "The direction of the BBC's editorial and creative output" was specifically defined in the Charter (Article 38, (1) (b)) as a duty that was the responsibility of the Executive Board, and one in which the Trust did not get involved unless, for example, it related to a breach of the BBC's editorial standards which the Adviser believed Trustees would conclude was not the case in this instance. She believed Trustees would consider that decisions relating to editorial news content fell within the "editorial and creative output" of the BBC and that responsibility for the way the Scottish Labour leadership election campaign was covered rested with the BBC News editorial teams rather than the Trust.

The Adviser noted the complainant's comments about the character limit on the complaints webform, which he considered unduly restrictive, and his dissatisfaction with the generation of new case numbers for each response. She noted that case numbers were issued in this way in the interests of efficiency within the complaints system, which was designed to deal with a huge number of audience contacts. She acknowledged that systems can always be improved and the BBC welcomed feedback and suggestions. To this end, the Trust regularly reviews the complaints framework. In 2013 the Trust carried out a "mystery shopping" exercise to assess how Audience Services responded to complaints at Stage 1. This is the initial level of complaint to the BBC and accounts for the great majority of complaints received each year. The results have been published and

are available through this link:

http://www.bbc.co.uk/bbctrust/news/press_releases/2014/mystery_shopping_2014.html

Overall, the Adviser considered Trustees would be likely to conclude that they had not seen evidence showing that the BBC News coverage of the Scottish Labour leadership election had been biased in favour of Mr Murphy. She therefore did not believe the appeal had a reasonable prospect of success and she decided that it should not proceed further.

Request for review by Trustees

The complainant requested that the Trustees review the decision not to proceed with his appeal. The complainant's points included:

- The coverage of the candidates in the Scottish Labour Leadership Election campaign was "grossly" unbalanced and did not meet the standards set out in the BBC's Editorial Guidelines. He said that this point had not been adequately answered. The edition of *Week in Westminster* he had pointed to only included one of the three candidates.
- He felt the Trust Adviser's contention that the output was designed to have a broad UK-wide appeal was disingenuous – that network output was also seen and heard in Scotland and therefore any bias "may have a measurable effect" on the Labour party electorate as a large proportion of that UK network audience does not also tune into BBC Scotland News programmes. Also, if the BBC wished to inform the rest of the UK about a major aspect of contemporary Scottish politics, it should not exclude the views of two of the three candidates.
- The Trust Adviser had picked one on-line article which was not biased but that did not excuse the rest of the coverage which was. This was disingenuous.
- He rejected the idea that the coverage could be explained in terms of the buzz being about Jim Murphy being a front-runner. The complainant said this was not supported by the Editorial Guidelines. The complainant said that while he accepted that due impartiality does not mean giving equal time to everyone, neither does it mean that "the overwhelming proportion of coverage should be given to one candidate".
- Following the "buzz"/lead of London-based media does not meet the high standards of original, informative and authoritative journalism the audience rightly expects of the BBC. An opportunity to inform the UK public of post referendum politics North of the Border was lost.
- The responses from neither Audience Services nor the Trust Adviser addressed the specific metrics set out by the complainant in his original complaint, which showed the considerable bias towards Mr Murphy in the BBC's online coverage.
- Audience Services' lack of understanding about the "London Bubble" effect was surprising especially given the BBC Trust's research commissioned from Professor

Anthony King which highlights this particular concern and the lack of willingness to address it¹².

- He rejected the argument put forward by Audience Services that throughout the campaign “all candidates were referenced, discussed, reported on and included in debates”. He said this was not borne out by the output on which his complaint centred and the metrics he supplied. (He had run Google searches for the last week on the BBC website and pointed to the disparity in the hits obtained for the various candidates.)

The complainant also commented on the BBC complaints process:

- He expressed his concern at a process which enables the BBC to investigate itself.
- He observed that complainants were limited to 1500 characters when outlining their complaints and then penalised for not specifying which guidelines had been breached or naming the programmes concerned.
- He offered an alternative interpretation of the relevance of the “mystery shopping” exercise cited by the Trust Adviser, arguing that it was “more in keeping with a system designed to reject complaints”.

The Committee’s decision

Trustees noted that the complainant felt that Jim Murphy, who was one of three candidates for the leadership of the Labour Party in Scotland, had been given too much coverage. The Committee noted the points the complainant had made to support his complaint. Trustees were also aware of the data supplied by the complainant which he felt illustrated the BBC’s bias in favour of Jim Murphy in its online content.

Trustees noted the Trust Adviser’s point that Jim Murphy was generally regarded as the front-runner in the party leadership election. The Committee also noted the complainant’s view that, irrespective of this, the BBC had a duty to balance its coverage in the interests both of viewers in Scotland and of those in the rest of the UK. Trustees also noted that the complainant felt the prominence of one candidate meant the output failed the requirements of “due impartiality”.

Trustees were fully aware of the review conducted on behalf of the Trust by Professor King and cited by the complainant. They wished to reassure the complainant that the Committee received regular updates from the BBC Executive on the progress of actions since Professor King’s findings. However, the Committee did not consider the decision to feature Jim Murphy as the lead candidate was evidence of a “London bubble”. This was an editorial choice.

This was not an election which was aimed at the wider electorate. There was no official Election Period in place nor were there Election Guidelines in place. This election was for Labour party members in Scotland. It was important to ensure all candidates received coverage during this period and the online article demonstrated that was the case, as did

¹² BBC network news coverage of the four UK nations report published in 2008:

http://www.bbc.co.uk/bbctrust/our_work/editorial_standards/impartiality/network_news and 2010 update:

http://www.bbc.co.uk/bbctrust/our_work/services/television/other/nations_follow_up

the complainant's own metrics. But it was not the case that each candidate should receive roughly equal coverage in order to achieve due impartiality.

As outlined in the Royal Charter and the accompanying Agreement, decisions relating to the direction of the editorial content of the BBC are not a matter for the BBC Trust unless they relate to a breach of the BBC's editorial standards. The BBC was therefore able to decide that the fact that Jim Murphy was the front-runner was a story of interest to the licence fee payer in the UK as a whole and to Scotland in particular and to feature him. The BBC was not required to give equal coverage to other candidates or to include them in the same programme.

Trustees agreed that the BBC was correct to close this correspondence down at Stage 1 as there was no evidence of a breach of editorial standards. This appeal therefore had no reasonable prospect of success.

The Committee then considered the complainant's comments regarding the complaints process.

Trustees welcomed the complainant's feedback, as the governance of the BBC was always evolving in order to provide licence fee payers appropriate and cost-effective complaints handling. Trustees wished to reassure the complainant that everyone who works for the BBC Trust is outside the day-to-day operations of the BBC.

Trustees sympathised with the complainant's point that it could be difficult to present a complaint within a webform word limit. However, they noted that the Editorial Complaints and Appeals procedure gave leeway for longer complaints in exceptional circumstances (2.6 of the procedure)¹³ which could be made in writing. They agreed that it was not necessary to name the Editorial Guideline that had been breached although it was necessary for a complainant to indicate what their complaint was about, for instance: accuracy, bias or offence. This point would be relayed to Audience Services. It was entirely reasonable to expect a complainant to identify the content complained about, and it would be wholly unreasonable to expect the BBC to check all of its output to try and find content that matched the description in a complaint.

The Committee noted the complainant's interpretation of the statistics given in the "mystery shopping" exercise but did not agree that it illustrated a system designed to reject complaints. Indeed the work of the BBC's Editorial Complaints Unit and the work of the Trust demonstrated that justified complaints were upheld and published. The "mystery shopping" exercise was specifically designed to test how the BBC's Complaints Framework was working in practice at Stage 1. The number the complainant referred to was for all complaints contacts (several could be made in the course of one complaint) rather than for the number of individual complaints. All complainants could bring their complaints to the Trust once they had completed correspondence with the BBC, and the Trust would decide if the appeal was admissible.

Finally the Trustees noted the complainant's concerns that the response from the Trust's Adviser had been disingenuous. They regretted that he took that view but were clear that the response had been appropriate.

¹³ http://downloads.bbc.co.uk/bbctrust/assets/files/pdf/regulatory_framework/protocols/2014/complaints_fr_work_ed_complaints.pdf

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

Admissibility decisions

The BBC's editorial complaints system has three stages. During the first two stages complaints are considered and replied to by the BBC. At the third stage the Editorial Standards Committee (ESC) of the BBC Trust may consider an appeal against a decision by the BBC.

Complaints are answered at Stage 1 by BBC Audience Services. Where complainants remain dissatisfied after a Stage 1 response, they can request a further response at Stage 1. If they are still dissatisfied they may escalate their complaint to Stage 2. Complaints at Stage 2 are answered either by the BBC's Editorial Complaints Unit, or by a senior manager within the BBC.

However, under the Complaints Framework, it is open to the BBC to close down correspondence at any stage – this means the BBC notifies the complainant that it does not wish to respond further. The complainant can appeal to the Trust if they consider the BBC was wrong to close down the correspondence. Where a complainant appeals to the Trust in these circumstances, and Trustees uphold the appeal, the complaint is sent back to the BBC for a further response.

The Editorial Complaints and Appeals Procedure¹⁴ explains that:

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

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

In the cases where BBC Audience Services had ceased handling the complaints at Stage 1, the complainants appealed to the Trustees on the substance of their complaints. However, the point put to the Trustees was whether an appeal against the decision of BBC Audience Services not to correspond further with the complainant had a reasonable prospect of success.

In the cases which progressed to Stage 2 the decision for the Trustees was whether to take the complaint as an appeal or whether it had no reasonable prospect of success and was not admissible.

In each of the following cases the Committee was provided with the complainant's correspondence with the BBC and the complainant's appeal/s to the Trust. The Committee was also provided with the relevant broadcast or published content.

¹⁴ http://downloads.bbc.co.uk/bbctrust/assets/files/pdf/regulatory_framework/protocols/2014/complaints_fr_work_ed_complaints.pdf

Panorama: After Paris: The Battle for British Islam, BBC One, 12 January 2015

The complainant asked the Editorial Standards Committee to review the decision of BBC Audience Services to close down the complaint at Stage 1b.

The complaint

The complaint concerned an edition of *Panorama* broadcast a week after the Islamist attacks in Paris earlier this year. This was the continuity announcer's introduction to the programme:

"In the wake of last week's terror attacks in France the programme looks at the relationship between acts of extreme violence in Paris and elsewhere and extremist ideologies. Some viewers may find some scenes upsetting."

The reporter's piece-to-camera in the introductory section of the programme, before the titles, further explained the ambition of the programme:

"What happened here in Paris raises an obvious question, why is it that some Muslims feel justified in killing their fellow citizens in the name of Islam? Well, tonight a group of British Muslims say they believe they have an answer, which is, that an extreme but non-violent ideology helps push Muslims into the arms of violent extremists."

The complainant said she had deep concerns about the overall narrative of the programme which she said created:

"...a deeply offensive, one-sided perspective on events in Paris"

and

"...about their potential impacts and aftermaths here in the UK that are far more complex and complicated than were being portrayed. I would go further to suggest that the programme was designed to stoke up fears about Islam as a religion and reductively stereotype v. diverse communities of Muslims as fundamentalist extremists."

The complainant detailed those elements in the programme which she said had contributed to this impression:

- a very skewed and inaccurate impression of France and the diversity of the French Muslim population
- an unbalanced pool of UK-based interviewees
- questionable packaging of visual images and choice of soundtracks
- inappropriate and inflammatory contextualisation of certain groups as "extremist"
- an inflammatory title which intimated that the solution to radicalisation is the responsibility of Muslims alone, thus wrongly absolving governments and the "rest of us" of any responsibilities to address community cohesion, inclusion, equality, diversity

Having consulted the *Panorama* editorial team, Audience Services made the following points:

- The programme required a number of difficult decisions and judgements about both content and tone. The editorial team accepted that not everyone would agree with *Panorama*'s conclusions, but they had tried to explore a debate within British Islam about whether non-violent views and teachings are capable of influencing violent extremism.
- With the exception of Peter Clarke who led the inquiry into the "Trojan Horse" allegations in Birmingham, and the former French Prime Minister Edith Cresson, everyone interviewed was a Muslim living in Britain.
- Although a number of people approached for an interview declined to take part in the programme, *Panorama*'s ambition was to reflect a conversation which it believed was already taking place, rather than to suggest that a new conversation should begin.

At Stage 1b of the BBC's complaints procedure, the Editor of the programme made the following points:

- The programme set out to examine a set of ideas rather than a series of provable or disprovable facts. Its central theme was that a debate was taking place within British Islam about the influence of "non-violent extremism" on the small numbers of people who turn to violent extremism. It was clear from some of the interviewees that this debate was real and not imagined. Since that debate was clearly taking place outside Parliament, the people interviewed were very well-qualified to discuss the issue.
- Video archive and imagery was used to illustrate the theme of the programme, but *Panorama* did not believe it was done in an inflammatory way: the Happy Muslims video was an online hit, and the women in hijabs were an online response to it. The archive footage of Islamic scholars and preachers who did not espouse violence, were necessary if the audience was to be given a chance to decide about whether non-violent views were capable of "opening the door" to violence.
- The programme was always likely to be controversial because of its subject matter and the circumstances surrounding it. A good deal of consideration was given during the production to the points raised by the complainant. However, since there was a discussion about those ideas taking place within British Islam, it seemed important to reflect it at that particular moment.

Appeal to the BBC Trust

The complainant appealed to the BBC Trust on the substance of her complaint. The complainant's view was that the programme fell well below the BBC's standards of journalism in terms of avoiding bias, stereotyping and misrepresenting of minority communities and cultures. Her concerns on appeal are summarised below and discussed in more detail where relevant in the Committee's decision:

- A. In purporting to consider the relationship between "extreme violence" and "extreme ideologies" the programme pre-empted its own investigation by framing

the discourse in terms of a “battle” where British Muslim communities were in severe conflict with each other and in opposition to Britain as a whole

- B. Several key representatives had been approached by the programme but had declined to participate; in light of this the producers should have had a serious re-think about revising their content accordingly
- C. The tone and content of the programme was deliberately inflammatory and provocative, “appearing keen to denigrate Islam”
- D. Inflammatory language and poorly edited archive footage conveyed the impression that a very large proportion of British Muslims are advocates and supporters of violent extremism; like most people, British Muslims utterly deplore the violence perpetrated by isolated individuals
- E. Contributors were steered by the reporter into an “Us vs. Them” thinking as a first step towards a false proposition of a transition from non-violent extremist ideology to violent extremism; viewers were also told that the puritanical views held by such followers of Islam were incompatible with British values
- F. Where is the evidence for the comments that “worryingly high numbers of British Muslims don’t subscribe to British values”?

Applicable Guidelines

Trustees observed that the Royal Charter sets out that the Executive Board of the BBC, as distinct from the BBC Trust, is responsible for the direction of the BBC’s editorial and creative output (Charter, Article 38 (1)(b)). The Royal Charter also explains that the Trust must not exercise or seek to exercise the functions of the Executive Board (Article 9 (3)). Trustees agreed that they were required by the Charter to refrain from taking editorial decisions such as those concerning the editorial direction of broadcast and published BBC current affairs output and that it was for the BBC Executive to decide how those stories should be presented, and to ensure that the content complied with the BBC’s impartiality obligations.

Trustees noted therefore their role in determining the admissibility of this appeal was to decide whether the issues raised by the complainant indicated that the programme makers had not complied with their obligations and that the BBC had been wrong to close down the complaint at Stage 1.

Trustees noted the overarching requirement in the Agreement accompanying the Royal Charter which requires the BBC to do all it can to ensure controversial subjects are treated with due impartiality¹⁵. Trustees noted how this is defined in the BBC Editorial Guidelines (which can be found at <http://www.bbc.co.uk/editorialguidelines/guidelines/>)

“The term ‘due’ means that the impartiality must be adequate and appropriate to the output, taking account of the subject and nature of the content, the likely audience expectation and any signposting that may influence that expectation.”
(from 4.1 Introduction to the Guideline on Impartiality)

¹⁵ Para 44 (1) Broadcasting: An Agreement Between Her Majesty’s Secretary of State for Culture, Media and Sport and the British Broadcasting Corporation, July 2006

Trustees noted also of relevance were those clauses from the Editorial Guidelines concerning controversial subjects (4.4.5 to 4.4.9); accuracy (3.2.1-3.2.3); and portrayal (5.4.38).

The Committee's decision

Trustees acknowledged the substance of the complainant's concerns on appeal, i.e. that *Panorama* had presented a negative and biased portrayal of the British Muslim community which was inaccurate. In doing so they took into account that Islamic extremism was a controversial subject and so it was important to clearly distinguish opinion from fact and to cover a wide range of significant views and perspectives which should be given due weight and prominence in BBC output overall whilst a controversy is active. They considered each of the complainant's points in turn:

A. In purporting to consider the relationship between "extreme violence" and "extreme ideologies" the programme pre-empted its own investigation by framing the discourse in terms of a "battle" where British Muslim communities were in severe conflict with each other and in opposition to Britain as a whole

Trustees noted the complainant's concern that the use of the word "battle" in the title and "repeated throughout the ... narrative" was intended to convey a sense of communities in severe conflict ... to imply at the outset that somehow "British Islam" is already in serious conflict within itself, and also somehow in opposition to Britain as a whole.

Trustees noted the word "battle" was used three times in the programme: twice in the commentary and once by a contributor:

1. Commentary:
The battle for a recognisably British interpretation of Islam disentangled from the violent schisms of the Islamic world is now underway.
2. Commentary:
This battle within Islam has been generations in the making.
3. Sara Khan, Director, Inspire:
I think extremism will inevitably be wiped out, but I think that battle is just a long and it's a hard one that's going to require blood, sweat and tears unfortunately.

On each occasion the context it appeared in suggested the "battle" in question was being fought within Muslim communities globally, not specifically within British Muslim communities, and that it was a battle for a Muslim identity distinct from the extreme version of Islam responsible for the violence depicted in the programme.

Trustees noted too that it was contributors to the programme and examples cited in the programme which provided the editorial justification for framing the issue in terms of a "battle". It was also a contributor who stated in response to a question that some Muslims saw their ethnic and religious identity as incompatible with being British:

Reporter:

Do you think a section of the Muslim community has been signalling that they're not comfortably British?

Aamer Naeem, Editor in Chief British Muslim TV:

It's a reality, I don't think it's a matter of anyone signalling; there are parts of the community that themselves say you can't be British and Muslim, you're only Muslim, and your identity is focused just around Islam.

Trustees noted the response from the Editor of *Panorama* at Stage 1b:

"This was a programme which set out to examine a set of ideas rather than a series of provable or disprovable facts. Its central theme, as you will have seen, was that a debate is taking place within British Islam about the influence of 'non-violent extremism' on the small numbers of people who turn to violent extremism. I think it was clear from some of the interviewees that this debate is real and not imagined."

Trustees reached the following conclusions in deciding that an appeal on this aspect of the complaint would not have a reasonable prospect of success:

- The context would have indicated clearly to the audience the nature of the "battle" referred to in the title and in various extracts from the programme.
- The programme had included a range of well-sourced evidence to support its position that a debate was under way.
- The programme had signposted to the audience its starting point, which was that "a group of British Muslims say they believe they have an answer, which is, that an extreme but non-violent ideology helps push Muslims into the arms of violent extremists".
- Using "battle" as a metaphor is a familiar device which is often used in circumstances where there is a degree of conflict and one which the audience would likely be familiar with in a wide range of contexts; the audience were given adequate information for them to reach an informed judgement as to the extent and nature of the conflict taking place.
- The detail of the complainant's concerns on this point had been adequately and appropriately addressed at Stage 1.

B. Several key representatives had been approached by the programme but had declined to participate; in light of this the producers should have had a serious re-think about revising their content accordingly

Trustees noted the complainant's concern that the Home Secretary was not available to be challenged on her comments (about the link between "extremist" preachers and violent actions) and that the Muslim Council of Britain declined the programme's request for an interview. Trustees noted the complainant's view that a representative from the educational trust at the centre of the Birmingham allegations and the Sheikh (shown in a clip from an Egyptian TV channel saying that equality between genders was "very evil" and calling for democracies worldwide to be overthrown and replaced with the "world of Allah"), should have been available to counter "accusations levelled against them".

Trustees noted the complainant's contention that the programme's inability to secure such contributions had resulted in a narrative "full of unplugged holes" and contributors who

were either marginal to the debate or had a commercial interest to promote: essentially they were not qualified to speak on behalf of Britain's Muslim population because they "largely lacked recognised and authoritative theological, scholarly and/or political credentials".

Trustees noted the response from the Editor of *Panorama* at Stage 1:

"...since it [the debate] is clearly taking place outside Parliament I thought the people we spoke to were very well-qualified to discuss it. I really cannot see why an MP, for example, would have been in a better position."

Trustees reached the following conclusions and made the following observations in deciding that an appeal on this aspect of the complaint would not have a reasonable prospect of success:

- The voices heard in the programme spoke for themselves and did not appear to require further clarification; their credentials were clearly cited in each case as well as the context in which they had made their comments; viewers were able to reach an informed judgement of what weight to place on their views.
- Where a potential contributor declines to be interviewed on an issue, this should not in itself have the effect of preventing a programme from presenting an issue as long as this has not led to their views or the perspective they reflect being misrepresented.
- Regarding the Muslim Council of Britain (MCB), Trustees noted the statement in the programme that the Council had dismissed the findings of Government inquiries that extremist views were being promoted in schools in Birmingham. Trustees noted this line of commentary:

"The MCB declined to be interviewed, but one of its major affiliates did agree."

Trustees noted the President of the Muslim Association of Britain addressed the issue and explained precisely why it disagreed with the label "extremist" and preferred the term "conservative".

- The individuals interviewed for the programme did not appear to be marginal to the debate; they were presented as actively involved in influencing the debate; their credentials were clearly signposted such that the audience could decide what weight to place on their views.
- A sufficiently broad range of voices were included across the programme as a whole which reflected the spectrum of the debate on the issue.
- The responses at Stage 1 had adequately and appropriately addressed the complainant's concerns.

C. The tone and content of the programme was deliberately inflammatory and provocative "appearing keen to denigrate Islam"

Trustees noted the complainant's contention that the tone and content of the programme was deliberately inflammatory and provocative and was aimed at denigrating Islam.

Trustees noted the relevant clause from the Editorial Guidelines:

"Portrayal

5.4.38

We aim to reflect fully and fairly all of the United Kingdom's people and cultures in our services. Content may reflect the prejudice and disadvantage which exist in societies worldwide but we should not perpetuate it. In some instances, references to disability, age, sexual orientation, faith, race, etc. may be relevant to portrayal. However, we should avoid careless or offensive stereotypical assumptions and people should only be described in such terms when editorially justified."

Trustees noted the acknowledgement at Stage 1 that this was always likely to be a controversial programme because of its subject matter and the circumstances surrounding it:

"We understood that [the programme would be controversial] as we were putting it together, and we gave a great deal of consideration to the points you have raised. But, fundamentally, since there is a discussion about these ideas taking place within British Islam, it seemed important to reflect it at this particular moment."

Trustees noted the complainant's concerns that Islamic beliefs were expressed in "negatively demeaning and pejorative ways".

Trustees noted the majority of examples the complainant cited (e.g. "toxic theology", "puritanical") were spoken by contributors and were not in the commentary itself. In other cases Trustees considered the terminology editorially justified by the context and/or supported by evidence presented in the programme.

Trustees noted that the tone and content as a whole was an editorial decision and therefore under the Royal Charter a matter for the Executive and not the Trust.

Trustees observed also that, rather than denigrating Islam as the complainant contended, the programme acknowledged the complexity and diversity of Britain's Muslim population.

Trustees considered the responses at Stage 1 had adequately and appropriately addressed the issue.

D. Inflammatory language and poorly edited archive footage conveyed the impression that a very large proportion of British Muslims are advocates and supporters of violent extremism; like most people British Muslims utterly deplore the violence perpetrated by isolated individuals

Trustees noted the complainant's contention that inflammatory language and poorly edited archive footage conveyed the negative and stereotypical impression that a very large proportion of British Muslims are advocates and supporters of violent extremism. Trustees also noted the complainant's view that the programme had, through the packaging of contrasting perspectives in commentary and archive, "deliberately intended to negatively and provocatively stereotype British Muslims".

Trustees considered there was a clear editorial justification for the use of archive footage given the unprecedented and horrific nature of recent events: in Paris, the murder of staff at Charlie Hebdo's office a week earlier; further afield in IS controlled areas over the preceding months; and the killing of Lee Rigby in Woolwich in spring 2013. They noted again the requirements of the Editorial Guideline clause on Portrayal and its warning to avoid "careless or offensive stereotypical assumptions". Trustees considered that inclusion of the archive material was central to the debate which was the editorial focus of the programme. They noted too that viewers had been appropriately forewarned that they might find some scenes upsetting.

Trustees noted how the programme nuanced its understanding of the nature of the debate:

- It was stated that clerics whom the government consider promote an extreme but non-violent interpretation of Islam have claimed that this view is shared by most Muslims in the West.
- The comment in the commentary was followed by this exchange:

Commentary:

British Muslims seeking to counter this interpretation of Islam insist the vast majority of British Muslims do not share it, but they do acknowledge it is growing.

Adam Deen, Deen Institute:

Ten years ago non-violent extremism was very much a fringe element. What we have now is the majority of Muslims aren't extreme, but that fringe movement, that body, is a lot bigger, not only that it has allowed a voice.

Sara Khan, Inspire:

I see how the actions of these extremists are creating Islamophobia in this country so I feel very passionate in wanting to make sure that the children, the children that I raise are not being drawn into an intolerant, dehumanised interpretation of Islam which currently is starting to become more and more mainstream.

Trustees did not accept there was any evidence that the inclusion of contrasting views was a deliberate device implemented by the BBC to "negatively and provocatively stereotype British Muslims". Trustees referred to their previous conclusion that, rather than denigrating Islam as the complainant contended, the programme acknowledged the complexity, diversity and range of views of Britain's Muslim population.

Trustees considered the responses at Stage 1 had adequately and appropriately addressed the complainant's concerns.

E. Contributors were steered by the reporter into an "Us vs. Them" thinking as a first step towards a false proposition of a transition from non-violent extremist ideology to violent extremism; viewers were also told that the puritanical views held by such followers of Islam were incompatible with British values

Trustees noted the complainant's assertion that

- two contributors in particular (Manwar Ali and Adam Deen) were “steered” by the reporter into an “Us vs. Them” position
- the link between non-violent extremist ideology and violent extremism was false
- viewers were told that puritanical views were incompatible with British values.

Trustees noted it was Manwar Ali himself who framed the issue in terms of “us and them”.

Reporter:

What is the mindset that in your view connects non-violence but extreme views with violent and extreme actions?

Manwar Ali, Former British Jihadi:

I mean there are lots of parameters one should take into account but if we were to boil it all down under one broad heading it will be this us and them thinking. It cultivates and nurtures a sense of understanding and feeling which looks down upon or separates the others as not as worthy as honourable...

Reporter:

The others being believers from non-believers? ...That’s in your view the first step along the road to ultimately violent extremism?

Manwar Ali:

Yes, the us and them is the first step.

Trustees noted that the reporter picked up on the “us and them” theme suggested by Mr Ali in his dialogue with Adam Deen which followed. But they did not agree that he had steered Mr Deen into subscribing to a view that he did not already appear to hold.

Trustees noted too where another contributor appeared independently to pick up on the same theme a little later:

Sara Khan:

Muslims in this country are equal citizens, we are given the freedom to practise our faith freely, you know, we enjoy living in, a country which respects human rights, equality laws and a democracy, and I think that narrative is very unhelpful and it feeds into those who divide the world into an us and them narrative.

Trustees noted the complainant’s view that the proposition that there is a link between extreme views and violent extremism, was false. They noted where the response at Stage 1 addressed the complainant’s concern, particularly where it stated that footage of Islamic scholars and preachers, who did not espouse violence, were included to “give the audience a chance to make their own minds up about whether non-violent views were capable of ‘opening the door’ to violence”. Trustees noted the ambition of the programme as delineated by the Editor of *Panorama* in the final response at Stage 1:

“This was a programme which set out to examine a set of ideas rather than a series of provable or disprovable facts. Its central theme, as you will have seen, was that a debate is taking place within British Islam about the influence of ‘non-violent extremism’ on the small numbers of people who turn to violent extremism.”

Trustees concluded that the programme clearly signposted its intention from the outset, that it indicated the sources of the proposition regarding the roots of violent extremism,

reflected the views of those sources and presented the evidence which supported those views. The programme also included two contributions from British Muslims who reflected a different perspective (the President of the Muslim Association of Britain and the Chief Executive of the Islam Channel).

Trustees then considered the complainant's point that viewers were told that the puritanical views held by conservative or extreme followers of Islam were incompatible with British values.

Trustees noted that the audience was presented with examples of Islamic clerics advocating support for a range of views and practices which would either be illegal in Britain or culturally unacceptable. They noted too how the commentary paraphrased what it said was the Home Office's view that a "worryingly high number of British Muslims do not subscribe to core British values like freedom of expression, equality and tolerance of other faiths".

Trustees considered that the audience was provided with the evidence and the sources of that evidence and therefore equipped with adequate information to reach an informed judgement on the issue.

F. Where is the evidence for the comments that "worryingly high numbers of British Muslims don't subscribe to British values"?

Trustees noted the complainant's request for evidence on what proportion of British Muslims represents the "worryingly high number" believed not to subscribe to British values, and her question asking "who else was consulted to give credence to the commentary?"

Trustees noted evidence presented in the programme which might be said to support that conclusion, including the statistic that an estimated 600 British Muslims have gone to fight in Syria. They noted too how the programme reflected the findings of the investigation into the teaching being given to Muslim children at up to sixteen state schools in Birmingham:

Commentary:

Evidence was found in the schools of homophobia, a hard line curriculum, demonisation of other faiths, anti-western and especially anti-Jewish attitudes and contempt for the armed forces.

Peter Clarke, Education Commissioner (who led the inquiry):

What I found was intolerance, there was a real concern that because they were being taught to be unquestioning, that they would be more vulnerable in the future.

Trustees noted that it was not possible to define what might constitute a "worryingly high number", and that the sentiment was attributed to the Home Office as its opinion.

Trustees noted that the commentary had not repeated the Home Office's concerns as fact. They noted too that, where the reporter had included examples of what the Government considered "extreme", he had not put a figure on what proportion of the Muslim community might share those views.

Conclusion

Trustees appreciated that the complainant did not share the BBC's view that the content was impartial and accurate in its portrayal of the Muslim community in the United Kingdom and had avoided stereotyping British Muslims.

However, having considered the detail of the complaint, noted the responses at Stage 1 and reviewed the programme content against the relevant editorial guidelines, Trustees concluded that an appeal would not have a reasonable prospect of success.

Trustees considered that Audience Services had given a full and reasonable response to the complainant's concerns and that it was appropriate for them to say they could not correspond further on the issue.

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

BBC News Online, 13 January 2015

The complainant asked the Editorial Standards Committee to review the decision of BBC Audience Services to close down the complaint at Stage 1b.

The complaint

The complaint concerned an article in the Newsbeat section of BBC News Online which reported that a Haredi newspaper, in accordance with its tradition, had removed images of Angela Merkel and other women from a photograph before publication.

He made the following points in his complaint:

- Was the photograph worthy of being a top story, or any story at all?
- Had the BBC ever commented on Muslim newspapers censoring out photographic images of full-faced women?
- He believed the editorial intention of the article was to mock ultra-religious Jews.
- He was disappointed by the “one letter fits all” replies sent by Audience Services.

BBC Audience Services made the following points:

- They acknowledged the complainant’s view that the story was not newsworthy.
- They pointed out that choosing news stories was a subjective matter and acknowledged that not every visitor to the website would feel the BBC got it right every time.
- It was often a difficult decision for News Editors and there was no one universal news agenda that applied to all.

Audience Services also stated they had nothing further to add to their previous response and did not believe the complaint raised a significant issue of general importance that might justify further investigation; they would not, therefore, correspond further on the issue.

Appeal to the BBC Trust

The complainant appealed to the BBC Trust on the substance and handling of his complaint.

The complainant made the following points in his appeal:

- He felt that Audience Services had talked down to him and had discarded his complaint as unworthy. He believed that many of the sentences used by them in their response were from a “standard manual”.
- He reiterated his view that the news story at the centre of the complaint was not newsworthy.
- He believed that by covering the story and, in particular, covering it as a lead story, the BBC showed a lack of impartiality because he thought the story was only included because it ridiculed Jews.

The Committee's decision

Trustees acknowledged the complainant's view that the news story at the centre of the complaint should not have been a lead news story and that it was questionable whether it should have been considered a news story at all. They also noted his view that the story was included only in order to ridicule Jews.

Trustees observed that the Royal Charter sets out that one of the functions of the Executive Board of the BBC is the direction of the BBC's editorial and creative output (Charter, Article 38 (1)(b)). The Royal Charter also explains that the Trust must not exercise or seek to exercise the functions of the Executive Board (Article 9 (3)). Trustees agreed that they were required by the Charter to refrain from taking editorial decisions such as those concerning the editorial direction of broadcast and published BBC news and current affairs output. It was therefore for the BBC Executive to decide which stories should be included and the order of their priority. While editorial decisions were solely a matter for the Executive, the editorial standards of the BBC were set by the Trust through the Editorial Guidelines, but Trustees did not consider they had seen evidence which would be likely to lead them to conclude that there had been a breach of Editorial Guidelines in this instance. Trustees were absolutely clear that the decision to include this story had not amounted to a breach of generally accepted standards, and they noted that the story had been reported by a large number of respected news organisations.

With regard to the handling of the complaint, Trustees acknowledged the complainant's dissatisfaction with the responses from Audience Services. Trustees noted that, where appropriate, the BBC did make use of some standardised replies; they hoped that the complainant would appreciate that this allowed the BBC to respond efficiently and make the most cost-effective use of the licence fee. Although they appreciated that the complainant felt as if he had been "talked down to", Trustees considered that the reply, though formally worded, had not been discourteous. They noted that Audience Services had explained that news teams had to make difficult decisions about which news stories to cover, and in what order they should run. They considered that the complainant had received reasoned and reasonable replies and it was appropriate for Audience Services to say they could not respond further.

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

BBC Breakfast, report on sexual abuse in Rotherham, BBC One, 28 August 2014, 07.15

The complainant asked the Editorial Standards Committee to review the decision of BBC Audience Services to close down the complaint at Stage 1b.

The complaint

The complaint concerned an interview about the Rotherham sexual abuse case on *BBC Breakfast* during which the complainant believed two interviewees from the Muslim community were not sufficiently challenged.

The complainant made the following points:

- Why were the two Muslim community leaders not robustly challenged by the programme presenters about what the community knew and what they had done about the situation regarding Muslim gang rapes of young white girls?
- Why, when the BBC had taken the line that political correctness had been a factor in allowing the rape of young white girls in Rotherham by gangs of Muslim men, did the BBC not highlight its own role in covering up the story in the past due to political correctness? He cited a 2008 *Panorama* programme as evidence of his claim. He believed the BBC had shown a lack of impartiality by failing to mention that this was how the mainstream media, and in particular the BBC itself, had reacted to these stories in the past.
- He was unsure why Audience Services had come to the conclusion that the interviewees from Rotherham Muslim Youth and the Muslim Women's Network were "most likely to have been a source of support for the victimised children". He asked why, if that was the case, their support was not tested during the interview.
- He did not accept the point put by BBC Audience Services that he should take into account overall BBC coverage of the story rather than just the *BBC Breakfast* interview. He said that *BBC Breakfast* was the main source of news on BBC TV in the morning and often set the trend for the day. He asked the BBC to provide him with evidence of robust questioning of the Muslim community.

Audience Services made the following points:

- The guests were from Rotherham Muslim Youth and the Muslim Women's Network, and both expressed their horror and shock at what had taken place in Rotherham.
- Audience Services said that "even though they were mostly likely to have been a source of support for the victimised children, [the presenter] did challenge them on the subject of racism and whether the fear of such an accusation meant the police feared to act promptly".
- By having these two guests, the BBC demonstrated it was not avoiding Muslim involvement.

- It was not practical to trawl through the BBC's output to provide evidence of further challenging of the Muslim community, but they assured the complainant that bias played no part in BBC broadcasting and they believed *BBC Breakfast* had addressed the issue in a fair and impartial manner during the edition in question.
- With regard to the edition of *Panorama* cited by the complainant, Audience Services would not be able to comment on a programme transmitted more than 30 days previously, in this case from 2008.
- In its overall coverage, BBC News had sought to report on the Rotherham child grooming sex abuse cases in an accurate and impartial manner, reflecting the nature of the cases, the failings of state bodies and the role of cultural and religious factors as documented in court rulings. Audience Services said that no "singular editorial line outside of these core journalistic principles was implemented".

Appeal to the BBC Trust

The complainant made the following points in his appeal:

- During the interview with two Muslim community leaders, the BBC failed to ask obvious questions about cultural or religious aspects of the case, such as what knowledge did the Muslim community have about the crimes? When was it known that Muslim men of Pakistani origin were committing these crimes? What did they do with the information they had? The complainant thought it was incredible that youth leaders and leaders of women in the area would not have heard, seen, or known anything – thus this was worth questioning.
- When questioning the Police and Crime Commissioner about the issue of action not being taken because of "political correctness" and fear that authorities would be branded racist, *BBC Breakfast* failed to inform the public that the BBC was implicated in this issue. The BBC had failed to inform the public that Pakistani Muslim rape gangs were operating in these areas.
- With regard to the 2008 edition of *Panorama*, the complainant said he had not made a complaint about that programme, but had cited it as evidence to support his claim that the BBC was culpable in the very same "cover up". He said it was evidence of a lack of impartiality and failure to inform.
- He had asked in his complaint whether the BBC had an editorial line which allowed Muslims to effectively come onto national TV and play the so-called "Islamophobic" victim card by not being questioned about the role their community played in the events which took place in Rotherham; or to explore if the Muslim faith shared any blame for the actions of the men concerned, or perhaps the cultural aspects of Pakistani males could be an issue. He said that none of this was questioned.
- The complainant was also unhappy with the handling of his complaint by Audience Services. He said it was clear from their first reply that they had not checked the output but had offered a bland automatic response, and had said he should take the output "in the round". If that was the case, he asked why the evidence he asked for in support of that claim had not been forthcoming from Audience Services.

- He said Audience Services had “wilfully attempted to redefine [his] complaint” by suggesting that he was complaining about a *Panorama* programme from 2008. He said he was not complaining about the *Panorama* programme, but had cited it as evidence in support of his complaint about *BBC Breakfast*, to show that the BBC was culpable of “political correctness”.
- In order to underline his point, he cited further examples of similar events which had taken place since he first made his complaint, which he regarded as basic evidence that the BBC was “following some sort of editorial line with regard to how issues affecting Muslims should be reported”.

The Committee’s decision

Trustees began by noting that it was not appropriate to consider complaints about fresh examples that had been raised in the appeal but had not been raised with the BBC. This was because the Agreement between the Secretary of State for Culture, Media and Sport and the BBC explicitly said the Trust should not consider complaints in the first instance (Agreement, Clause 90(3)). For that reason they would not consider the fresh examples quoted by the complainant.

It was also noted that the correspondence cited by the complainant (a letter of 30 September 2014) did not suggest that the complainant should look at output in the round. This point appeared to have no foundation and Trustees would not consider it further.

The Committee noted that the complainant believed that the BBC was not acknowledging that it, along with other media organisations, was implicated in “covering up the story in the past due to political correctness”.

Trustees noted that the BBC said:

“BBC News has sought to report on the Rotherham child grooming sex abuse cases in an accurate and impartial manner, reflecting the nature of the cases, the failings of state bodies and the role of cultural and religious factors as documented in court rulings. No singular editorial line outside of these core journalistic principles was implemented as you suggest.”

In the Trustees’ view the appeal in essence was about whether *BBC Breakfast* had achieved due impartiality in the interviews it had conducted. It was not necessary, in their opinion, to refer to the alleged cover up by the media (including the BBC) in the past to achieve due impartiality in reporting on the news of the day.

Trustees acknowledged the complainant’s concerns about the way in which the interview on *BBC Breakfast* with two interviewees from Rotherham Muslim Youth and the Muslim Women’s Network was conducted, and his view that the BBC had demonstrated a lack of impartiality by failing to robustly challenge these interviewees.

Trustees noted that the due impartiality guidelines which can be found in the BBC Editorial Guidelines here:

<http://www.bbc.co.uk/editorialguidelines/guidelines/>

say that :

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

Trustees noted the complainant's view that the interviewees on BBC Breakfast should have been questioned in a particular way. Trustees noted that the item was set in the context of the publication of an initial report by an independent inquiry into child sex abuse in Rotherham. The report condemned the authorities' failure to act or accept the scale of the problem over many years. It found that at a conservative estimate some 1,400 children had been abused in the town by gangs of predominantly Muslim men of Pakistani heritage. In the interview the key issue was the response of the local community to these findings. Trustees were satisfied that this point was put clearly.

Amongst questions and answers they noted were:

Naga Munchetty: ...one of the issues found in the report was that authorities were concerned to highlight that in many of the cases, Pakistani men were the perpetrators, of these crimes, targeting in many cases white, English girls. What's the reaction do you think to this and to what's happened in your community?

Interviewee from Muslim Women's Network: ... I think echoing what [Name] has said disbelief, anger, sadness from ... on the part of many, or anger towards the authorities because they allowed it to continue. But also, there is denial and I think that's the worst part because there are still many people saying that, oh no this is targeted, they don't like us, this is why this is, you know, it's a again ... racist against Pakistanis, but it's also got the religious element, this is Islamophobic, when of course we know that, that is not the case.

Charlie Stayt: ... on that issue ... often when we've reported this, we are making the point, every time that most of the perpetrators, as revealed in the report, were of Pakistani heritage. Now each time you hear that said, and it is a fact ... how do you reflect on that?

Interviewee from Rotherham Muslim Youth: I think it's got two parts to this, I think there's no hiding, I think there is a fact that the large majority of these men were Pakistani and came from Muslim backgrounds. I think that is a fact, I think within the Pakistani community there are issues and there is a taboo, where they don't talk about sexualisation and this problem actually impacts further, because there wasn't just white girls that were actually sexually abused, there were also Asian, Muslim girls as well, and they find it even harder to come out, because they feel even more vulnerable because it's taboo, because it's not talked about...

Charlie Stayt: You said that the reaction even now from some people within the Pakistani community is that there is a racial element to this. That is really confusing because one of the reasons this was allowed to go on for so long, we are told, is because the authorities, the police, did not act precisely because of the fear that the community might say that, even when they are investigating not prosecuted...

Trustees did not consider that, just because the complainant's list of questions had not been put, the programme had failed to be duly impartial.

Trustees also noted that the complainant was unhappy with the way in which his complaint had been handled. Firstly they addressed his point that Audience Services had not (before it had replied initially) checked the specific piece of output at the centre of the complaint but had given a “bland automatic response”. They noted that the BBC did use some standardisation of response when replying to complaints, and that this was due to the large volume of contacts received by the BBC each year and the need to make the most efficient use of the licence fee. Audience Services issued a further more detailed reply with reference to the points to which the complainant had requested an answer.

Trustees acknowledged that the complainant said he had raised the *Panorama* 2008 programme as evidence of an alleged BBC line and had not wanted it investigated. However, the Committee noted that Audience Services had said they could not “comment” on the programme from a distance of some years. Trustees agreed that it was not proportionate or value for money for licence fee payers to expect Audience Services to obtain and review a programme that was six years old to deal with a complaint about a current programme.

Trustees considered that Audience Services had given a reasoned and reasonable response to the complainant’s concerns and that it was appropriate for them to say they could not correspond further on the issue.

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

BBC's use of the word "State" when referring to the al-Qaeda breakaway group formerly known as ISIS

The complainant asked the Editorial Standards Committee to review the decision of BBC Audience Services to close down the complaint at Stage 1b.

The complaint

The complaint concerned the BBC's use of the term "Islamic State" in its output.

The complainant made the following points:

- He said the BBC was just about the last organisation to use this term despite substantial complaint from the public.
- He believed the BBC provided legitimacy to an illegal movement by using the term "State" when no such international recognition existed.
- To continue to use the word "State" in this context was inaccurate, misleading and lent legitimacy to vile individuals. He said the responses from Audience Services did not address this journalistic inaccuracy.
- He felt the recent use of the caveat "self-proclaimed" or "so called" Islamic State was a simple and effective means of addressing the inaccuracy.
- He was not happy with the timeframe for obtaining a satisfactory response to his complaint.

Audience Services made the following points:

- They drew the complainant's attention to some of the BBC's coverage of this issue at <http://www.bbc.co.uk/news/world-middle-east-27994277> which began by stating:

"The crisis in Iraq has highlighted the fact that English-speaking governments and media organisations cannot settle on what to call the al-Qaeda breakaway that has led the offensive by Sunni militants and tribesmen in the north and east of the country."
- They referred to the statement by the Deputy Director of BBC News on *Newswatch* in 2014, to which they did not have anything further to add:

"This is a difficult issue for editorial teams working at BBC News. Essentially, it is their role to explain to our audience what the group call themselves and allow them to make up their own minds. It is not our role to decide ourselves what the group are called. We believe we have described the group's actions, intentions and ideology very clearly in our coverage, allowing our audience to make up their own minds."

Audience Services also stated that they had nothing further to add to their previous response and did not believe the complaint raised a significant issue of general importance that might justify further investigation; they would not, therefore, correspond further on the issue.

Appeal to the BBC Trust

The complainant appealed to the BBC Trust. He felt his complaint had not been adequately addressed at Stage 1 and that journalistic inaccuracy was the focus of his complaint. He said this inaccuracy had not been discussed and “reference to an inadequate *Newswatch* interview” had also failed to address the issue.

He referred to recent reports using “the caveat ‘so called’ or ‘Islamic State group’ and other variants which seem not so inaccurate”. He said that “self-proclaimed” was the obvious caveat to him, with use of quotation marks around “Islamic State” for written reports.

He made the point that he was motivated out of a desire to protect the BBC’s reputation nationally and internationally.

He also appealed against the handling of his complaint. He said the BBC complaints process was not effective in terms of the time it had taken for his concerns to be properly addressed. He pointed out that he first raised the matter with the BBC on 1 October 2014.

The Committee’s decision

Trustees acknowledged the complainant’s concerns about the accuracy of BBC references to the group also known as ISIS or ISIL, and noted that Audience Services had pointed to an article which said that: “English-speaking governments and media organisations cannot settle on what to call the al-Qaeda breakaway that has led the offensive by Sunni militants and tribesmen in the north and east of the country.” Trustees noted that it was very common for the pre-fix terms “so-called” and “self-proclaimed” to be used in BBC reports. They understood that the complainant himself believed these terms to be acceptable, so long as “Islamic State” was not used without these caveats, or without the quotation marks if the report was a written one.

Trustees acknowledged that the complainant found the reference to *Newswatch* inadequate, but they believed it was pertinent for Audience Services to refer to this because, as was pointed out by the Deputy Director of BBC News on *Newswatch*, it was a difficult issue for editorial news teams. It was not the BBC’s role to decide what the group was called, but it was the BBC’s role to explain to the audience what the group called itself, and to explain the group’s actions and ideology clearly in news coverage, allowing members of the audience to make up their own minds.

Trustees observed that the Royal Charter sets out that one of the functions of the Executive Board of the BBC is the direction of the BBC’s editorial and creative output (Charter, Article 38 (1)(b)). The Royal Charter also explains that the Trust must not exercise or seek to exercise the functions of the Executive Board (Article 9 (3)). Trustees agreed that they were required by the Charter to refrain from taking editorial decisions such as those concerning the editorial direction of broadcast and published BBC news and current affairs output. It was therefore for the BBC Executive to decide how stories were reported, including decisions about how various organisations were referred to. Trustees

did not consider they had seen evidence which would be likely to lead them to conclude that there had been a breach of Editorial Guidelines in this instance.

Trustees acknowledged the complainant's dissatisfaction with the time frame for dealing with his complaint and noted that he made his initial complaint on 1 October 2014. They noted that the complainant had not always followed the terms of the complaints procedure, preferring instead to contact the BBC Trust direct rather than escalate his concerns through the Stage 1 complaints process. They noted that this had slowed down the progress of the complaint, as his communications had then been referred to the appropriate department for a Stage 1 response. They noted that, for example, the Trust Complaints Adviser had acknowledged that complainants appreciate a swift response, and had explained to the complainant on 11 March 2015:

"I appreciate that you would prefer the Trust to deal with your complaint, but the BBC complaints process requires that complaints must be dealt with in the first instance by the BBC management; the Trust's role in this process is only at the final stage, hearing complaints on appeal."

Overall, Trustees considered that the complainant had received reasoned and reasonable replies to his concerns and it was appropriate for Audience Services to say they could not respond further.

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

