

Editorial Standards Findings:
Appeals to the Trust and other editorial
standards matters considered by the
Editorial Standards Committee

Remit of the Editorial Standards Committee

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

The Committee comprises five Trustees: Richard Tait (Chairman), Chitra Bharucha, Mehmuda Mian Pritchard, David Liddiment and Diane Coyle. It is advised and supported by the Trust Unit.

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

The Committee will consider appeals concerning complaints which allege that:

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

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

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

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. This bulletin also contains findings relating to such cases.

This bulletin also includes a statement on any remedial action taken and is published at bbc.co.uk/bbctrust or is available from:

The Secretary, Editorial Standards Committee
BBC Trust Unit
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Summary of findings (30 October 2007)

Racist and biased news coverage of murders BBC News

The complainant believed the BBC was not impartial in its coverage of murders, stating that an independent examination of the BBC's coverage of all murders (not just those classified as racially motivated murders), where the murderer was of a different race from the victim, would show that the BBC's coverage appeared to be racist, anti-white and pro-black/Asian. The complainant alleged that the BBC either failed to mention the murders of white people by people from the black and minority ethnic communities or gave such stories insufficient coverage in comparison with that of the murders of members of the black and minority ethnic communities by white people. The complainant provided a number of examples where he considered BBC News had provided either too much or not enough coverage.

The Committee concluded:

- The decision to report on a crime depended on its newsworthiness.
- News programmes should not be mandated to cover specific issues such as a murder but, rather, the judgement on what was covered should be left to the editorial judgement of news editors depending on what other stories were being presented to them.
- With regard to the murders of Stephen Lawrence and Zahid Mubarak, BBC News had provided minimal coverage on the day of and in the days following their murders.
- The news value of these murders changed when the story changed and widened to questions of failure in the prosecution of the duties of public bodies.
- BBC News had accepted that racially motivated murders were, by their nature in being “extremely rare”, inherently newsworthy, but that did not guarantee coverage within a news programme.
- BBC News had also accepted that it had underplayed its coverage of the Ross Parker case and the first Kriss Donald trial, but had improved its coverage in time for the second trial in the Kriss Donald case.
- For the majority of crimes race was not a relevant factor.
- There was no evidence to suggest that the BBC had shown a specific and systemic bias in favour of cases where the victim had been black or Asian.
- It acknowledged that the BBC had not provided appropriate coverage on two occasions and that this had been conveyed in a letter by the Head of News and Current Affairs to the complainant and, while this was disappointing, action had been taken and reporting of the Kriss Donald case in particular had improved.
- There was no evidence to support the claim that BBC News was stereotyping a specific racial group in a negative light with regard to the perpetration of crimes against other races.

The complaint was not upheld.

For the finding in full see pages 6–12.

My Life as a Child **BBC Two**

The Editorial Standards Committee did not uphold a first-party complaint on appeal that concerned issues relating to privacy, fairness and consent, accuracy, children and impartiality in an edition of the programme *My Life as a Child*.

In order to protect the privacy of all parties involved in the complaint the Committee took the exceptional decision that it would be inappropriate for the finding to be published.

BBC News, 10.30pm **BBC One, 19 May 2007**

The complainant was unhappy with the response the BBC Security Correspondent, Frank Gardner, gave to a question he was asked in a live studio interview while discussing the legacy of Tony Blair's policy on Iraq. The complainant believed Mr Gardner concluded that "the Government has got it wrong about Iraq" and that this was a biased conclusion "coming down on one side of a controversial issue" and breached the guidelines on impartiality.

The Committee concluded:

- The comments by Frank Gardner were factually based and did not attack the Government per se but raised the question of the policy of the coalition.
- The contribution should also be seen within the context of the whole item on Iraq. Frank Gardner's comments were not intended to be set in isolation from the previous filmed report and viewers, generally, would not have seen it in isolation from the earlier report.
- It was satisfied that the inclusion of Frank Gardner's professional assessment of the Prime Minister's legacy regarding Iraq met the BBC requirement to ensure due impartiality on matters of political controversy.

The complaint was not upheld.

For the finding in full see pages 13–18.

Communism and Football **BBC Two, 14 June 2006**

The complainant felt that the programme contained "several gross inaccuracies" and omitted important points in order to give a "negative view of the Soviet Union". In particular, the use of archive material resulted in viewers being misled.

The Committee concluded:

- In both pieces of archive the programme did not introduce the footage as being of an event or representing an event being alluded to in the narration.
- It was therefore satisfied that the use of library material was for the purpose of scene-setting, i.e. it provided images that would establish a general location to contextualise the narrative within a period of history. It did not consider the footage represented a specific event concerning Lavrenti Beria.
- The footage was not intended to be taken literally.
- It was satisfied that the footage had not breached guidelines on accuracy.
- The disputed comments by the contributor Alexander Nilin were not intended to be taken literally, nor did the Committee consider that the audience would have taken the comments seriously or been misled into believing them.
- The comments had been exaggerated for effect to underline the point the contributor was making. This did not require a balancing comment.
- The remarks did not breach the guidelines on impartiality and accuracy.

The complaint was not upheld.

For the finding in full see pages 18–23.

Findings (30 October 2007)

Racist and biased news coverage of murders BBC News

1 Complaint

The complainant believed that the BBC was not impartial in its coverage of murders. He stated: “An independent examination of the BBC’s coverage of murders where the murderer is of different race to the victim, will show that the BBC’s coverage of murders appears to be racist and anti white and pro black-Asian.”

2 Background to complaint

The complainant originally raised these issues with the Governors’ Programme Complaints Committee (GPCC), the predecessor to the ESC, in connection with the BBC’s news coverage of the murders of Anthony Walker and Richard Whelan.

In December 2005 the GPCC considered an appeal by the complainant regarding the *Ten O’Clock News*’s treatment of two murders which the complainant believed showed evidence of “racist and biased news coverage”.

The GPCC concluded that the reporting of the two murders had been appropriate and within the requirements of the BBC’s editorial standards, and it did not uphold the complaint.

3 Response by Director of News

The complainant continued to raise these issues as a generic complaint, using a number of examples to illustrate his argument. This was addressed by the Director of News (before consideration by the ESC) as a stage 2 response in the complaints process. The Director of News made the following points in response to the questions posed by the complainant.

- I Does BBC News operate a deliberately racist news policy in the way it reports murder?
 - “...should any bias in our reporting occur, it is unintentional.”
 - “In BBC News, day-to-day responsibility for the output ... rests ultimately with individual editors and they are accountable for what is published.”
 - “...there are clear checks and balances in the system which enable us constantly to weigh up coverage against the highest editorial standards to which we aspire.”
 - “...editors take their decisions based on what is most newsworthy on the day and with the benefit of strategic guidance from senior managers and peer group scrutiny.”
 - “...the very fact that decisions are based on newsworthiness carries the risk that distortions can creep in...”

2 Does BBC News coverage of the murders of whites by ethnics in general satisfy BBC Editorial Guidelines?

- “A key point I’d emphasise is that racist murder in the UK is extremely rare and so when it happens it is inherently newsworthy.”
- “I think ... that BBC News did underplay the Ross Parker case and the first Kriss Donald trial but we most certainly did not do so for the second trial in the Kriss Donald case...”
- “There is of course a difference between a murder where a white person is killed by a black or Asian which the police say is racist and a murder of a white by an ethnic person where the police say there is no evidence of racist motive.”
- “...if it were a trend that large numbers of whites were killed by black or Asian people, we would report it.”
- “...I do believe that it is essential that BBC News should shed light on the wider picture. This includes putting individual crimes in context and in the perspective of overall trends.”

4 Appeal to the ESC

The complainant appealed to the ESC as he maintained that the BBC News coverage did not comply with the Charter and Agreement and breached the BBC Editorial Guidelines.

In summary, the complainant stated to the ESC that the guidelines were breached because of BBC bias when reporting murders committed by different racial groups in the UK. There was a lack of comprehensive coverage of “whites” killed by people from ethnic minorities in that the BBC either (a) did not mention the murders of white people by members of the black or minority ethnic communities or (b) provided insufficient coverage of such murders. Further, this gave rise to misrepresentation as it created a “false picture” that whites were more inclined to carry out violent murders of people from the black and minority ethnic communities and that people from those communities did not commit murders of whites. The complainant stated that BBC News coverage was therefore racist and offensive.

5 The ESC’s scope of investigation

The independent editorial adviser to the ESC was asked to carry out a proportionate inquiry, including individual analysis of the news coverage for each of the examples provided by the complainant. The analysis included coverage on:

- 1 BBC One, BBC News (at 6 o’clock)
- 2 BBC One, *Ten O’Clock News*
- 3 BBC Two, *Newsnight*
- 4 bbc.co.uk

The analysis considered the coverage of the named examples in the three months after the appeal was lodged with the ESC, plus analysis of the coverage for each example for the week following the crime and the week following the trial(s).

6 Applicable editorial standards

Because a number of the cases related to the complaint occurred in the period before the present Editorial Guidelines came into effect, the Committee also considered the previous guidelines that were used up to July 2005.

A Pre-July 2005 BBC Producers' Guidelines

Section I: Impartiality and Accuracy

Impartiality in General

Due impartiality lies at the heart of the BBC. It is a core value and no area of programming is exempt from it. All BBC programmes and services should show open-mindedness, fairness and a respect for truth.

The BBC is committed to providing programmes of great diversity which reflect the full range of audiences' interests, beliefs and perspectives. Representing the whole spectrum is a requirement on all programme genres from arts to news & current affairs, from sport to drama, from comedy to documentaries, from entertainment to education and religion. No significant strand of thought should go unreflected or under represented on the BBC.

In order to achieve that range, the BBC is free to make programmes about any subject it chooses, and to make programmes which explore, or are presented from, a particular point of view.

The BBC applies due impartiality to all its broadcasting and services, both to domestic and international audiences.

In achieving due impartiality the term "due" is to be interpreted as meaning adequate or appropriate to the nature of the subject and the type of programme. There are generally more than two sides to any issue and impartiality in factual programmes may not be achieved simply by mathematical balance in which each view is complemented by an equal and opposing one.

The Agreement accompanying the BBC's Charter specifies that the Corporation should treat controversial subjects with due accuracy and impartiality both in news programmes and other programmes that deal with matters of public policy or of political or industrial controversy. It states that due impartiality does not require absolute neutrality on every issue or detachment from fundamental democratic principles. The BBC is explicitly forbidden from broadcasting its own opinions on current affairs or matters of public policy, except broadcasting issues.

News Programmes

The Agreement specifies that news should be presented with due accuracy and impartiality.

Reporting should be dispassionate, wide-ranging and well-informed. In reporting matters of industrial or political controversy the main differing views should be given due weight in the period during which the controversy is active. News judgements will take account of events

as well as arguments, and editorial discretion must determine whether it is appropriate for a range of views to be included within a single programme or item.

News programmes should offer viewers and listeners an intelligent and informed account of issues that enables them to form their own views. A reporter may express a professional, journalistic judgement but not a personal opinion. Judgement must be recognised as perceptive and fair. Audiences should not be able to gauge from BBC programmes the personal views of presenters and reporters on controversial issues of public policy.

B Post-July 2005 BBC Editorial Guidelines

BBC's Editorial Values

Impartiality & diversity of opinion

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

Section 4 – Impartiality and diversity of opinion

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

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

In practice, our commitment to impartiality means:

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

- the approach to, and tone of, BBC stories must always reflect our editorial values. Presenters, reporters and correspondents are the public face and voice of the BBC, they can have a significant impact on the perceptions of our impartiality.

7 The Committee's decision

The Committee considered the complaint against the relevant editorial standards, which included both the pre-July 2005 BBC Producers' Guidelines and the present BBC Editorial Guidelines which came into effect in July 2005. The Committee also took into account all the material before it relating to the appeal: this included the submissions from all relevant parties to the complaint who were asked to comment on the material going before the Committee.

The Committee considered it appropriate to consider the complaint as a whole. It noted that the complainant had provided a number of examples for the Committee to consider in its investigation of the complaint. The Committee considered the material, but in its decision would not analyse each example but would instead refer to individual cases in order to explain its decision, using them as a sample range.

The Committee recognised that the loss of life in every case was a tragedy for the families and friends of the victims. The Committee recognised that its finding would be required to draw distinctions between the various murders. This would be done purely for purposes of their classification in journalistic terms and whether there was evidence to suggest that BBC News was systemically biased in its coverage of murders where the murderer was of a different race from the victim. The Committee made clear that its findings should not be regarded as implying that any victim's life was more or less significant than another victim's life.

The Committee noted that the decision to report a crime in a news bulletin depended upon its newsworthiness. This was particularly the case for national news bulletins where there was a very limited time to cover the main domestic and international stories in a half-hour slot. The Committee also accepted that it was the nature of news that it should not be mandated to cover specific issues such as murder but that the decision on what were the most appropriate and relevant stories to feature should be left to the editorial judgement of the BBC News editors. Items covered on any particular day would therefore be based on the news agenda for that day and the news value of a particular story.

The Committee noted that this was particularly the case for crime stories. It noted in particular that the murders of Stephen Lawrence and Zahid Mubarak had been given minimal coverage on the day of and in the days following their murders. The significance of the murders in news terms had increased as concerns were raised. In the case of the murder of Stephen Lawrence, concerns centred upon the police handling of the investigation and subsequently led to a public enquiry that redefined the way racially motivated crime is dealt with in the UK. In the case of Zahid Mubarek, concerns centred upon the prison service and led to a public inquiry which identified a "bewildering catalogue of shortcomings" that contributed to Mr Mubarek's death. In both cases the Committee agreed that the level of coverage matched the seriousness of the ensuing investigations and inquiries, and that the

coverage in both cases had been editorially justified as it was in the public interest for the public to find out what actions had been taken by the police and prison service respectively in the two cases. The issues raised were politically controversial and had led to changes in public policy. In all the other cases raised by the complainant, including the murders of white people by people from the black and minority ethnic communities, with the exception of Anthony Walker there was no further public interest issue identified beyond the initial reporting of the crime, such as an investigation into the process and handling of the case. This accounted for the difference in coverage.

The Committee noted that BBC News had accepted that it had not provided suitable coverage of the first Kriss Donald trial, but considered that this was an error of editorial judgement rather than a deliberate attempt not to report on a matter of significant news interest. This was not evidence of systemic bias. The Committee noted that the Anthony Walker case was an exception in news terms, which accounted for its more extensive coverage. It noted the former Governors' Programme Complaints Committee's (GPCC) finding on the coverage of the Anthony Walker case:

Anthony Walker's murder raised issues of national significance, which made the incident particularly newsworthy. The murder was identified by the police as being clearly racially motivated. This meant that news reporting could immediately and accurately disclose the police's interpretation of motive for the crime. It also led to discussion about how the police had handled the case in contrast to the murder of Stephen Lawrence.

The Committee agreed that the exceptional interest in this case and the parallels drawn at the time between the police's investigation into this murder compared with that of Stephen Lawrence meant that there was significantly more coverage of the initial reporting of this crime than of any of the others, including the initial coverage of the Lawrence and Mubarek murders. However, the Committee did not consider the reporting excessive. The coverage was appropriate to the public interest and concern about the case.

The Committee also acknowledged that making an editorial judgement on the news value of a particular story was not an exact science and that, as such, there was no criterion for the type of story that should be included in a bulletin, nor should there be. The choice of story and its news value would depend upon what other stories were being presented to the news editor. The Committee recognised that context and relevance were the important factors to any decision. This was the same for crime stories as for any other story or event being put forward for inclusion in a bulletin.

The Committee noted that the Director of BBC News had acknowledged to the complainant in an earlier reply that, because racially motivated murders were "extremely rare" (four were classified as being racially motivated in 2004/5 by the Crown Prosecution Service), she accepted that they were "inherently newsworthy" but that did not guarantee inclusion or coverage within a news bulletin. The Committee also noted that she had accepted that BBC News had underplayed the Ross Parker case and the first Kriss Donald trial. However, the Committee concluded that the failure to give these cases more coverage did not amount to bias by omission as the decisions about their coverage were not so unreasonable as to constitute decisions that no reasonable news editor could have made. The Committee also noted that BBC News had subsequently improved its coverage in time for the second trial in the Kriss Donald case.

The Committee also noted that for the vast majority of stories concerning crime the issue of race was not considered a relevant factor. It would be inappropriate for the BBC to suggest that a crime was racially motivated without sufficient evidence. Likewise, the majority of murders did not have a known racial motivation and as such it would be inappropriate for BBC News to suggest or imply a racial motivation without evidence to support such a view. Accordingly, while racially motivated murders may be particularly newsworthy, even greater deference to editorial judgement should be given in coverage of murders not so classified. Therefore, setting aside racially motivated cases, crimes were classified by the circumstance and context of the crime and the relevance and importance to the public.

The Committee noted that news values were at the heart of all of the examples put forward by the complainant. It had been so for the cases of Stephen Lawrence and Zahid Mubarek as much as it had been for the cases of Christopher Yates, Ernest Meads and Tracy Cullum. The murders in all but one of these cases had been reported in at least one of the main news bulletins on the day the murder was notified. BBC News did not give preferential treatment to the initial reporting of any of these appalling murders. The news value had changed when the story (in the Lawrence and Mubarek cases) had changed and widened to questions of failure in the prosecution of the duties of public bodies. The case of Anthony Walker had been different, as previously stated in the former GPCC finding on coverage of the case¹.

The Committee was satisfied that, in looking at the range of BBC News coverage of murders carried out by perpetrators of one race on victims of another race, there was no evidence to suggest that the BBC had shown a specific and systemic bias in favour of cases where the victim had been black or Asian. Its coverage had shown due impartiality and, from the evidence before the Committee, the varying degrees of coverage of the cases had been inexorably linked to their relevance, appropriateness and significance to the viewer or listener, in that outside of the cases concerning Stephen Lawrence and Zahid Mubarek no further public interest had been raised.

The Committee noted, however, that the BBC had not provided appropriate coverage on two occasions. This was disappointing. However, as explained above, the Committee concluded that there was no evidence of systemic bias within BBC News. The Committee also noted that the reply by the Director of News to the complainant had been honest in its acceptance of BBC News's failing on these two occasions, and that action had been taken.

The Committee was also satisfied that there was no evidence to support the suggestion that BBC News coverage was in breach of the editorial guidelines on harm and offence in that it was stereotyping a specific racial group in a negative light with regard to the perpetration of crimes against other races: it did not suggest that white people were more likely to murder members of the black and minority ethnic communities than the reverse situation. The Committee also noted that there was no evidence to suggest that BBC News, in the way it reported crime and murder in particular, was inciting hatred against the white community.

Finding: Not upheld.

¹ See Governors' Programme Complaints Committee summary of finding January–March 2006: http://www.bbcgovernorsarchive.co.uk/docs/complaints/apps_janmar2006.pdf

My Life as a Child

BBC Two

The Editorial Standards Committee did not uphold a first-party complaint on appeal that concerned issues relating to privacy, fairness and consent, accuracy, children and impartiality in an edition of the programme *My Life as a Child*.

In order to protect the privacy of all parties involved in the complaint the Committee took the exceptional decision that it would be inappropriate for the finding to be published.

BBC News, 10.30pm

BBC One, 19 May 2007

1 Context

This edition of the *Ten O'Clock News* was broadcast during Tony Blair's last visit to Iraq as Prime Minister. It featured a report by Paul Wood followed by a studio interview with Frank Gardner, BBC Security Correspondent, who discussed the legacy of Tony Blair's policy on Iraq.

Frank Gardner's response is the subject of the complaint.

2 Transcript extracts of report by Paul Wood

(1)

REPORTER: Tony Blair's final visit as Prime Minister to the place many believe will define his legacy. Most of the British effort in Iraq has been in Basra. Mr Blair wanted to thank the men and women responsible. There was a warm welcome from the troops. They've had a tough time here. Last month was the worst for casualties since the invasion. The Prime Minister told them that the sacrifices were not in vain.

BLAIR: It's very difficult, it's very dangerous, you're away from your families for long periods of time. It's not an easy job to do. But you do it with determination and a professionalism and commitment that makes everyone back home, whatever they think – believe me whatever they think of the political leaders, they have nothing but appreciation and support for the work that you do.

REPORTER: This is an historic occasion. The last visit to Iraq by the Prime Minister who took us to war. Tony Blair got us into Iraq. It will now be up to another Prime Minister, Gordon Brown, to decide how and when Britain will leave.

(2)

REPORTER: In Baghdad, a meeting with the Iraqi Prime Minister, Nuri Malaki. Mr Blair came here believing that almost by sheer force of personality he can persuade Iraq's sectarian factions to end the killing. At his news conference he insisted things were getting better and accused the media of supporting only the bad news from Iraq.

BLAIR: Look, there are mortar attacks and terrorist attacks happening ever day. That's the reality. The question is, what are we going to do in the face of these attacks? These attacks by the minority of people who want to destroy the progress here. And the answer is, we don't give in to them.

(3)

REPORTER (final words of report): As he leaves this place behind, Mr Blair believes as strongly as ever that history will vindicate his decision to invade Iraq and topple Saddam.

3 Transcript of studio interview with Frank Gardner

FRANK GARDNER: No, I think it was coincidence. I'm sure there are no end of insurgents who would have loved to claim Mr Blair's scalp on this trip but I think it's coincidental he happened to be there during one of these daily mortar attacks, so, nothing – I don't think the intelligence was penetrated then.

HUSAIN: Over time when we look at Tony Blair and his policy on Iraq, what will stand out as time goes by?

GARDNER: He leaves behind him today a country, Iraq, which is far more unstable than it need have been. It was a country which after the invasion then had the guts of the government infrastructure ripped out of it quite unnecessarily. Actually, the invasion didn't damage that much. It defeated Saddam's army, they just took off their uniforms and melted into the civilian population and waited to see what happened. What happened was that Britain, unfortunately, as the junior partner in the coalition, effectively stood by while the Americans said right, we're going to come in, disband the army, disallow anyone who work in government or any managerial post to work again. The whole country imploded, which was a gift to the insurgents, people who had a grudge against the new system or order and therefore the country is in a far worse state than it need have been.

4 The complaint

The complainant was unhappy with the response the BBC Security Correspondent, Frank Gardner, gave to the question posed to him: "Over time when we look at Tony Blair and his policy on Iraq, what will stand out as time goes by?"

The complainant believed Mr Gardner concluded that "the Government has got it wrong about Iraq" and that this was a biased conclusion "coming down on one side of a controversial issue" and breached the guidelines on impartiality.

5 Responses from stage 1 (BBC Information) and stage 2 (Editorial Complaints Unit)

Stage 1

- “Frank Gardner, as our Security Correspondent, was looking at the security situation in Iraq and was asked to comment on what was likely to stand out when people looked back at Tony Blair and his policy on Iraq.”
- “Frank Gardner highlighted the problems the Government’s policy on Iraq had encountered, he did not categorically state ‘the Government has got it wrong about Iraq’.”

Stage 2

The ECU did not uphold on the complaint based on the following points:

- “Mr Gardner’s analysis of the situation in Iraq was based on extensive interviews, research and personal visits to the region. He also provided evidence to support his assessment; ... he explained how the disbanding of the Iraqi army and the decision to stop former Iraqi government officials taking any role in the new regime both contributed to the current instability in the country.”
- “BBC News has told me that Mr Gardner’s assessment reflects the view inside much of the Foreign Office and the British Army, and has not been contradicted by anyone in Government.”
- “The interview with Mr Gardner was just a part of the overall coverage of Iraq in this bulletin and should not be considered in isolation.”
- “Viewers would already have seen the introduction by the presenter and the news report by Paul Wood, and I think these have to be considered when judging whether the coverage was balanced.”

6 The complainant raised the following further points in his appeal to the ESC

- “To give people the information to make up their own minds, as per your guidelines, would have required the negative comment being balanced by putting the government line...”
- “Balance was not achieved through including a clip of Tony Blair’s press conference which ended with a summary of the government’s position, as the views of BBC correspondents tend to carry much more weight than the views of politicians.”
- “The inclusion of Blair’s comments may have provided some balance, but not SUFFICIENT balance in the context of an “impartial” BBC correspondent finding against him. I think it is this question of SUFFICIENT balance that the Trust should concentrate on.”

7 Complaints handling

The complainant raised an issue with how his complaint was handled at stage 1 of the complaints process, believing that the response avoided the point being made by denying that Frank Gardner used the exact words referred to in the complaint. The complainant has stated that although he used the phrase the “Government has got it wrong about Iraq” to reflect the sense of Frank Gardiner’s contribution he had not asserted that it was a direct quote.

8 Applicable editorial standards

Section 4 – Impartiality & Diversity of Opinion

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

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

In practice, our commitment to impartiality means:

- we can explore or report on a specific aspect of an issue or provide an opportunity for a single view to be expressed, but in doing so we do not misrepresent opposing views. They may also require a right of reply.
- we must ensure we avoid bias or an imbalance of views on controversial subjects.
- the approach to, and tone of, BBC stories must always reflect our editorial values. Presenters, reporters and correspondents are the public face and voice of the BBC, they can have a significant impact on the perceptions of our impartiality.
- our journalists and presenters, including those in news and current affairs, may provide professional judgments but may not express personal opinions on matters of public policy or political or industrial controversy. Our audiences should not be able to tell from BBC programmes or other BBC output the personal views of our journalists and presenters on such matters.

Achieving impartiality

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

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

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

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

Personal view and authored programmes and websites

Personal views can range from the outright expression of highly partial views by a campaigner, to the authored view of a specialist or professional including an academic, scientist, or BBC correspondent, to those expressed through contributions from our audiences. Each can add to the public understanding and debate, especially when they allow our audience to hear fresh and original perspectives on well known issues.

Content reflecting personal views, or authored by an individual, group or organisation, or contributed by our audiences, particularly when dealing with controversial subjects, should be clearly signposted to audiences in advance.

Personal view and authored programmes and websites have a valuable part to play in our output. However when covering controversial subjects dealing with matters of public policy or political or industrial controversy we should:

- retain a respect for factual accuracy.
- fairly represent opposing viewpoints when appropriate.

9 The Committee's decision

The Committee considered the complaint against the relevant editorial standards, including the BBC's values and other standards set out in the Editorial Guidelines. The Committee took into account all the material before it relating to the appeal: this included the submissions from all relevant parties to the complaint who were asked to comment on the material going before the Committee.

The Committee noted the complainant's concerns regarding the analysis provided by correspondent Frank Gardner on Tony Blair's policy in Iraq. It noted that the views expressed by Mr Gardner were based on his professional analysis of the situation in Iraq and were backed up by evidence to support his argument. For example, the Committee noted that he explained the reason for the ongoing instability in the country:

“What happened was that Britain, unfortunately, as the junior partner in the coalition, effectively stood by while the Americans said right, we're going to come in, disband the army, disallow anyone who work in government or any managerial post to work again.”

The Committee considered the comments were factually based. They did not attack the Government per se but raised the question of the policy of the coalition, particularly the US, in the aftermath of the defeat of Iraq's armed forces.

The Committee considered that Frank Gardner's contribution should be seen within the context of the whole item on Iraq. It was not the intention of the bulletin to set Frank Gardner's contribution in isolation from the previous filmed report nor did the Committee believe that viewers would have considered the studio contribution in isolation from the

earlier report. The Committee was therefore satisfied that the inclusion of a professional assessment of the legacy left by the Prime Minister met the BBC's requirement to ensure due impartiality on matters of political controversy. The comment by Frank Gardner provided an appropriate footnote to the comments expressed earlier in the filmed report. The Committee was therefore satisfied that the piece did not breach the guidelines on due impartiality.

As to how the complaint was handled, the Committee was satisfied that the reply provided at stage 1 of the process had been appropriate and timely. It did not consider that any further action was required.

Finding: Not upheld.

Communism and Football BBC Two, 14 June 2006

1 The programme

Description given online at <http://news.bbc.co.uk/sport1/hi/football/4892120.stm>:

Communism and Football, a new documentary on BBC Four, tells the fascinating story of how the Soviet authorities sought to exercise control over the national sport and use it for their own ends.

Throughout the 20th Century, the football grounds of Eastern Europe became battlegrounds as ruthless politicians tried to use football to lend legitimacy to communist rule.

2 The complaint

The complainant felt that the programme contained "several gross inaccuracies" and omitted important points in order to give a "negative view of the Soviet Union".

The points which make up the appeal from the complainant can be summarised in three parts:

- 1 The contribution from Mr Alexander Nilin early in the programme deliberately set out to present life in the Soviet Union under communism as a "gloomy and criminal place", as the words in Russian on the soundtrack did not match the on-screen subtitles. For example, the complainant stated that Mr Nilin said "life was very hard, for half the people" and the subtitles read "half the nation was in prison".

The complainant also raised two further points regarding Mr Alexander Nilin's contribution:

- There was no statistical basis for the claim that half the nation were in prison and that there was nothing to eat – and thus these comments should not have been included.
 - Alexander Nilin was not a scholar, but a journalist and writer.
- 2 The use of archive footage did not match the on-screen commentary and this also misled the audience. An example provided by the complainant stated that when the script referred to Lavrenti Beria, head of the KGB, by saying “he personally ordered the execution of the many thousands he considered to be enemies of the people”, the programme showed footage of people – women and children – being fired on by machine-guns, which the viewer would immediately think was commonplace in the USSR.
- 3 The tone and one-sided account of events in the Soviet Union in the period covered by the programme was “a primitive attempt to discredit the Soviet Union”. The complainant specifically stated:
- “[The programme was] an unbalanced and biased representation of both the successes and failures within the communist system with regard to football.”
 - “It is clear that the producer is attempting to use Beria’s image to present communist society as a gloomy criminal place where people played football because they had nothing better to do.”

3 Response from the BBC

(1)

- The programme used a number of professional translation companies to check that the words appearing on the soundtrack had been satisfactorily translated in the on-screen subtitles. A further check recognised that, although Mr Nilin’s comment that “half the nation were in prison” was adequately translated, these words were inadvertently edited out of the soundtrack.
- The programme thanked the complainant for identifying the omission and assured him that they would reinstate Mr Nilin’s words and ensure that if this film was repeated it would be corrected.
- The programme did not believe the omission was made in an attempt to mislead the public.
- “...it is common for factual programme makers to use interviewees who express their personal opinions in ordinary language and colourful phrases as a way to summarise a particular view or opinion.”
- “...the interviewee is offering an impressionistic description of life during a particularly difficult phase in Soviet history...” The phrase was not meant to be taken literally.
- “Alexander Nilin ... has written several critically acclaimed works on Soviet football and a history of Russian sport in the 20th Century...”

(2)

- “The BBC Editorial Guidelines are quite clear about the use of library material in News and Factual Output. They state that ‘We should not use library material of one event to illustrate another in such a way as to suggest the audience is seeing something it is not’.”

Looking at specific examples:

Rooftop footage:

- “I suspect that the vast majority of viewers are likely to have watched this very short sequence and understood that Beria ordered the execution of thousands ... without necessarily believing they were watching any specific execution.”

Firing squad:

- “I cannot find any evidence to support your claim that this ‘depicted atrocities against communist supporters the opposite of what was suggested on film’.”

Lavrenti Beria:

- “Pictorial representations of the many vicious acts Beria committed were difficult to find. After a detailed search of Russian and international archival sources the programme decided that the best way to represent the violence was to show Russian archive footage.”
- “...the facts it put forward are entirely based on sound evidence, well sourced and presented in clear language.”
- “The descriptions of Beria are shared by the vast majority of historical opinion. The descriptions of violence that took place in the early years of Soviet rule are historically accurate.”

(3)

- “I do not think ... that the producers of the programme deliberately set out to present Soviet communist society as a ‘gloomy, criminal place’ ... a film devoted solely to the brutality of the Gulag would have been a far more direct and effective way of delivering such an impression.”

4 Applicable programme standards

Section 3 – Accuracy

Introduction

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

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

We aim to achieve accuracy by:

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

Misleading audiences

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

Use of library material in news and factual output

When library material is used to illustrate a current issue or event it must be clearly labelled if there is any risk of misleading the audience.

We should not use library material of one event to illustrate another in such a way as to suggest the audience is seeing something it is not.

We should ensure that we do not give a misleading impression by using out of date library footage to illustrate our stories, for example of places, people or industrial production processes.

Section 4 – Impartiality and Diversity of Opinion

Introduction

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

In practice our commitment to impartiality means:

- we exercise our editorial freedom to produce content about any subject, at any point on the spectrum of debate as long as there are good editorial reasons for doing so.
- we can explore or report on a specific aspect of an issue or provide an opportunity for a single view to be expressed, but in doing so we do not misrepresent opposing views. They may also require a right of reply.
- we must ensure we avoid bias or an imbalance of views on controversial subjects.

Achieving impartiality

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

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

5 The Committee’s decision

The Committee considered the complaint against the relevant editorial standards, including the BBC’s values and other standards set out in the Editorial Guidelines. The Committee took into account all the material before it relating to the appeal: this included the

submissions from all relevant parties to the complaint who were asked to comment on the material going before the Committee.

The Committee noted that in the complainant's final submission he had withdrawn the complaints concerning the credentials of Alexander Nilin as a historian and the impression given of Soviet life by film-makers. The Committee therefore considered this complaint in two parts. First, it considered the issue of accuracy concerning the use of archive footage, and second, whether the use of language by Alexander Nilin when commenting on Russian society had been a breach of the guideline on impartiality and accuracy.

The Committee noted that the guidelines on the use of library material did not discriminate between its use in current or historically factual programming. The guidelines made it clear that:

“We should not use library material of one event to illustrate another in such a way as to suggest the audience is seeing something it is not.”

The Committee noted that in both pieces of archive at issue – the scene of the crowd being fired upon from the rooftop and the execution of two people by an impromptu firing squad – the programme did not introduce the footage as being of an event or representing an event being alluded to in the narration. The Committee noted the narrative which ran alongside the images:

VOICEOVER: Beria was one of the most vicious and powerful men in the Soviet Union. He personally ordered the execution of the many thousands he considered to be “enemies of the people”.

The Committee was therefore satisfied that the use of the library material was for the purpose of scene-setting, i.e. it provided a series of images that would establish a general location to contextualise the narrative within a period of history. It did not consider the footage had been used to represent a specific event concerning Lavrenti Beria.

The Committee acknowledged that in producing a documentary on the former Soviet Union, particularly when looking at incidents and events that occurred in the early part of the last century, there was a limited archive to illustrate specific events especially when considering the activities of individuals. It accepted therefore that the use of footage in this case was for illustration which enabled the programme makers to characterise the period and individuals within the narrative. It was not intended to be taken literally nor had the programme implied that the footage was associated with the individual being mentioned in the commentary. The Committee was satisfied therefore that the inclusion of the footage had not breached guidelines on accuracy.

As to the issue of the inclusion of Alexander Nilin's comment:

“In the Soviet Union football was the main entertainment. It occupied everything. It was like a religion!

Because life was very hard. Half of the nation were in prison.

In the countryside there was nothing to eat. And it was football which united everyone.”

The Committee was satisfied that the comment was not intended to be taken literally nor did it consider that the audience would have taken it seriously or have been misled into believing that the contributor was suggesting that half of Russia's population had been imprisoned or that there was nothing to eat in the countryside. The Committee was satisfied that the phrasing was an exaggeration made for effect to underline the point the contributor was making, and it did not therefore require a balancing comment. The Committee therefore agreed that the inclusion of the remark did not breach guidelines on impartiality or accuracy.

Finding: Not upheld.