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# Programme Complaints: Appeals to the Governors

The Board of Governors is responsible for overseeing the running of the BBC, to ensure that the BBC serves the public interest. We do this in a range of ways, such as setting key objectives and approving strategy and policy. Most importantly for this bulletin, we are responsible for monitoring the effectiveness of complaints handling by the BBC, including hearing appeals from complainants who are not happy with the responses they have received from management to serious programme complaints.

The Governors' Programme Complaints Committee is a subcommittee of five members drawn from the full Board of Governors. For a full account of our remit, please see the back page of this bulletin.

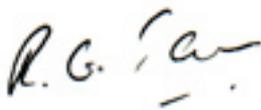
# Foreword by the Chairman of the Governors' Programme Complaints Committee

It is the job of the Governors' Programme Complaints Committee (GPCC) to ensure that complaints are properly handled by the BBC. In May, the GPCC undertook its first review of the new BBC complaints handling processes. (Details of the new arrangements can be found at [bbc.co.uk/complaints](http://bbc.co.uk/complaints)). Our findings were reported in the *BBC Annual Report and Accounts 2004/2005*.

We concluded that the new system was easy to access and well publicised. We also welcomed the performance on turn-around times, with divisions answering 93% of complaints within ten working days. We noted that BBC Information's performance was good but down slightly to 78% following a sharp increase in volume, and the GPCC was assured that steps were being taken to address this. We were satisfied by initial indications that the system was effective and informative.

This review is just one of a range of ways in which the GPCC maintains its oversight of BBC complaints handling. The Committee also takes appeals from individuals who have made an editorial complaint to the BBC Editorial Complaints Unit (ECU) or a Divisional Director, and who are not satisfied with the response they have received. These complaints are given careful consideration against the editorial values set out in the BBC Producers' Guidelines.

In the second quarter of this year, the Committee published findings on three appeals relating to fairness, impartiality and accuracy. It upheld two of those complaints in part (see pages 2–12) and another in full (see page 18).



Richard Tait  
Chairman of the Governors' Programme Complaints Committee

# Summary of appeals

## Matters of fairness, impartiality and accuracy

### **Innovation Nation**

BBC One, 12 November–17 December 2003

Appeal by Mr R Metcalfe and Ms J Davidson

This appeal related to a series of six programmes, *Innovation Nation*, broadcast between 12 November and 17 December 2003. The original complaint was subject to an investigation by the then Programme Complaints Unit (PCU), culminating in a response from the Head of Programme Complaints in September 2004. The complainants' appeal to the Governors' Programme Complaints Committee (GPCC) disputed the findings of the Programme Complaints Unit and raised a further complaint against the PCU.

The GPCC asked an independent adviser to conduct an investigation into the above complaint and to produce a report of her findings.

### **The programme**

*Innovation Nation* was the result of a joint initiative between the BBC and the National Endowment for Science Technology and the Arts (NESTA), to promote invention. An initial programme was broadcast in April 2003, inviting members of the public to put forward their ideas, with the chance of becoming one of three finalists who would be given expert guidance, support and funding to get their idea from paper to product. Around 5,000 responses were received, out of which ten were selected to go forward for consideration for the series. A panel of judges from the BBC and NESTA met on 21 August 2003 to select the final three teams who would take part in the series. The inventions chosen were the complainants' pen, with its revolutionary mechanism for putting ink on paper; a collapsible bin, which could be cleaned in the dishwasher; and leak-proof swimming goggles. The series followed the teams as they met with patent attorneys, design consultants, marketing experts, designers, retailers and manufacturers. A mentor was appointed to each team to guide them through the entire process, and all three were allocated design specialists at Leicester De Montfort University (DMU) to work on the development of proof of concept prototypes. At the live final, the bin team were voted the winners by the public, and awarded a £10,000 NESTA grant.

### **The complaints**

The original letter of appeal to the GPCC was later supplemented by a series of additional complaints. These complaints were submitted by the complainants once they were made aware of the BBC Producers' Guidelines. The original appeal was considered by the Committee in eight separate categories, primarily against the BBC Producers' Guidelines on Fairness and Straight Dealing, in particular section 3 which states:

*SECTION 3.1: GENERAL (para 2)*

*Wherever in the world the BBC operates contributors should be treated with fairness and respect.*

*SECTION 3.2: FAIR DEALING*

*Programmes should be based on fairness, openness and straight dealing. This is important to everyone involved. It reflects concern for the interests of the programme, the interests of the people who appear in it and the interests of the audience. All these interests are important, although none of them is automatically more important than the others.*

*From the start, programme makers should be as clear as they can be about the nature of the programme and its purpose. Unless there are special and legitimate considerations of confidentiality they should be open about their plans, and honest with anyone taking part in a programme.*

*Fairness to contributors: Contributors may be unfamiliar with broadcasting. Processes and assumptions that a professional may regard as obvious may not be shared by a layperson.*

*Whether they are public figures or ordinary citizens, contributors ought to be able to assume that they will be dealt with in a fair way. They should not feel misled, deceived or misrepresented before, during or after the programme, unless there is a clear public interest, when dealing with criminal or anti-social activity. Contributors have a right to know:*

- *what a programme is about*
- *what kind of contribution they are expected to make – an interview or a part in a discussion, for example. If invited to take part in a debate or a discussion they should be told in advance about the range of views being represented, and wherever possible, who the other participants will be*
- *whether their contribution will be live or recorded and whether it will be edited. They should not be given a guarantee that their contribution will be broadcast, but nor should we normally record a substantial contribution unless we expect to use it*

The eight additional complaints were considered primarily against several different guidelines outlined below.

### **Complaint 1**

The programmes deliberately misrepresented the writing ability of the prototype made by the complainants:

- Programme 1 deliberately misrepresented the ability of the complainants' prototype to work at a meeting with their patent attorneys on 30 July 2003, by stating that there was a problem getting it to work.
- Programme 2 compounded the misrepresentation by showing the pen struggling to work and stating it to be "up to its old tricks".

### **PCU response**

This part of the complaint was upheld by the PCU. It was upheld on the grounds that the prototype made by the complainants had in fact worked for 80% of the time at the meeting at the patent attorneys' offices. Accordingly, programme 1 gave an unfairly negative view of the pen by showing it failing to write, and including the line of commentary "but there's a problem". This was compounded by the commentary in programme 2 that "their pen is up to its old tricks".

The Committee noted that this part of the complaint had already been upheld by the Programme Complaints Unit and so did not need to consider it further.

### **Complaint 2**

The series was biased against the complainants by:

- failing to show the research they had carried out to prove that many children suffer pain when writing
- including in programme 2 a great deal of research carried out by the other teams and very little carried out by them
- failing to mention/stress the pen's benefits
- including an uneven number of vox pops in programme 6
- asserting that footage of them visiting a branch of WH Smith was research when in fact it was not
- falsely representing them as lazy

## **PCU response**

- There was no evidence to suggest that the production team set out to do anything but give all three finalists a fair and equal chance to develop their inventions.
- The complainants changed the parameters of their invention after they had been selected as finalists: what had begun as a design and manufacturing challenge became a marketing-driven exercise.
- Coverage of research in programme 2 was balanced by programme 3.
- The pen's benefits as stated by the complainants were not proven.
- The allegation concerning the impression of laziness was rejected.

## **The Committee noted that:**

- Research carried out by the complainants was featured in the series, in programme 3 and the live final, although sequences of footage in the final from a primary school and at WH Smith, which was previously unbroadcast, had been included to address the concerns of the complainants. However, the overall impression in the series as a whole was that some research was carried out by all three teams.
- The programme did explain how the pen would be easier to write with, but did not explain the mechanics of how it worked.
- The vox pops were supplemented in the programme by a number of celebrity endorsements. Although the number of vox pops and endorsements varied between all three teams, it was not apparent from the relatively large number of comments included that any one team was more favoured than another.
- The image of the pen team reading the paper while the other teams were working on their own prototypes was not an indication of laziness, but showed that the pen team – already having made a prototype – were in fact ahead of the other two teams.

## **The Committee concluded that:**

- Although the complainants' research did not feature throughout the series in the order in which it actually took place, looking at the series as a whole the research was not unfairly represented nor was it treated differently when compared with that of the other teams. The footage of the complainants at WH Smith was indicative of the type of research that had been carried out, and did not therefore amount to unfairness. There was no evidence of bias.
- The fact that the programme team took the decision not to focus on how the pen worked was not unfair.
- The inclusion in the vox pops of more positive comments for the bin team did not result in any unfairness.
- The accusation of portraying the pen team as "lazy" was an interpretation by the complainants which was not supported by the broadcast programme.

The Committee also considered here the accusation by the complainants that producer Kate Beetham was dishonest in her letter of 18 February 2004, which stated that the psychometric testing undergone by the teams had been done with the agreement – not at the insistence – of the mentors. The Committee concluded that there was no evidence to support the claim that Kate Beetham had acted dishonestly or lied to the complainants.

The complaint was not upheld.

## **Complaint 3**

It was unfair to test the first (green) prototype produced by DMU when:

- the prototype was known to be faulty and would leak
- the bin team had been given more time because their prototype was not ready
- the complainants' said that the testing was carried out "behind our backs"

- the reason for the failure of the prototype was concealed from the viewers
- the complainants were promised that it would be clear that the reason why the prototype did not work at the WH Smith presentation was beyond their control, but that promise was not kept
- the prototype did not conform to the complainants' patent

### **PCU response**

There was no evidence to suggest that the production team set out to do anything but give all three finalists a fair and equal chance to develop their inventions.

### **The Committee noted that:**

- There was no evidence to indicate that the production team knew that the green prototype was faulty, nor that they intended to show the pen in a bad light. Although other footage did exist of the pen not performing well in some tests, this was not broadcast.
- The bin team were given the same amount of time to work on their prototype, and DMU continued to work on modifications to the pen prototype right up until the live final.
- The production team chose to treat everyone working on each of the three projects as one team, including the designers at DMU. No distinction was made therefore between the various individuals contributing to the invention as a whole.
- The production team had promised in an email dated 3 November 2003 that the fact that the green prototype was not working would be explained to the viewers to be beyond the complainants' control.

### **The Committee concluded that:**

- The use of the green prototype in testing did not result in any unfairness to the complainants.
- The fact that the pen team was not invited to the testings was not unfair, nor was the programme team's decision not to explain on air why the pen was not working.
- The production team had led the complainants to believe that it would be made clear on air that the faulty pen was beyond their control. In its response to the independent adviser's report, the programme team had maintained that this had been the case. The Committee took the view, however, that this undertaking had not been adequately fulfilled in the transmitted programme. The Committee judged that this had been unfair to the complainants.

This aspect of the complaint – that the programme did not make clear, as promised, that the reason why the prototype did not work at the WH Smith presentation was beyond the complainants' control – was upheld.

### **Complaint 4**

The second (black) prototype:

- was known by the production team to be performing poorly, but they failed to pass this information to the complainants prior to the presentation at Parker
- was easily fixed by the complainants but this was never explained to the viewers

### **PCU response**

The Head of Programme Complaints found no evidence to suggest that the production team set out to do anything but to give all three finalists a fair and equal chance to develop their inventions.

### **The Committee noted that:**

- The unedited footage of the meeting between the complainants and a member of the production team, Robin Leach, contradicted the complainants' description of what had been said.
- There were three days between the handing over of the black prototype and the Parker presentation.
- The broadcast programme did not explain that the black prototype was fixed by the complainants.

**The Committee concluded that:**

- There was no evidence that the production team deliberately withheld information from the complainants.
- Omitting the fact that the complainants themselves fixed the black prototype did not result in unfairness to them.

The complaint was not upheld.

**Complaint 5**

Two separate complaints arose in connection with the pen manufacturer Parker during the production of the series:

- Programme 2 falsely claimed that the complainants were pinning their hopes on Parker.
- The production team pushed the complainants into meeting with Parker, only to attempt to sabotage that meeting.

**PCU response**

- The production team had good reasons to believe the complainants had been pinning their hopes on Parker.
- There was no evidence that there had been an attempt to sabotage the Parker meeting.

**The Committee noted that:**

- The complainants were portrayed in the series as being keen to develop a relationship with the pen manufacturer Parker.
- There was no evidence to suggest that the production team had tried to sabotage the meeting with Parker.

**The Committee concluded that:**

- Although the programme in question may have somewhat exaggerated the complainants' keenness to join up with Parker, perhaps for dramatic effect, it did not make them appear "ignorant" or "dogmatic" as they claimed, but did appear reasonable in the circumstances, and was not unfair.

The complaint was not upheld.

**Complaint 6**

In respect of the meeting at the company IDEO on 9 September 2003:

- Programme 2 was unfairly edited to give the (false) impression that the complainants were incapable of forming a working relationship with other skilled professionals.
- It was unfair to include in programme 2 IDEO's observation that the complainants were "closed minded".

**PCU response**

The IDEO meeting was fairly edited and IDEO's comments were balanced by the complainants' own postmeeting comments.

**The Committee noted that:**

- The unedited footage of the meeting showed that the complainants saw little point in the meeting and felt it had achieved nothing.
- Programme 2 included dismissive comments from one of the complainants that IDEO had no imagination to understand his invention.
- The comment by the member of the IDEO team that the complainants were "closed minded" was balanced in the programme by their own view of the IDEO meeting.

### **The Committee concluded that:**

- The programme was not unfairly edited, but included uncomplimentary comments from both IDEO and the complainants. Neither these comments nor the programme led to the impression that the complainants would be incapable of forming a working relationship with other skilled professionals.

The complaint was not upheld.

### **Complaint 7**

A major part of the original complaint concerned DMU's role in developing a prototype of their invention, in particular:

- their ability to produce a working prototype which conformed to the complainants' patent
- their design for the pen casing, which the complainants claimed was in breach of copyright of an existing pen

### **PCU response**

The PCU spoke to DMU and considered that they had more than adequate responses to the complaints made against them. In terms of DMU's selection, the Head of Programme Complaints considered their credentials and could see nothing wrong in choosing them.

### **The Committee noted that:**

- It had no way of further investigating the relationship between DMU and the complainants. There was, however, evidence to demonstrate the steps taken by the production team to identify an organisation that was reputable and well respected and that the BBC was right to rely on this reputation and expertise.
- There was no reason to believe that DMU did not work with professionalism and commitment for all three teams.
- In a letter to the Head of Programme Complaints, DMU completely rejected the accusations of incompetence and dishonesty.
- It was unclear how much information was given to the complainants regarding what they might expect in terms of a working prototype. Explaining clearly what participants should expect was crucial.

### **The Committee concluded that:**

- There was no evidence to support the complainants' allegations about DMU.
- The Committee was not able to make a judgement about what did or did not conform to a patent. Whether it did so or not did not necessarily indicate that the complainants had been treated unfairly. The Committee had no reason to believe that DMU had not acted to the best of its ability and in good faith.
- The Committee was not able to make a judgement about the alleged copyright infringement, which was an issue of law for determination by a court.

The complaint was not upheld.

### **Complaint 8**

The complainants alleged that a member of the production team had told them, on the day the three finalists were selected, that the pen had been the most controversial choice. This part of the complaint was central to the complainants' allegation of bias and prejudice, which they perceived had existed from the start of their involvement in the series.

### **PCU response**

There was no evidence to suggest that the production team had set out to do anything but give all three finalists a fair and equal chance to develop their inventions.

**The Committee noted that:**

- The production team, DMU and IDEO all expressed reservations about the pen.

**The Committee concluded that:**

- These reservations were not indicative of bias and prejudice on the part of the production team and other organisations taking part in the series, and the Committee did not find any evidence that such bias existed.

The complaint was not upheld.

**Complaint against the Programme Complaints Unit**

The complainants, in their appeal letter to the GPCC dated 2 November 2004 (and subsequent letters dated 10 November and 7 December 2004), claimed bias on the part of the Head of Programme Complaints for finding that:

- the pen was the most complex of the three finalists and he was not therefore surprised to see that, compared to the others, it made less progress
- the pen set both development and manufacturing challenges

**The Committee concluded that:**

- Comments by the Head of Programme Complaints did not amount to bias. There was no evidence to suggest that the PCU investigation had been prejudiced.

The complaint was not upheld.

**Additional complaint 1**

The complainants alleged that while travelling to the WH Smith presentation, the production team had continued to question them with the camera pointed away but still running. They cited this as an example of surreptitious recording which would be a breach of the BBC Producers' Guidelines:

*SECTION 5.1: SURREPTITIOUS RECORDING – GENERAL PRINCIPLES*

*The BBC's use of hidden cameras and microphones are governed by the principles set out in Chapter 4: Privacy. We should operate within a framework which respects people's right to privacy, treats them fairly, yet allows us to investigate and establish matters which it is in the public interest to know about.*

*Surreptitious recording should not be used as a routine production tool, nor should it be used simply to add drama to a report.*

**The Committee concluded that:**

- There was no evidence from the unbroadcast footage that surreptitious recording had taken place.

## Additional complaint 2

The complainants alleged unfair editing:

- In programme 5, one complainant was seen to ask how anyone could compare the pen to the bin, when in fact the question she actually posed was how anyone could compare the pen to the bin or the goggles. The complainants alleged this was unfair, in that it implied that the complainant held a grudge against the bin team.

This complaint was considered against Section 13.8 of the Producers' Guidelines:

### *SECTION 13.8: INTERVIEWING – EDITING A RECORDED INTERVIEW*

*When an interview is recorded for later editing, interviewees should be dealt with fairly. This includes telling them that their contribution will be edited. ... Care should be taken to reflect in the edited programme the points of substance made by the interviewee in the full recording. Choosing only the weaker responses of an interviewee in preference to effective rebuttal is unfair. Overall, a reasonable person, seeing or hearing an interview both in full and in edited form, should conclude that it has been edited fairly.*

### **The Committee concluded that:**

- Unedited footage showed that the complainant had made comments about both the other teams. However, the way in which the interview had been edited made little difference to the impression the viewer would have taken away of the complainant.

The complaint was not upheld.

## Additional complaint 3

The complainants complained of several instances where they were not treated honestly and fairly by the production team. Their complaints centred on the production team's decision to include certain filmed sequences and exclude others.

This complaint was considered against the following sections of the Producers' Guidelines:

### *SECTION 2, PART 1.1: IMPARTIALITY – GENERAL (first para)*

*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 be open-minded, fair and show a respect for the truth.*

### *SECTION 2, PART 2.7: ACCURACY/STAGING AND RE-STAGING EVENT*

*Factual programmes should always present a fair and accurate picture of the situations they portray. Audiences should never be misled by what they see or hear in a programme...*

*Commentary must always respect the truth and should never be used to give the audience a dishonest impression of events...*

*In judging what is acceptable and unacceptable practice in factual programmes, programme-makers must ensure that:*

- *programmes truthfully and fairly depict what has happened*
- *programmes never do anything to mislead audiences...*

### *SECTION 3.1: FAIRNESS AND STRAIGHT DEALING – GENERAL (para 2)*

*Wherever in the world the BBC operates contributors should be treated with fairness and respect.*

### *SECTION 3.2: FAIRNESS AND STRAIGHT DEALING – FAIR DEALING*

*Programmes should be based on fairness, openness and straight dealing. This is important to everyone involved. It reflects concern for the interests of the programme, the interests of the people who appear in it and the interests of the audience...*

*Fairness to contributors: Contributors may be unfamiliar with broadcasting. Processes and assumptions that a professional may regard as obvious may not be shared by a layperson...*

*Whether they are public figures or ordinary citizens, contributors ought to be able to assume that they will be dealt with in a fair way. They should not feel misled, deceived or misrepresented before, during or after the programme, unless there is a clear public interest, when dealing with criminal or anti-social activity...*

*Contributors to both factual and entertainment programmes should not be patronised or exploited, nor should we be seen to humiliate them (see also Chapter 22: Game Shows and Competitions)...*

*Contributors should feel they have been treated decently by the BBC in all our dealings with them, throughout the production process.*

### **The Committee noted that:**

- All three teams were shown at some stage suffering setbacks. Showing that the pen was leaking was a matter of fact. However, not to point out that the goggles leaked – when they were supposed to be leakproof – demonstrated unequal treatment of the two teams.
- The complainants claimed that the sequences involving the presentations at WH Smith and IKEA were edited to make them appear as if they were made by their mentor. These presentations were conducted by the complainants.

### **The Committee concluded that:**

- It was clear by the end of the series that the pen team had a successful working prototype. It was not partial to show during the series that the pen had some problems with leaking, although the fact that the goggles were not highlighted as leaking demonstrated an informal approach to the handling of the different teams. (See additional complaint 5.)
- It was reasonable for the production team to treat all the individuals working on the pen project as a team and there was no evidence that there was bias on the part of the production team in showing clips of the mentor during the meeting.

The complaint was not upheld.

### **Additional complaint 4**

The complainants further complained that they were humiliated during the live final and on other occasions during the production of the series. They felt that:

- The live final portrayed them in a much better light than any of the edited programmes. Accordingly the five pre-recorded programmes had been edited to show them at their worst.
- The presenter, Craig Doyle, “assaulted” one of the complainants by toying with his beard and “punching” him on the chin.
- The presenter accused the complainants of stealing from Buckingham Palace.
- The makeover sequence in programme 4 had made the complainant look undignified.

This complaint was considered under the same sections of the Producers’ Guidelines as additional complaint 3.

### **The Committee concluded that:**

- The pen team were treated no differently by the presenter to the other teams during the live final.
- The makeover sequence in programme 4 was no more or less undignified than the marketing challenges that the other teams took part in – the lift or the market pitches. There was no evidence of bias on the part of the production team in including this sequence.

## Additional complaint 5

The complainants highlighted the section of the BBC Producers' Guidelines dealing with game shows and competitions. They asked why they were not notified of any rules.

### *SECTION 22.1: GAME SHOWS AND COMPETITIONS – GENERAL (para 1)*

*Game shows, quizzes and viewer or listener competitions should be conducted in a manner which is fair, honest, legal and decent.*

### *SECTION 22.7: GAME SHOWS AND COMPETITIONS – ORGANISATION OF COMPETITIONS*

*The BBC must ensure that any game show or competition is organised in a proper manner which would bear public scrutiny.*

### *SECTION 22.9: GAME SHOWS AND COMPETITIONS – ENTRY FORMS AND RULES (final para)*

*Any game show or competition must have clear rules which conform to legal requirements. The rules and terms of entry to any competition should be checked with the Programme Legal Advice department.*

#### **The Committee noted that:**

- The initial programme in April 2003 and the entry form described *Innovation Nation* as a competition.
- The final programme culminated in a live vote with a “winner”.

#### **The Committee concluded that:**

- Editorial Policy was entitled to advise the production team that *Innovation Nation* was not a competition under the terms of the BBC Producers' Guidelines.
- The complainants and the other participants were given a set of rules, although these were not sufficiently detailed for crucial parts of the production process, given how seriously the participants took the contest for the prize.
- The overall sense from the complainants that they did not know what to expect led to an atmosphere of mutual suspicion. Clearer rules consistently applied and clearly communicated might have avoided the misunderstandings and mismatch of expectations which led to this complaint.
- However, the production team did (with the exception of the two incidents where the PCU and GPCC upheld the complaints) abide by the Producers' Guidelines in terms of treating the complainants fairly; and although it would have been better for the programme to have had tighter rules, the spirit of the BBC's guidelines on competitions was observed in that the way in which the programmes were conducted was fair, honest, legal and decent.

The complaint was not upheld.

## Additional complaint 6

The complainants pointed out that members of the production team started filming in the reception area at Parker's headquarters and were asked to stop. They complained on the grounds that the production team had not sought permission to film on private property.

#### **The Committee noted that:**

- The production team did not intentionally film on private property without permission and stopped as soon as they were asked to do so.

The complaint was not upheld.

### **Additional complaint 7**

In respect of the production team's conduct throughout the production of the series, the complainants complained that:

- When filming at Bluewater Shopping Centre on 25 October 2003, they complained about the quality of the first (green) prototype produced by DMU, and Robin Leach, a member of the production team, accused them of ingratitude and told them they could expect nothing better.

#### **The Committee noted that:**

- Robin Leach said he had indeed accused the complainants of ingratitude, as he felt their comments about DMU were unjustified. However, there was no evidence to suggest that the complainants had been guaranteed a working prototype by the live final as they had suggested.

The complaint was not upheld.

### **Additional complaint 8**

The PCU's investigation took five months to complete and was an extremely stressful experience for the complainants.

#### **The Committee noted that:**

- Given the complexity of the case and the seriousness of the complaints, the Committee felt that the PCU had not taken an unreasonable amount of time to investigate. They also noted that the complainants were informed at regular intervals of the progress of their complaint.

The complaint was not upheld.

## Real Story

BBC One, 22 November 2004

The complaint to the Head of Programme Complaints maintained that the programme was “an utterly biased, scurrilous and ill informed piece of journalism. It was sexist propaganda which did not attempt to investigate the real truths behind the tragedy of child contact issues and domestic violence in a fair, professional, rational and impartial manner.”

In particular the complainant maintained that:

- Nowhere did the programme attempt to investigate the situation of men who are victims of domestic violence by their female partners and are then denied contact with their children.
- Nowhere did it attempt to investigate the plight of children who are left with violent mothers.
- Nowhere did it attempt to uncover the false allegations made by mothers who use domestic violence allegations to isolate children from their paternal family.
- Nowhere did it seek to expose the women’s groups that support violent women and train them in how to manipulate the courts.
- The programme clearly set out to smear Fathers4Justice (F4J) as its sole aim.
- The programme sought to show that violent fathers are at the heart of the F4J organisation and yet the programme produced “not one shred of evidence” to support this claim.

In responding, the Head of Programme Complaints used the following phrase to summarise this complaint: that the programme “did not attempt to investigate the real truths behind the tragedy of child contact issues and domestic violence in a fair, professional and impartial manner”.

The Head of Programme Complaints did not uphold the complaint and cited the following reasons for this decision:

- The programme producer, Mike Lewis, told him: “The programme was made in the shadow of recent Fathers4Justice stunts highlighting how thousands of fathers each year end up being denied proper contact. This is an issue that has been thoroughly explored in the media over the past twelve months. In the programme, F4J spokesman Matt O’Connor outlined the reasons for the growth in F4J’s campaign and that, in F4J’s view, thousands of children are denied proper contact with their fathers. This was also reflected in the programme introduction. However, we tried to be clear that this programme was not looking at the overall access debate but the specific issue of how the courts handle access cases in which the father has been accused of violence. This area has not been covered so extensively, but is controversial because some women’s rights groups are opposed to Fathers4Justice’s campaign of standing up for the rights of fathers, including those with past allegations of violence.”
- It was appropriate for a programme to focus on one aspect of an issue, provided this was clearly flagged, as had been the case in this programme.
- Other BBC programmes had looked into different aspects of the results of family breakdown. In the week *Real Story* went out alone, both *The Moral Maze* and *Woman’s Hour* on Radio 4 had discussed parental rights. The overall approach was to provide a balance of coverage over time.
- The programme did not seek to deny that women can be violent too, as was acknowledged in both the introduction (“fathers and some mothers” might have “a history of domestic violence”) and a later reference in the commentary (“Fathers4Justice insist women can be violent too. But they believe the real issue is that father’s rights are being overlooked.”). The programme producer had explained, however, that the programme’s focus was on the issues raised by the current F4J campaign. The overall debate about violent parents was complicated, with figures being confused by the relative degree of violence experienced by different sexes. This warranted a programme in its own right, but was not central to the specific area which *Real Story* was investigating.
- The programme set out to look closely at F4J, taking care to point out that this was one organisation campaigning around one issue, and ensuring that its representative had adequate opportunity to respond to the criticism made.

The complainant appealed to the Governors' Programme Complaints Committee (GPCC).

### ***The Committee's decision***

This complaint was considered at the GPCC meeting on 23 March 2005, with further discussion at the GPCC meeting on 28 April 2005.

The Committee considered first whether the programme had clearly stated its purpose and focus, and whether the content had been consistent with its stated aim.

The Committee noted there were three key elements to the signposting for this programme:

- The subtitle 'Families don't need Violent Fathers'.
- The *Radio Times* billing: "Real Story with Fiona Bruce ... investigating how violent men have infiltrated the campaign group Fathers 4 Justice".
- The programme introduction by Fiona Bruce:  
*"Tonight, could the campaign to improve fathers' rights be putting children in danger? Recent high-profile stunts, like the man who handcuffed himself to children's minister Margaret Hodge last Friday, have highlighted the fact that every year thousands of fathers end up being denied proper contact. Groups like Fathers4Justice are campaigning for equal contact for both parents. But what about the rights of fathers, or some mothers, who have a history of domestic violence? Could the battle to give all estranged parents equal access actually be putting some children in danger?"*

The Committee considered that the introduction had provided the most accurate summary of the content, in that the programme was actually about child protection, and had commented on the fears that children's safety might be compromised by new rules on access.

The Committee noted some confusion over the intention of the programme, and discussed the alleged discrepancy between the assertion in the *Radio Times* billing that violent men had infiltrated F4J, and the evidence provided in the programme. The Committee asked for more information on this matter, and the opportunity to review the complaint further at the GPCC meeting on 28 April 2005 (see below).

The Committee next discussed whether it was legitimate for the programme to focus, as it had done, on one aspect of the wider debate on parental rights and access. It noted key sections of the BBC Producers' Guidelines in relation to due impartiality in factual programmes. In particular (especially relevant points are underlined):

*A factual programme dealing with controversial public policy or matters of political or industrial controversy will meet its commitment to due impartiality if it is fair, accurate and maintains a proper respect for truth. A programme may choose to explore any subject, at any point on the spectrum of debate, as long as there are good editorial reasons for doing so. It may choose to test or report one side of a particular argument. However, it must do so with fairness and integrity. It should ensure that opposing views are not misrepresented.*

*There will be times where a wide range of views is appropriate, and times when a narrow range is acceptable. The key is for programme makers to be fair to their subject matter, and to ensure that right of reply obligations are met.*

The Committee judged that the programme had been appropriately framed against these requirements. The Committee also reviewed the programme against the BBC's journalistic values, set out in the revised BBC Producers' Guidelines:

- Truth and Accuracy
- Serving the Public Interest
- Impartiality and Diversity of Opinion
- Independence
- Accountability

The Committee concluded that there were some weaknesses in the programme when considered against these values, but it still made a valuable contribution to the debate on parental rights. Overall, the Committee did not think that these matters were sufficient to constitute a serious breach of editorial standards.

### **Further discussion (28 April 2005)**

At the GPCC meeting on 28 April 2005, the Committee discussed the further information to be brought to the Committee about one aspect of the complaint, namely that:

- The programme sought to show that violent fathers are at the heart of F4J and yet the programme produced “not one shred of evidence” to support this claim. This included the alleged discrepancy between the *Radio Times* billing and the content of the programme.

In relation to the *Radio Times* billing in particular, the Committee noted four aspects of the programme which were relevant to this complaint:

- 1 The evidence given in the programme by the woman “Sue” who claimed to have a violent husband (now an active member of F4J).
- 2 The claims by Harry Fletcher of the National Association of Probation Officers, who represents court workers, that he had a log of hundreds of threats and complaints from people (some claiming to be from F4J) who deliberately try to intimidate court officials.
- 3 The reference to the NSPCC and Women’s Aid having spoken to the programme and saying they had received death threats from people purporting to be from F4J. This included a representative of Women’s Aid saying that F4J tactics have been intimidating.
- 4 The questioning at length of Matt O’Connor about F4J’s attitude to its high-profile members who had convictions for domestic violence, and his failure to refute the assertions put to him, as in the following:

*FIONA BRUCE: Then why do you have members, high-profile members of your campaign who have convictions for domestic violence, if you condemn it?*

*MATT O’CONNOR: We can’t undo what has happened to people in the past. We can’t say all we’re talking about is good, loving parents.*

*FIONA BRUCE: But these are fathers who have convictions for domestic violence, or for assault, or for harassment who are prominent members of your organisation. How can you justify that?*

*MATT O’CONNOR: We are a cross-section of society; it is about the principles, not about the person.*

The Committee judged that the programme had provided appropriate and balanced information around the allegation that violent men had infiltrated F4J.

The appeal was not upheld.

## Yasser Arafat – The Struggle for Palestine

BBC Two, 13 November 2004

The complainant stated that the above programme presented by Jeremy Bowen was biased and impartial.

In particular, he complained that:

- The programme referred to Israel declaring independence and the creation of hundreds of thousands of refugees, but failed to mention the intervening invasion of Israel by five Arab nations in defiance of the UN 1947 resolution creating Israel and a state of Palestine.
- The programme referred to the 1967 war without saying this was a consequence of acts of war by Nasser.
- The narrative portrayed Israel as the aggressor.
- The programme quoted Palestinians and “international observers” as accusing Israel of a war crime in their attack on Jenin. In reality the Jenin incursion was aimed at the murderers of 27 elderly Israelis at a seder in Netanya. A UN investigation reported previously by the BBC concluded there was no massacre and no war crime.

The Head of Programme Complaints did not uphold the complaint on the grounds that:

- In general, as an obituary for Yasser Arafat who had died two days earlier, the programme maintained a sceptical tone throughout. It made clear he was a deeply flawed individual and ran a corrupt regime. Even though he was elected Palestinian leader, “he gave plum jobs to friends and used patronage and payoffs to stifle dissent. He ruled like a medieval potentate.”
- On the reference to Israel’s independence, the programme said: “In 1948, Israel declared its independence. During the war that followed, more than eight hundred thousand Palestinians became refugees as their lands and homes were seized. Palestinians call it ‘the Naqbah’ – the catastrophe. One young man who fought the fledgling state was Yasser Arafat. The Palestinian defeat was to give him his life’s mission.” The programme did not make any attempt to say which side was the aggressor. Jeremy Bowen had replied to a letter from the complainant saying that there are differing and incompatible accounts of the period. The Head of Programme Complaints felt therefore that this simple recitation of the facts was appropriate.
- The passage relating to the 1967 war again was simply factual. It referred to “Palestinian fighters ... mounting small raids into Israel”, and said that President Nasser was contemplating war with the country.
- The Head of Programme Complaints examined the events leading up to the incursion into Jenin. He concluded that although the immediate trigger had been the Netanya bombing, Operation Defensive Shield was not to “catch murderers” as the complainant said, but part of a wider military operation which the Israeli Government saw as a war.
- The programme said: “The Israeli attack on Jenin reduced the refugee camp to rubble and left many dead. The Palestinians – and international observers – called it a war crime. But to the US and Israel it was Arafat who was the war criminal. As suicide bombings claimed more and more Israeli lives, President Bush made it clear that Arafat should go.” The UN investigation made no determination as to whether war crimes had been committed. Human Rights Watch and Amnesty International both concluded that war crimes had been committed.
- Overall the programme adopted a sufficiently sceptical tone and sufficient criticism of Mr Arafat to ensure a balanced approach.

### *The Committee’s decision*

This appeal was considered against the BBC Producers’ Guidelines on accuracy and impartiality, including Chapter 2 Part 2 on accuracy, and Chapter 2 section 2 on due impartiality which states that:

*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. ... 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.*

The Committee also considered Chapter 2 section 3.2 on news programmes, which refers to standards for news programmes and reporting and the coverage of matters of industrial and political controversy.

The Committee considered the first two aspects of the complaint, namely that the omission of certain historical facts had amounted to bias on the part of the programme. The Committee concluded that the narrative of the documentary sought to set out what happened, not why certain events had happened, and in this case it was therefore not unreasonable or a breach of the BBC’s guidelines on impartiality not to include further historical context.

Next the Committee considered the complaint that it was biased to include in the programme references to Jenin as a “war crime.”

This is what Jeremy Bowen said in his commentary: “The Palestinians – and international observers – called it a war crime. But to the US and Israel, it was Arafat who was the war criminal”.

The Committee noted that Jeremy Bowen in this passage was reflecting different views on what happened in Jenin. The phrase “war crime” was attributed to Palestinians and to international observers, and reflected the claims that were made at the time. The Committee also noted that the commentary had balanced a Palestinian allegation – that Jenin was a war crime – with an Israeli one – that Arafat was a war criminal.

The Committee could find no evidence that the programme portrayed Israel as the aggressor, but instead thought it presented a balanced view of the life of Yasser Arafat.

In considering the appeal the Committee judged the programme against the BBC’s obligations to be accurate and impartial. The Committee felt that the programme was not in breach of the BBC’s editorial guidelines and standards. It also could find no evidence that the programme portrayed Israel as the aggressor, but presented a balanced view of the life of Yasser Arafat.

The complaint was not upheld.

# Appeals about the complaints handling by the Editorial Complaints Unit

## Campbeltown

BBC Two, 31 August 2004

### Original complaint

The complainant was one of nine people to complain to the Programme Complaints Unit about the programme *Campbeltown*. The programme was billed as “an intimate portrait of small-town life which follows the lives of four teenagers growing up in Campbeltown, an isolated town set within the beautiful surroundings of Kintyre on the west coast of Scotland. It has little to offer its young; its old industries are now barely viable, there’s no swimming pool and the cinema is shut on a Friday night. These teenagers are faced with trying to find work locally or leaving for a new life elsewhere.”

The complainant maintained that the programme was “deliberately dishonest and misleading”, and that the programme maker (Mr Wivell) had a “predetermined agenda” to show that “living in a small town is a dead end experience and chose sequences which demonstrated that and omitted sequences which contradicted that viewpoint”. The complainant then cited examples of the ways in which the programme had depicted negative elements of the lives of the four teenagers, and omitted positive references. For example:

- Quoting from a local newspaper, the complainant cited the example of one participant in the programme who said: “What I said was picked out as the only negative thing I said on or off camera ... the piece that made the final programme was only part of a much longer and more positive conversation.”
- Another (Donny Brown) was portrayed as a “dead end kid”, and the programme made no reference in commentary to his skill as a drummer, and that he had subsequently gained an apprenticeship with the Forestry Commission.
- No reference was made to the fact that the two female teenagers featured had places at University.
- The efforts of the young people in raising money for Comic Relief were filmed but not shown.

### Finding by the Head of Programme Complaints on *Campbeltown*

The Programme Complaints Unit received nine letters about the programme, which broadly complained that the programme gave an unfair and misleading impression of the town and its young inhabitants (PCU bulletin October–December 2004).

The Head of Programme Complaints upheld the complaint. In particular he said that:

- The producer did not intend the programme to be a portrait of Campbeltown. His intention was to shed light on the lives, attitudes and concerns of a group of teenagers in a small, remote town. The film was an “authored” documentary, and the fact that it was Campbeltown was incidental.
- However the title of the programme, the opening announcement and the *Radio Times* billing all suggested that the particular circumstances of Campbeltown were more than incidental, and that the venue was part of the focus of the programme’s interest.
- While the portrait was not entirely negative, the opening announcement gave a good indication of the impression viewers were likely to form: “An intimate portrait of life for young people in an idyllic but isolated place, now on BBC Two. There’s strong language, and if you ever thought moving to the countryside might give your kids a better chance in life, this might make you think again.”
- Insofar as viewers took the film as a commentary on Campbeltown itself, the impression they would have formed would have been unduly negative.

### Further correspondence

Responding to the finding, the complainant maintained that his complaint concerned the misleading portrayal of the four young people involved, rather than the town itself.

The Head of Programme Complaints replied.

- He apologised if he had “somewhat missed” the thrust of the original complaint, but had taken it to mean that life in Campbeltown had been misrepresented, and had taken the points made about the individuals to be examples of this misrepresentation.
- The issue of whether individuals within the programme were unfairly portrayed was one which he would have investigated if he had understood the sense in which the complainant had intended it. However, in the absence of any complaints from the individuals concerned, this was not an issue he felt he should broach at this stage.

## **The appeal**

The complainant appealed to the GPCC, maintaining that the programme had breached the BBC’s guidelines for “authored” programmes, showing the negative aspects of the young people’s lives and ignoring the positive.

### *The Committee’s decision*

The Committee noted that the Editorial Complaints Unit had carried out an investigation into the programme, specifically the portrayal of Campbeltown as unfair and negative. On this issue the BBC had accepted that the programme was flawed and the complaint was upheld.

However, the Committee concluded that the specific complaint that the programme was “deliberately dishonest and misleading” in its portrayal of four young residents of the town had not been properly

investigated by the Editorial Complaints Unit.

The Committee did not accept the conclusion of the Head of Editorial Complaints in his correspondence to the complainant that whether the adverse impression of Campbeltown had been given inadvertently or deliberately was immaterial to his decision.

The Committee therefore concluded that the complaint should be returned to the Editorial Complaints Unit and the Unit should investigate the particular complaint that the programme was “deliberately dishonest and misleading”.

The appeal was upheld.

## Remit of the Governors' Programme Complaints Committee

The Governors' Programme Complaints Committee (GPCC) consists of five Governors of the BBC, to whom the full Board of Governors has delegated responsibility for ensuring that complaints made by viewers and listeners are "given due consideration by and are properly handled" by the Corporation, as required under the Charter. The activities and conclusions of the GPCC are reported to the full Board of Governors. The Committee members are Richard Tait (Chairman), Deborah Bull, Professor Fabian Monds, Angela Sarkis and Professor Merfyn Jones.

In fulfilling this remit, the GPCC undertakes regular reviews of the BBC's processes and performance in relation to complaints handling. In particular, the GPCC is responsible for the independent oversight of the BBC's strategic approach to complaints handling, and for monitoring the effectiveness of its processes, to ensure both serve the public interest and reflect best practice.

In line with the GPCC's responsibility for monitoring the effectiveness of complaints handling by BBC management, it is also the specific function of the GPCC to consider appeals against decisions and actions of the Editorial Complaints Unit (ECU) in dealing with serious editorial complaints, where complaints allege:

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

In order to give full consideration to an appeal, the GPCC may make any further enquiries of the complainant, or those responsible for making the programme, which it considers necessary to determine the appeal fairly. The GPCC aims to reach a final decision on an appeal within 12 weeks of receiving the request.

The findings for all appeals are reported each quarter in this bulletin, *Programme Complaints: Appeals to the Governors*. The bulletin is also available online at [www.bbcgovernors.co.uk](http://www.bbcgovernors.co.uk).

For a copy of the full remit of the GPCC or for further copies of this quarterly bulletin of appeals to the GPCC, please write to:

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