

# BBC complaints framework

## **Procedure no. 1: Editorial complaints and appeals procedures**

October 2014

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# Editorial complaints and appeals

## What is an editorial complaint?

- 1.1 You can complain to the BBC if you consider that any BBC content has failed to follow the BBC's Editorial Guidelines.<sup>1</sup> This is called an **"editorial complaint"**. **"BBC content"** means something that has been broadcast on a BBC radio or television service or published on a BBC website or in a BBC owned magazine, for which the BBC is responsible.
- 1.2 This document sets out the Procedure that will normally apply if you make an editorial complaint to the BBC.<sup>2</sup> In appropriate circumstances, the BBC may apply a fast tracked procedure and/or the BBC's Chief Complaints Editor may intervene to assist in the resolution of complaints. This Procedure does not apply to complaints about BBC content before it has been broadcast or published.
- 1.3 An appropriate editorial complaint may proceed through up to three stages:
  - Stage 1—
    - Stage 1a – initial response
    - Stage 1b – if your complaint is further considered, a response from or on behalf of a BBC manager or a member of the editorial team
  - Stage 2 – if your complaint is further investigated, a response from either the Editorial Complaints Unit<sup>3</sup> or the BBC Division<sup>4</sup> responsible for the content you are complaining about
  - Stage 3 – if your complaint qualifies for an appeal, a response from the BBC Trust<sup>5</sup>
- 1.4 If you are dissatisfied with the response you have received at a lower stage you can ask for it to be considered at the next stage. Details of how to do this, and an explanation of which complaints may move to the next stage, appear below.

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<sup>1</sup> The editorial standards that the BBC should follow in producing this content are set out in the Editorial Guidelines. They are drawn up by the BBC's Executive and approved by the Trust. They are set out on the BBC website at: [www.bbc.co.uk/guidelines/editorialguidelines](http://www.bbc.co.uk/guidelines/editorialguidelines).

<sup>2</sup> You can also complain to Ofcom (about all issues except impartiality and accuracy and certain other issues that remain the responsibility of the BBC Trust): see <http://www.bbc.co.uk/complaints/> "Where to complain"

<sup>3</sup> The remit of the BBC's Editorial Complaints Unit is to investigate complaints which suggest there may have been a breach of editorial standards in an item or items broadcast or published by the BBC, impartially and independently of the interests of the programme makers/content providers.

<sup>4</sup> The operations of the BBC are conducted by different "Divisions", for example, Television, News and Radio.

<sup>5</sup> The BBC Trust is part of the BBC and is its governing body. Its functions include setting the strategic direction of the BBC, supervising the operational activities of the BBC Executive and holding it to account for complying with regulatory requirements such as the Editorial Guidelines. The Trust Unit consists of BBC staff who advise and assist Trustees under the management of the Trust.

- 1.5 This Procedure is applicable to all editorial complaints including “**first party complaints**”. This is a complaint alleging that someone (“the first party”) has personally been treated unfairly, or suffered an unwarranted invasion of their privacy, in BBC content, or in the making of BBC content. **Such complaints can be brought only by the first party or by someone who has the authority to represent them.**<sup>6</sup>
- 1.6 The BBC wants its complaints process to be fully accessible and will do whatever is reasonably possible to make it open to all. Complaints can be made via the BBC website, by telephoning BBC Audience Services on 03700 100 222, by text phone on 03700 100 212 or by writing to the BBC at BBC Complaints, PO Box 1922, Darlington, DL3 0UR. If you require assistance with any of these methods of contact, the BBC will be happy to help where possible.

### Complaints that the BBC may not investigate

- 1.7 At all stages of this Procedure, your complaint may not be investigated if it:
- 1.7.1 fails to raise an issue of breach of the Editorial Guidelines<sup>7</sup>; or
  - 1.7.2 is trivial, misconceived, hypothetical, repetitious or otherwise vexatious.
- 1.8 Everyone involved in making or handling a complaint will treat each other with respect and will not use gratuitously abusive or offensive language, whether in their complaints or otherwise. If a complaint contains such language, the BBC may invite you to reword your complaint before investigating it. If you do not reword your complaint, the BBC may not investigate it.
- 1.9 If the BBC Executive<sup>8</sup> decides not to investigate your complaint for one or more of the reasons set out in paragraphs 1.5, 1.7 and 1.8 above, it will explain to you why it has decided not to investigate the complaint and you can write to the BBC Trust Unit (address below) and ask the Trust to review that decision. The Trust will follow its usual complaints admissibility procedure as outlined in paragraphs 5.1 to 5.13 below.
- 1.10 If the Trust agrees with you, the Executive will be directed to investigate your complaint. If the Trust does not agree with you, the Trust’s decision is final.

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<sup>6</sup> The BBC will require suitable proof that the person making the complaint has the authority to represent the person concerned. First party complainants will normally be identified if they proceed to stage 3 of this procedure and the outcome of their complaint is published by the Trust.

<sup>7</sup> Please note that, although a complaint that does not raise an issue relating to the Editorial Guidelines (and in particular one that raises an operational matter) will not be handled under this procedure, appropriate complaints may instead be considered under the BBC’s General Complaints Procedure or other complaints procedures:  
[http://www.bbc.co.uk/bbctrust/governance/complaints\\_framework/general.html](http://www.bbc.co.uk/bbctrust/governance/complaints_framework/general.html)

<sup>8</sup> This footnote explains the references to the BBC Trust and the BBC Executive. The BBC Trust is part of the BBC and is its governing body. The BBC Trust sets the overall strategic direction of the BBC and has general oversight of its work. The BBC Executive is responsible for delivering the BBC’s services in accordance with the priorities set by the Trust and is responsible for all aspects of operational management except that of the Trust’s resources.

- 1.11 Please see the Annex to this procedure for further guidance on complaints which the BBC may not investigate.

## How to complain

### Stage 1a: What happens first when I make a complaint?

- 2.1 **You should make your complaint within 30 working days of the date on which the content was broadcast or first published in a BBC owned magazine.** If you contact the BBC after that time, please explain why your complaint is late. Exceptionally, the BBC Executive may still decide to consider your complaint, but only if it decides there was a good reason for the delay.
- 2.2 If you make a first party complaint about content currently published on a BBC website there is no time limit, but the BBC may decline to consider it if it is no longer practicable and cost-effective to investigate it and adjudicate upon it fairly.
- 2.3 Otherwise **if you make a complaint about content currently published on a BBC website you should make it within 30 working days of the date when it first appeared online.** The BBC may consider complaints received beyond that deadline but only if it is satisfied that there were good reasons for the delay, that the matter complained about was serious, as judged against the BBC's editorial standards, and that it is practicable and cost-effective to investigate it and adjudicate upon it fairly.
- 2.4 If the Executive decides not to investigate your complaint because it is late, you can ask the Trust to review that decision as outlined in paragraph 1.9 above.

All complaints should be made to BBC Audience Services<sup>9</sup>, as follows—

- through the BBC website: <http://www.bbc.co.uk/complaints>; or
- by telephone:

03700 100 222\*

03700 100 212\* (text phone)

\*24 hours, charged as 01/02 geographic numbers;

or

- by post:

BBC Complaints, PO Box 1922, Darlington, DL3 0UR

**If you do not direct your complaint to one of the above, the BBC cannot guarantee that your complaint will be replied to.**

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<sup>9</sup> There are two exceptions. First, complaints about commercial BBC services, such as complaints about the content of a BBC DVD or a BBC programme shown on a channel other than a BBC service, should be directed to BBC Worldwide in the first instance: contact details can be found on their website at <http://www.bbcworldwide.com/contact-us.aspx>. Second, complaints about S4C content shown on iPlayer should be made to S4C (the Welsh language television channel): see [http://www.s4c.co.uk/e\\_complaints.shtml](http://www.s4c.co.uk/e_complaints.shtml) or [http://www.s4c.co.uk/c\\_complaints.shtml](http://www.s4c.co.uk/c_complaints.shtml).

- 2.5 Your complaint should include:
- 2.5.1 the name / title of the broadcast or publication you are complaining about;
  - 2.5.2 the date and time of the broadcast or publication;
  - 2.5.3 the channel or service on which it was broadcast, or the web address on which it was published;
  - 2.5.4 the nature of the complaint (giving reasons why you are dissatisfied with the BBC) and (where possible) the particular parts of the programme or publication you are complaining about;
  - 2.5.5 your name and/or contact details (anonymous complaints will not normally be considered);
  - 2.5.6 whether (and if so, when) you have submitted a first party complaint to an outside authority (eg Ofcom).

The inclusion of these details (or as many of them as possible) is very important. A failure to provide them may mean that the BBC is not able to look into your complaint.

- 2.6 If you make your complaint in writing it should not exceed 1,000 words. In exceptional circumstances, longer complaints may be entertained. In that case, however, you should also identify the reasons why your complaint exceeds 1,000 words and provide a one-page summary of your complaint.
- 2.7 Your complaint should be limited to a single item broadcast or published by the BBC unless it is about more than one item but your points relate to the same issue. This is because if a complaint is about two unconnected items (for example, offensive language in a comedy programme and bias in a news programme), they will need to be treated as separate complaints.
- 2.8 Your complaint should include all of the points about the item that you wish to be considered as the BBC may not consider new or different points after Stage 1a of the Procedure has concluded.
- 2.9 After submitting your complaint with the above information, the BBC Executive will look into it.
- 2.10 The BBC aims to reply within 10 working days of receipt of your complaint though some complaints may take longer than others to investigate.<sup>10</sup>
- 2.11 If the BBC receives a number of complaints about the same issue, it may –
- 2.11.1 compile a summary of the range of issues raised;
  - 2.11.2 consider them together across the full range of issues identified;
  - 2.11.3 send the same response to everyone and/or it may publish it on the BBC's complaints website.

**These steps may be applied by the BBC at each stage of the Procedure.**

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<sup>10</sup> If you make your complaint by telephone, the BBC will aim to deal with it there and then, and will not normally follow up the telephone conversation with an individual written response.

- 2.12 If the BBC believes it has made a mistake, in appropriate circumstances the BBC may —
- 2.12.1 apologise individually to the complainant;
  - 2.12.2 publish a public response, correction or apology online at [www.bbc.co.uk/complaints/](http://www.bbc.co.uk/complaints/); and/or
  - 2.12.3 broadcast an on-air correction or apology.
- 2.13 The BBC monitors and reports in public on the complaints it has received and learns from them to improve its programmes and services.<sup>11</sup>
- 2.14 The BBC's response will direct you to information about how to take your complaint further if you are not satisfied with the reply.

### Stage 1b: If I'm not satisfied with the reply, what can I do next?

- 3.1 If you are dissatisfied with the BBC Executive's reply at Stage 1a, please write to BBC Audience Services, as set out in paragraph 2.4 above, **within 20 working days** of the date on which you received the response at Stage 1a. If you write after that time, please explain why your complaint is late. Exceptionally, the Executive may still decide to consider your complaint, if it decides there was a good reason for the delay. If the Executive decides not to consider your complaint because it is late, you can ask the Trust to review that decision as outlined in paragraph 1.9 above.
- 3.2 Your complaint should clearly and concisely set out why you remain dissatisfied. It should-
- Not exceed 1,000 words. In exceptional circumstances, longer complaints may be entertained. In that case, however, you should also identify the reasons your complaint exceeds 1,000 words and provide a one-page summary of your complaint.
  - Include any reference number provided and the date of the Stage 1a reply you received;
  - Include the points that you raised at Stage 1a that you want the BBC to reconsider. The BBC will not consider new points unless, exceptionally, it is necessary to do so in the interests of fairness.
- 3.3 If the BBC receives a number of complaints about the same issue, it may apply the steps as set out in paragraph 2.11 above.
- 3.4 The BBC will investigate your complaint and aims to reply within 20 working days of receipt of your complaint though some complaints take longer than others to investigate. A target of 35 working days applies to those complaints that require longer or more complex investigation.

### Stage 2 – the Editorial Complaints Unit ("ECU") or the BBC Division Responsible

- 4.1 If you are dissatisfied with the reply at Stage 1b, you can take the matter further by writing to the Editorial Complaints Unit (ECU)<sup>12</sup> or the BBC Division responsible

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<sup>11</sup> See <http://www.bbc.co.uk/complaints/>.

for the content you are complaining about. Your Stage 1b response will tell you which part of the BBC to write to and its contact details.

### Investigations by the ECU

- 4.2 The ECU investigates complaints about specific items that have been broadcast or published by the BBC and raise an issue of breach of the Editorial Guidelines.
- 4.3 You must contact the ECU **within 20 working days** of the date on which you received the response at Stage 1b. If you write after that time, please explain in your letter why your complaint is late. Exceptionally, the ECU may still decide to consider your complaint, if it decides there was a good reason for the delay. If the ECU decides not to consider your complaint because it is late, you can ask the Trust to review that decision as outlined in paragraph 1.9 above.
- 4.4 Your complaint should clearly and concisely set out why you remain dissatisfied. It should—
  - not exceed 1,000 words. In exceptional circumstances, longer complaints may be entertained. In that case, however, you should also identify the reasons why your complaint exceeds 1,000 words and provide a one-page summary of your complaint;
  - include any reference number provided, and the date and details of your final correspondence to and from the BBC;
  - include the points that you raised at Stage 1b that you want the ECU to reconsider. The ECU will not consider new points unless, exceptionally, it is necessary to do so in the interests of fairness.

It is particularly important that you include the above points as they will be the main basis on which the ECU will decide whether to consider your complaint and (if it does) will also form the basis of its investigation.

- 4.5 If the ECU receives a number of complaints about the same issue, it may apply the steps as set out in paragraph 2.11 above.
- 4.6 The ECU will acknowledge your complaint within 5 working days of receipt of your complaint.
- 4.7 The ECU will investigate your complaint and aim to reply within 20 working days of receipt of your complaint though some complaints take longer than others to investigate. A target of 35 working days applies to those complaints that require longer or more complex investigation.
- 4.8 When the ECU investigates your complaint, the people responsible for the content you are complaining about (which may include people outside the BBC, such as independent programme-makers) will have the opportunity to see the complaint and respond to the ECU about it.
- 4.9 The ECU then:

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<sup>12</sup> You may write to: [ecu@bbc.co.uk](mailto:ecu@bbc.co.uk) or The Editorial Complaints Unit, Room MC3 D3, BBC Media Centre, Media Village, 201 Wood Lane, London W12 7TQ. If you have any access issues please contact BBC Audience Services for assistance on 03700 100 222.



- 4.9.1 investigates<sup>13</sup> your complaint;
  - 4.9.2 decides if your complaint should be upheld in any respect;
  - 4.9.3 if the ECU proposes to uphold any aspect of your complaint, gives the people responsible for the content an opportunity to comment on the draft finding;
  - 4.9.4 informs you of its decision explaining its reasons, and invites you to make representations on the finding it is minded to make within 10 working days which the ECU will take into account before finalising its decision;
  - 4.9.5 if a complaint is upheld in any respect, ensures that the BBC takes appropriate action in response to the finding.
- 4.10 When you are informed of the final ECU decision you will be told how to take concerns further if you are not satisfied, including how to appeal to Stage 3.

### **Investigations by a Senior Manager in the Division responsible for the content you are complaining about**

- 4.11 The Division responsible for the matter you are complaining about responds to complaints that do not fall within the ECU's remit as described in paragraph 4.2 above.
- 4.12 You must contact the Division responsible **within 20 working days** of the date on which you received the response at Stage 1b. If you write after that time, please explain in your letter why your complaint is late. Exceptionally, the BBC Executive may still decide to consider your complaint, if it decides there was a good reason for the delay. If the Executive decides not to consider your complaint because it is late, you can ask the Trust to review that decision as outlined in paragraph 1.9 above.
- 4.13 Your complaint should clearly and concisely set out why you remain dissatisfied. It should—
  - not exceed 1,000 words. In exceptional circumstances, longer complaints may be entertained. In that case, however, you should also identify the reasons why your complaint exceeds 1,000 words and provide a one-page summary of your complaint;
  - include any reference number provided, and the date and details of your final correspondence to and from the BBC;
  - include the points that you raised at Stage 1b that you want the Division responsible to reconsider. The Division responsible will not consider new points unless, exceptionally, it is necessary to do so in the interests of fairness.

It is particularly important that you include the above points as they will be the main basis on which the Division responsible will decide whether to consider your complaint and (if it does) will also form the basis of its investigation.

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<sup>13</sup> The ECU investigates complaints independently of those who are responsible for the content you are complaining about.

- 4.14 If the Division responsible receives a number of complaints about the same issue, it may apply the steps as set out in paragraph 2.11 above.
- 4.15 The Division responsible will acknowledge your complaint within 5 working days of receipt of your complaint.
- 4.16 The Division responsible will investigate your complaint and aim to reply within 20 working days of receipt of your complaint though some complaints take longer than others to investigate. A target of 35 working days applies to those complaints that require longer or more complex investigation.
- 4.17 When the Division responsible investigates your complaint, it may consult the people involved in the matter you are complaining about (which may include people outside the BBC) and they may be given the opportunity to see the complaint and respond to the Division responsible about it.
- 4.18 The Division then:
- 4.18.1 investigates your complaint;
  - 4.18.2 decides if your complaint should be upheld in any respect;
  - 4.18.3 informs you of its decision explaining its reasons;
  - 4.18.4 if a complaint is upheld in any respect, ensures that the BBC takes appropriate action in response to the finding.
- 4.19 When you are informed of the final Divisional decision you will be told how to take concerns further if you are not satisfied, including how to appeal to Stage 3.

### Stage 3 – Requesting an appeal to the BBC Trust

- 5.1 If you are dissatisfied with the reply at Stage 2, you can request an appeal to the BBC Trust<sup>14</sup> **within 20 working days** of the date on which you received the response at Stage 2. If you write after that time, please explain in your letter why your complaint is late. Exceptionally, the Trust may still decide to consider your complaint, if it decides there was a good reason for the delay.
- 5.2 Editorial appeals are normally the responsibility of the Trust's Editorial Standards Committee<sup>15</sup> ("ESC"), so references here to the Trust include references to the ESC.
- 5.3 Please write to:

trust.editorial@bbc.co.uk

OR

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<sup>14</sup> The BBC Trust is part of the BBC, and is its governing body. Its functions include setting the strategic direction of the BBC, supervising the operational activities of the BBC Executive, and holding the Executive to account for complying with regulatory requirements such as the Editorial Guidelines. The Trust Unit consists of BBC staff under the management of the Trust who advise and assist Trustees.

<sup>15</sup> The members of the Editorial Standards Committee (ESC) are BBC Trustees. More details can be found on the BBC Trust website. It is the Trustees' job to ensure that a complaints framework is in place, complaints are properly handled by the BBC Executive and that there is a route of appeal to the Trust in some cases. The ESC assists with this responsibility. For a full account of the ESC's role and responsibilities, please see its Terms of Reference, available on [www.bbc.co.uk/bbctrust](http://www.bbc.co.uk/bbctrust) or in hard copy from the Complaints Adviser, BBC Trust Unit.

BBC Trust Complaints Adviser  
 The BBC Trust  
 180 Great Portland Street  
 London, W1W 5QZ

If you are unable to put your request in writing or have any other access issues please contact the BBC Trust for assistance on 03700 103 100 or textphone 03700 100 212.

- 5.4 Your appeal request should clearly and concisely set out why you remain dissatisfied. It —
- should not exceed 1,000 words. In exceptional circumstances, longer complaints may be entertained. In that case, however, you should also identify the reasons why your complaint exceeds 1,000 words and provide a one-page summary of your complaint;
  - should include any reference number provided, and the date and details of your correspondence to and from the BBC Executive;
  - should include the points that you raised at Stage 2 that you want the Trust to reconsider. The Trust will not consider new points unless, exceptionally, it is necessary to do so in the interests of fairness<sup>16</sup>.
- 5.5 This appeal request is particularly important. The Trust is not obliged to consider every appeal requested (see below) and your letter will be the main basis on which it decides whether to consider your appeal and (if it does) will also form the basis of its investigation.
- 5.6 If the Trust receives a number of appeals about the same issue, it may apply the steps as set out in paragraph 2.11 above.
- 5.7 The Trust will acknowledge your request for an appeal within 5 working days of receipt of your appeal.
- 5.8 **The Trust is not obliged to consider every appeal brought to it, and is the final arbiter if any question arises as to whether an appeal is for the Trust to determine or not.**
- 5.9 Table 1 sets out some of the factors considered by the Trust in reaching a decision whether or not to give substantive consideration to an appeal, (whether at all, or not before further action has been taken) and indicates the actions the Trust will normally take.

<b>Table 1</b>	
<b>Consideration</b>	<b>Trust actions</b>
Complaint has not been considered by the Executive at Stages 1a, 1b and 2. (This does not apply to:	Either— <ul style="list-style-type: none"> <li>• return it to the complainant with an explanation that it</li> </ul>

<sup>16</sup> Please note that appeal requests will be considered in the light of the complainant's previous correspondence with the BBC, so it will not normally be necessary for complainants to repeat facts and arguments already set out previously.

<p>(i) complaints that relate to anything the Trust itself or the Trust Unit has or has not done, but these are dealt with under a different Procedure: see Complaints about Handling and Complaints about the Trust, Trust Unit and Trustees; and</p> <p>(ii) complaints where the Executive has decided not to investigate and on appeal the Trust has upheld that decision)</p>	<p>cannot determine complaints in the first instance, or</p> <ul style="list-style-type: none"> <li>• pass it to the Executive for handling, and inform the complainant.</li> </ul>
<p>Complaint has not been investigated sufficiently or at an appropriately senior level or additional investigation would provide clarity before Trust consideration.</p>	<p>Refer complaint back to the Executive. (The complainant will still have the right to request an appeal to the Trust following this further investigation by the Executive)</p>
<p>The Trust determines a complaint should not be investigated after reviewing and upholding a decision at a previous stage of the process not to respond further.</p>	<p>The Trust's decision is final and it would not consider a further request for review.</p>
<p>Appeal concerns day-to-day operational issues.</p>	<p>The Trust would not ordinarily consider the appeal, unless it raises significant issues of general importance.</p>
<p>Appeal raises legal issues or matters within the remit of external authorities.</p>	<p>The Trust will not normally consider an appeal that is or has been the subject of legal correspondence with the BBC, or if legal proceedings have been issued, or if the appeal is appropriate for consideration by an external authority (such as the Office of Fair Trading).</p>

5.10 **The Trust will only consider an appeal if it raises "a matter of substance".**<sup>17</sup> This will ordinarily mean that in the opinion of the Trust there is a reasonable prospect that the appeal will be upheld as amounting to a breach of the Editorial Guidelines. In deciding whether an appeal raises a matter of substance, the Trust may consider (in fairness to the interests of all licence fee payers in general) whether it is appropriate, proportionate and cost-effective to

<sup>17</sup> Under the Charter and Agreement, the Trust has a role as final arbiter in appropriate cases, and must provide a right of appeal in cases that raise a matter of substance.

consider the appeal.<sup>18</sup> The Trust may not consider an appeal that is trivial, misconceived, hypothetical, repetitious or otherwise vexatious. The Trust may also decline to consider an appeal which includes gratuitously abusive or offensive language if the complainant refuses to reword it after being invited to do so.

- 5.11 The Trust Unit will write to you within 40 working days of the receipt of your appeal if its conclusion is that your appeal does not qualify and explain the reasons for that. If you disagree with that view then you may ask the Trust to consider your request within 10 working days of the date on which you received the response from the Trust Unit. You should clearly and concisely set out why you disagree with the Trust Unit's decision. You should not exceed 1,000 words and should provide your reasons for disagreement in one piece of correspondence if possible (rather than in several consecutive pieces of correspondence).
- 5.12 In considering whether or not to take an appeal, the Trust may decide to take only part of the appeal and consider only some of the issues raised.
- 5.13 If your appeal qualifies to be considered by the Trust, you will receive a letter explaining the process and setting out the timescale for taking your appeal. Any subsequent change to the timescale will be clearly communicated and explained.

### **How is an appeal prepared?**

- 5.14 Once it is agreed that the Trust will consider an appeal the Trust Unit will then start an independent consideration of the appeal. This may involve a report by an independent editorial adviser to help decide what the Trust will need to consider in order to reach a decision on your appeal. The independent editorial adviser or a member of the Trust Unit may contact you and/or the people responsible for the content you are complaining about for more information or further responses (if you are contacted you will usually be asked to respond within 10 working days). Your letter of appeal will also normally be shared with the people responsible for the content you are complaining about (which may include people outside the BBC, such as independent programme makers) so that they understand the nature of the appeal.
- 5.15 The report will be sent to you and to the people responsible for the content you are complaining about before it is given to members of the Trust.<sup>19</sup> All relevant parties will be invited to comment (usually within 10 working days) and those comments may be shown to each party. For complex appeals, further comments may be invited on the comments already received, usually to be received within 5 working days of the request for further comments (although the timeframe will be advised on a case by case basis).

### **What is the process for considering an appeal?**

- 5.16 The Trustees will normally view, read or listen to the content you are complaining about. They will assess your complaint, any points made by the people responsible for the content you are complaining about and any independent report

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<sup>18</sup> For example, if an appeal raises a relatively minor issue that would be complicated, time-consuming or expensive to resolve, the Trust may decide that the appeal does not raise a matter of substance and decline to consider it.

<sup>19</sup> The Trust Unit may withhold sensitive or confidential information including, for example, legally privileged or commercially sensitive material.

commissioned. They will also consider any comments from the relevant parties on the material.

## Hearings

- 5.17 The Trust does not normally hold hearings (i.e. inviting parties to put their case to the Trust in person) although in exceptional circumstances and at the Trust's discretion it may decide to allow it.
- 5.18 If, exceptionally, the Trust decides to hold a hearing, you will normally be given at least 25 days' notice of the date, and you will be informed in advance about the procedure to be followed.

## How does the Trust take its decision on an appeal?

- 5.19 If your appeal proceeds, the Trust will look at all sides of the argument and come to an independent decision.
- 5.20 The Charter and Agreement give the Trust a range of options in deciding the approach to take in investigating and deciding appeals. The nature of the appeals that come before the Trust varies widely and different appeals call for different approaches. For example, sometimes the Trust will find it necessary to look in detail at the background to a programme and any factual issues it raises, and may appoint independent editorial advisers to help it. It is up to the Trust to decide which approach is appropriate, proportionate and cost-effective in relation to your appeal, and in making that decision it will take account of all relevant circumstances, including its role as the final arbiter in appropriate cases, its duty to exercise rigorous stewardship of public money, and its duty to hold the BBC Executive to account for the BBC's compliance with applicable regulatory requirements and the general law.
- 5.21 The Trust aims to reply to your appeal within 80 working days (16 weeks) from the date of the decision your appeal qualified to be considered (see paragraph 5.13 above), although this may take longer depending on the nature of the Trust's investigation. If the process is likely to take longer, you will be informed and told by when the Trust is aiming to reply to you.
- 5.22 The Trust will come to one of the following findings on your appeal: upheld; upheld in part; not upheld; or already resolved (where an error has occurred and the ESC is satisfied that the Executive has acknowledged a problem and already dealt appropriately with the matter). You and the BBC Executive will usually be given up to five working days to comment upon errors of fact in the finding or significant errors of process in reaching that finding. Any comments should be detailed in no more than 1,000 words. In exceptional circumstances longer comments will be entertained. In that case, however, you should identify the reasons why your comments exceed 1,000 words and provide a one page summary of your comments. This also applies to any comments from the BBC Executive. The Chairman of the ESC will consider any comments made on behalf of the Committee. His/her decision is final.

## What happens if an appeal is upheld?

- 5.23 When an appeal is upheld the Trust may:
  - (a) require the Executive to take any appropriate remedial action to guard

against the breach occurring again and/or consider appropriate disciplinary action, and to report back to the Trust;

- (b) publish its findings, including any directions to the Executive on remedial action on the complaints website. The bulletin of the Trust's findings is published on the BBC Trust website at:  
[http://www.bbc.co.uk/bbctrust/our\\_work/complaints\\_and\\_appeals/esc.html](http://www.bbc.co.uk/bbctrust/our_work/complaints_and_appeals/esc.html)  
or is available by phoning 03700 103 100 or textphone 03700 100 212;  
and/or
- (c) require an on-air or published apology or correction.

### Complaints about handling by the BBC Executive and the Trust

- 6.1 The BBC Executive and the Trust will make every effort to handle your complaint in accordance with this Procedure. Sometimes, however, you may be dissatisfied with how your complaint has been handled and may wish to make a complaint about it.
- 6.2 You can make a complaint about the way in which your complaint has been handled as part of your correspondence about your editorial complaint or separately. **You should make a handling complaint within 20 working days of your last correspondence with the BBC Executive or the Trust (though this time limit will not apply where you have not received a reply from the BBC Executive or the Trust).**
- 6.3 For further details of the procedure that is applied to complaints about handling please see  
[http://www.bbc.co.uk/bbctrust/contact\\_us/complaints/complaint\\_trust.html](http://www.bbc.co.uk/bbctrust/contact_us/complaints/complaint_trust.html)

# Examples of complaints that the BBC may not investigate

- 1.1 As prescribed by the BBC's Royal Charter, complaints to the BBC have an important role to play and the complaints framework is intended to provide appropriate, proportionate and cost effective methods of dealing with complaints. Accordingly, there are some instances where it would not be proportionate for us to devote substantial time and resources to cases that are not a proper use of the complaints procedure. For this reason we may decide not to investigate the kinds of complaints mentioned in paragraph 1.7.2 above (i.e. complaints that are trivial, misconceived, hypothetical, repetitious or otherwise vexatious). Examples include but are not limited to complaints which –
  - 1.1.1 Repeat a complaint that has already been dealt with, either in correspondence with the individual concerned or through a general response posted on a BBC website;
  - 1.1.2 Relate to a matter within the editorial and creative discretion of the BBC, eg the scheduling of programmes or casting;
  - 1.1.3 Raise a trivial issue, such as a grammatical error;
  - 1.1.4 Are not supported by any reasons for complaining (as required by paragraph 2.5.4 above) or where applicable in some cases, evidence in support of a complaint.
  - 1.1.5 Do not cite examples of the content that is alleged to breach the Editorial Guidelines;
  - 1.1.6 Appear to have been made simply to cause offence or annoyance, or waste the BBC's time and resources.
- 1.2 This list is not exhaustive; the BBC has a wide discretion to cease handling complaints under this ground. The BBC will, however, tell you why it has decided not to investigate your complaint.

Annex 2 describes the BBC's Expedited Complaints Procedure which may be used for complainants who persistently and repeatedly make complaints of a vexatious or other nature.



# Expedited Complaints Procedure

## Reproduced from Annex B to Protocol E3 – Complaints Framework

- 1 The Expedited Complaints Procedure may be used at any stage of the BBC's Complaints Procedures, whether by BBC Audience Services or the relevant BBC department responding to a complaint; the Editorial Complaints Unit (ECU) or the relevant BBC Division; or the BBC Trust.
- 2 The BBC Executive and the Trust may use this Procedure only where a complainant has a history of persistently or repeatedly making content or handling complaints which:
  - (a) are trivial, misconceived, hypothetical, repetitious or otherwise vexatious;
  - (b) fail to raise an issue of breach of any relevant Guidelines or Policies (eg in the case of an editorial complaint, the Editorial Guidelines; in the case of a fair trading complaint, the Fair Trading Policies and Framework);
  - (c) use gratuitously abusive or offensive language;
  - (d) are shown on investigation to have no reasonable prospect of success; or
  - (e) after rejection of the complaint at an earlier stage (eg Stage 1), are persistently and repeatedly appealed unsuccessfully to the next stage (eg Stage 2).
- 3 If one of the conditions in paragraph 2 above is met, the BBC Executive or the Trust may determine that the complainant should, for a specified period of time, be subject to the following Procedure:
  - (a) The complainant should be notified in writing that the Expedited Complaints Procedure will be applied to their future complaints. This notice must include the following information:
    - (i) a copy of this Procedure (via a web link or in hard copy);
    - (ii) the reasons why this Procedure is being applied;
    - (iii) for how long this Procedure will be imposed (the maximum limit is two years); and

- (iv) that the complainant may request an appeal - over the decision to apply this Procedure - to the BBC Trust within 20 working days of being informed of that decision.
- (b) After the complainant is notified that this Procedure will apply, his/her future complaints must continue to be read and treated in the following way:
  - (i) If a future complaint meets any of the conditions in paragraph 2 above, the complaint does not require acknowledgement and it may be rejected without notifying the complainant or providing any reasons; or
  - (ii) If a future complaint does not meet any of the conditions in paragraph 2 above, and in fact raises an issue of breach of any relevant Guidelines or Policies, that complaint should be investigated in accordance with the usual Complaints Procedure that applies.

<b>Version</b>	<b>Date of publication</b>	<b>Approved by the Trust</b>	<b>Summary of changes since previous version</b>
1.0	August 2008	22 May 2008	n/a
1.1	May 2010	18 February 2010	This document has been updated to fit in the new protocol format and to fix minor typographical points and to make it clear how it sits with the BBC Trust protocol 'E3 complaints framework'.
1.2	November 2011	24 October 2011	Paragraph 2.1 of this document has been updated to include the current address for BBC complaints. Paragraphs 3.6 and 3.7 of this document have been updated to reflect changes made by Ofcom on 1 June 2011 to Ofcom's "Procedures for investigating breaches of content standards for television and radio".
1.3	26 June 2012	24 May 2012	<p>Following a review and period of consultation, the Complaints framework has been revised to make the process faster, simpler and easier to understand.</p> <p>For a detailed explanation of the changes we have made to the Complaints framework and associated procedures as a result of this, please see our response document:  <a href="http://www.bbc.co.uk/bbctrust/governance/complaints_framework/framework_review.html">http://www.bbc.co.uk/bbctrust/governance/complaints_framework/framework_review.html</a></p> <p>This procedure will apply to any new complaints received from 26 June 2012 at any stage of the process (e.g. a complaint which is escalated to stage 2 after 26 June 2012 will be treated under the new procedures).</p> <p>As part of this review, the associated procedures have been renumbered.</p>
1.4	October 2014	22 May 2014 (+ minor amendment 24 July 2014)	This document was updated following a review of the BBC's Complaints Framework. The review was conducted to make some amendments following the implementation of the previous version, to improve the running of the BBC's complaints system. The amends involved replacing some of the finer detail which had been removed during the previous review.