

## **Analysis of complaints**

From 1 October 2018 to 31 March 2019 the Unit reached findings on 281 complaints concerning 249 items (normally a single broadcast or webpage, but sometimes a broadcast series or a set of related webpages). Topics of complaint were as follows:

**Table 1**  
**Topics of Complaint**

	<b><u>No of Complaints</u></b>	<b><u>No of Items</u></b>
Harm to complainant	23	22
Harm to third party	10	7
Infringement of privacy	1	1
Bad example (adults)	4	2
Political bias	39	39
Other bias	38	34
Factual inaccuracy	81	72
Offence to public taste	15	13
Offensive language	3	3
Offence to religious feeling	5	4
Sexual conduct	3	3
Sensitivity and portrayal	9	8
Racism	7	6
Sexism	2	2
Standards of interviewing/presentation	20	12
Commercial concerns	2	2
Other	19	19
<b>Total</b>	<b>281</b>	<b>249</b>

In the period 1 October 2018 to 31 March 2019, 21 complaints were upheld (8 of them partly) – 7.5% of the total. 2 of them related to a finding published in the April to September 2018 bulletin. Of the items investigated in the period, complaints were upheld against 20 items (8% of the total). 5 complaints, about 5 items, were resolved. The bulletin includes summaries of these cases.

## **Standards of service**

The Unit's target is to deal with most complaints within 20 working days of receiving them. A target of 35 days applies to a minority of cases (23 in this period) which require longer or more complex investigation. During the period 1 October 2018 to 31 March 2019, 82% of replies were sent within their target time.

## **Summaries of upheld/resolved complaints**

### **A Point of View, Radio 4, 18 May 2018**

#### **Complaint**

In the context of the forthcoming Irish referendum, the speaker argued in favour of legalising abortion. A listener questioned the decision to air one view on the matter so close to the vote that there would be little opportunity to broadcast a balancing view.

#### **Outcome**

As this was a referendum in a neighbouring country which had already precipitated renewed debate about the law on abortion in Northern Ireland, the topic of the talk fell within the BBC Editorial Guidelines' description of "*controversial matters*". When a series of personal view programmes addresses a controversial matter, the Guidelines provide that a sufficiently broad range of views should be broadcast in an appropriate timeframe, and A Point of View did not fulfil that provision on this occasion.

#### **Upheld**

#### **Further action**

The Editor of the department responsible for A Point of View will ensure his producers understand the requirements of the Editorial Guidelines as they apply to programmes of this kind.

### **Bank of England raises UK interest rates, [bbc.co.uk](http://bbc.co.uk)**

#### **Complaint**

This article ended with a statement that the savings of a growing population of older people would provide banks with "*a greater pool of savings for lending to households and industry*". A reader complained that this gave a misleading impression of the nature of contemporary banking.

#### **Outcome**

The implication that savings deposits formed the primary resource for bank lending was misleading, but a change to the article prior to the escalation of the complaint sufficed to resolve the issue.

#### **Resolved**

### **BBC News (10pm), BBC One, 21 August 2018**

#### **Complaint**

The bulletin included a report on the possible effect of Brexit on import-export traffic through Dover. A viewer complained that the reporter's statement "*210 million containers a year will be potentially added to those requiring customs checks*" was misleading.

#### **Outcome**

The 210 million figure reflected the HMRC estimate of the annual number of additional customs declarations resulting from Brexit, including crates, drums, boxes and cases as well as intermodal freight containers. However, the context would have given the impression that it referred to intermodal containers only, which was misleading.

#### **Upheld**

**Further action**

Journalists have been reminded to be careful when they attempt to reduce complex statistics to a more understandable overall picture and to ensure that in doing so the pictures match the conclusion they have reached.

**BBC News homepage index, [bbc.co.uk](http://bbc.co.uk)****Complaint**

A visitor to the site complained about “*overtly sexual material*” appearing on the BBC News front page.

**Outcome**

The caption of the item in question raised the issue of whether vibrator use by women affected sexual enjoyment. This was inconsistent with the requirement of the Guidelines that online content immediately accessible one click from the BBC home page (as this was) should normally be suitable for a general audience including children.

**Upheld****Further action**

Senior editors have reminded staff to ensure that content which appears on the News front page should normally be suitable for a general audience, including children.

**Breakfast with Ben and Sonia, BBC Essex, 17 October 2018****Complaint**

The programme included a report on concerns arising out of the sale by Legra Academy Trust of a site belonging to Cecil Jones Academy, one of the two schools in the area for which the Trust was responsible. Bulletins during the programme included versions of the story, and there was a related online article (“Cecil Jones Academy: Legra Trust criticised”). The Trust complained that these reports were misleading and unfair.

**Outcome**

Before the date of the broadcast it had been announced that Cecil Jones Academy was to be taken over by another trust with a proven track record of leading challenging schools. Against that background it had been alleged that Legra had diverted the proceeds of the sale either to its other, more successful school or into its own funds, and those allegations were reflected in the broadcast reports (the online article confining itself to saying “*Questions had been raised over where the sale proceeds had gone*”). The reports also reflected Legra’s statement that the proceeds had been spent entirely on improvements to Cecil Jones Academy, but the programme-makers had failed to take account of evidence offered by Legra which, if properly considered, would have demonstrated that allegations to the contrary were unfounded. It was consequently misleading to listeners and unfair to Legra to give those allegations further currency.

**Upheld****Further action**

A statement of correction and apology was broadcast three times in the 9 April 2019 edition of the programme. The editorial team has been made aware of the serious failures in editorial standards and will be receiving further training.

### **Jeremy Vine, Radio 2, 28 November 2018**

#### **Complaint**

The programme devoted time to discussing the claim of Sammy Woodward that Rotherham Council had approached her rapist, currently serving a 35-year prison sentence, to invite him to apply for custody of the child born as a result of the rape. A listener complained that the programme had represented this claim as a matter of fact.

#### **Outcome**

The claim was inaccurate, as the council had in fact contacted the rapist only to inform him of care proceedings involving the child, following what it believed to be a legal requirement. However, the programme (like large parts of the rest of the media) proceeded on the mistaken basis that it was correct.

#### **Upheld**

#### **Further action**

The finding was discussed with the programme team, who were reminded that widespread publication does not remove the need to assess the accuracy of newsworthy claims.

### **Kit and Pup, CBeebies, 31 August 2018**

#### **Complaint**

A viewer complained that the programme's description of liquid as "*the opposite*" of solid was misleading to children.

#### **Outcome**

As liquid and solid are (along with gas) different states of matter, it was misleading to refer to them as opposites.

#### **Upheld**

#### **Further action**

The programme has been re-edited and the rest of the series checked and verified for accuracy.

### **Lenny Henry: The Commonwealth Kid, BBC One, 2 April 2018**

#### **Complaint**

The programme contained a number of references to Jamaica and its citizens, and their historic relationships with the United Kingdom and the Commonwealth. A viewer complained that these gave an inaccurate and misleading impression of why the author's parents had been able to emigrate to Britain, and of Jamaica's status at the time. The complainant also objected to the use of the phrase "*Commonwealth Kid*" as she believed this was based on the same false premise.

#### **Outcome**

The programme was a personal account reflecting the author's own perception of his background and identity while growing up. As such it was reasonable for him to describe himself as a Commonwealth kid. It was inaccurate however to claim that membership of the Commonwealth had enabled his parents to come to Britain, as that was not a relevant factor. It was also inaccurate to suggest or imply at various points that Jamaica was part of the Commonwealth in the 1950s, when in fact Jamaica only joined the organisation in 1962.

#### **Partly upheld**

### **Further action**

The programme will be amended before any future repeats.

### **News (3am, 4am, 1.30pm, 9.50pm), BBC News Channel, 15 October 2018**

#### **Complaint**

A report on the decline in numbers of the African penguin suggested it was due to habitat "*being hit by rising tides caused by climate change*". A viewer complained that this was incorrect.

#### **Outcome**

The ECU found no persuasive evidence for habitat being adversely affected by rising tides, and most experts attribute the penguin's decline to the effect of intensive commercial fishing on its food stocks.

#### **Upheld**

#### **Further action**

Journalists have again been made aware of the need to carry out checks on the text that is sent in by outside providers of news pictures to ensure that the facts support the claims that are made.

### **News Bulletin (10pm), BBC Radio 4, 1 September 2018**

#### **Complaint**

A listener complained that a correspondent's reference to "*the war that led to the creation of Israel*" was inaccurate.

#### **Outcome**

The inaccuracy had already been acknowledged by BBC News, and a posting on the Corrections and Clarifications page of [bbc.co.uk](http://bbc.co.uk), which made clear that the creation of the State of Israel preceded the Arab-Israeli war of 1948-9. In the view of the ECU, this sufficed to resolve the issue of complaint.

#### **Resolved**

### **News Bulletin, BBC News Channel, 29 July 2018**

A viewer challenged the accuracy and impartiality of a report on the release of Ahed Tamimi, a teenage Palestinian girl who had been imprisoned for slapping and kicking an Israeli soldier.

#### **Outcome**

Although the item was duly impartial and, in most respects, accurate, the reporter's statement that "*children are not allowed to be tried under international law*" was inaccurate.

#### **Partly upheld**

#### **Further action**

Journalists have been reminded that the reach of international law is not always as it is claimed and should be checked for accuracy.

### **Newsroom Live, BBC News Channel, 6 August 2018**

#### **Complaint**

An item in the programme reported an increase in rural crime in the UK. A viewer complained that it was at fault in not referring to the figures for Scotland, on account

of Scotland having a separate legal system and of the fact that rural crime in Scotland had declined.

**Outcome**

The existence of a separate jurisdiction does not mean that crime figures for Scotland should be separately reported as a matter of course, but the difference between the Scottish and UK figures in this instance was of such significance to the story as to merit attention.

**Partly upheld**

**Further action**

The production team has been reminded of the continuing need to consider the news merits of the separate figures for the devolved nations within the overall statistics that are provided by the relevant body.

**Plastic food pots and trays are often unrecyclable, say councils, [bbc.co.uk](http://bbc.co.uk)**

**Complaint**

The article reported a news release by the Local Government Association (LGA) which included the statement that *“Two thirds of plastic in packaging pots and trays is unrecyclable”*. A reader complained that this was inaccurate.

**Outcome**

The press release was based on Recoup’s UK Household Plastics Collection Survey 2017 (and not on research by the LGA, as the release suggested), and had misrepresented its finding that two thirds of plastic pots, tubs and trays used by households were not collected for recycling, rather than *“unrecyclable”*.

**Upheld**

**Further action**

The article has been re-written to remove this claim and to clarify that the LGA’s warning was based on recycling figures included in a report from the charity plastic waste charity Recoup. This claim was repeated in a [second article](#) about plastic waste, which linked to the first, and this has also been removed and a correction note added.

**Reporting Scotland, BBC One Scotland, 15 August 2018**

**Complaint**

A viewer complained that a statement that GDP growth in Scotland in the first quarter of 2018 *“roughly matched”* that of the UK as a whole was inaccurate.

**Outcome**

The statement had been intended to refer to the calendar year 2017, but it appeared from the context to refer to the first quarter of 2018, when the figure for Scottish GDP growth considerably exceeded that for the UK (though largely for technical reasons).

**Upheld**

**Further action**

The programme team has been reminded of the importance of accurately contextualising statistics.

**Richard Atkins, Radio Gloucestershire, 16 December 2018**

**Complaint**

The programme included an interview with Tim Brain, a former Chief Constable of Gloucestershire. A listener complained that he had been allowed to speak in favour of a

second Brexit referendum without challenge or the inclusion of an alternative viewpoint.

**Outcome**

The tone of the interview, in which Mr Brain drew a comparison between the current political situation and that of the 1970s, was reflective rather than polemical, but his response to a question about his view on a further referendum resulted in one view on a controversial matter being broadcast, without appropriate challenge or reference to other viewpoints by the presenter.

**Upheld**

**Further action**

The finding was discussed with Richard Atkins and the Editor of Radio Gloucestershire.

**Steve Wright in the Afternoon, Radio 2, 7 November 2018**

**Complaint**

The programme included an interview with Professor Robert Plomin about his recent book "Blueprint". A listener complained that Professor Plomin's views either should not have been included (on account of their offensiveness) or, if included, should have been challenged on account of their controversial character.

**Outcome**

Although Professor Plomin's argument for the priority of genetic over environmental influences may be deemed offensive by some, it is in keeping with generally accepted standards as a contribution to a longstanding scientific debate. However, the programme did not challenge or contextualise it appropriately.

**Partly upheld**

**Further action**

The finding was discussed with the producer of **Steve Wright in the Afternoon**, noting particularly that the programme's primary purpose of entertainment did not obviate the need to ensure that controversial views are appropriately challenged.

**The JVS Show, BBC Three Counties, 19 & 26 April 2018**

**Complaint**

Harbottle & Lewis complained on behalf of Bovis Homes Ltd that these programmes were unfair to its client and in breach of due impartiality.

**Outcome**

The 19 April programme included a phone-in on the theme "*Would you buy a new-build home*", which was based on a newspaper article on this topic. The programme included contributions from callers who were critical of Bovis Homes. In this programme Bovis Homes' position was represented only by a quotation by the presenter from a statement it had provided for the newspaper article. The 26 April programme revisited the case of the first contributor and included an interview with her. In this programme Bovis Homes' position was represented by a statement provided on 3 April and previously broadcast on 7 April. In neither instance did the BBC contact Bovis Homes to give them the right of reply on the programme. The ECU concluded that, although the programmes included nothing which engaged the issue of due impartiality, the failure to seek up-to-date responses from Bovis (which would likely have included customer-specific information about the cases raised and wider information that a recent Home

Builders Federation survey showed Bovis Homes' customer satisfaction score was trending around 87% at the time of the programmes) resulted in unfairness.

**Partly upheld**

**Further action**

The Editor of BBC Three Counties apologised to Bovis Homes Ltd for the breach of editorial standards.

**The News Quiz, Radio 4, 1 June 2018**

A viewer complained that a panellist's criticism of Theresa May in connection with the law on abortion in Northern Ireland was in breach of the BBC's standards of impartiality.

**Outcome**

Taken together, the tone and controversial content of the comments, in a context where there was no acknowledgement of an alternative view, took them beyond the bounds of due impartiality as it applies to programmes of this kind.

**Upheld**

**Further action**

In the context of a management review of the series, advice about future programmes has been given by Editor of Editorial Standards, Radio 4 and 4 Extra.

**Today, Radio 4, 4 September 2018**

**Complaint**

A listener complained that John Humphrys was wrong in saying the IHRA definition of anti-Semitism had been "*accepted by almost every country in the world*".

**Outcome**

At the time of transmission a total of eight countries had formally adopted the IHRA definition. In the view of the ECU, however, the entry posted by News on the Corrections and Clarifications page of [bbc.co.uk](http://bbc.co.uk) sufficed to resolve the issue of complaint.

**Resolved**

**Today, Radio 4, 28 June 2018**

**Complaint**

The programme included an interview with Lord Deben on progress in reducing UK emissions in which he said "*what on earth is the Government doing saying that even where a community wants to have an onshore wind farm it can't have it?*". The Global Warming Policy Foundation complained that this gave the misleading impression that communities were no longer able to build onshore wind farms. It also questioned Lord Deben's statement that onshore wind farms were the cheapest form of electricity production.

**Outcome**

According to the formula used by the Department for Business, Energy and Industrial Strategy, onshore wind farms are currently the cheapest form of electricity production. However, while legislation enacted in 2016 had restricted the scope for new onshore windfarms, the suggestion that the Government had prevented communities from having them was inaccurate.

**Partly upheld**



### **Further action**

The team has been alerted to the finding and reminded of the need to have the facts at hand to put to an interviewee in the course of a live interview on a complex subject.

### **Tweet by BBC Monitoring**

#### **Complaint**

The tweet posed the question, whether views expressed by the new President of Brazil were homophobic, racist and misogynistic or “*a refreshing break*” from political correctness. A reader complained that the implication such views could be regarded as refreshing was objectionable.

#### **Outcome**

The ECU agreed that the implication was objectionable, but the speedy deletion of the tweet, followed by a tweet explaining the reason for the deletion, sufficed to resolve the issue.

#### **Resolved**

### **Vanessa Feltz, Radio London**

#### **Complaint**

A listener complained that Vanessa Feltz’s appearances in promotional material related to Pink Casino created a conflict of interest in relation to coverage of gambling-related news stories in her programme, resulting in lack of due impartiality when the Labour Party’s proposed review of gambling regulation was reported in the 6am bulletin on 20 September 2018 but not mentioned in her programme of that date.

#### **Outcome**

Other news stories that morning were likely to have been of greater interest to Radio London’s audience, and the absence of the Labour Party story from the programme (and the rest of the day’s output) was a legitimate exercise of editorial discretion rather than evidence of bias. However, Ms Feltz’s promotional involvement risked giving an appearance of a conflict of interest, regardless of whether or not there was one in practice.

#### **Partly upheld**

#### **Further action**

The issues arising from the finding have been discussed with Vanessa Feltz, and her contract now provides more clarity about her arrangements with external organisations.

### **Victoria Derbyshire, BBC Two, 13 August 2018**

#### **Complaint**

An interviewee in an item on homelessness said he had become homeless as a result of his father throwing him out because he was gay. A close family member contacted the programme after transmission to dispute this account of events, and subsequently complained to the ECU that the programme’s response had been inadequate.

#### **Outcome**

In the view of the ECU, the programme-makers’ posting on the Corrections and Clarifications page of [bbc.co.uk](http://bbc.co.uk) sufficed to resolve the issue of complaint.

#### **Resolved**

## **Woman's Hour, Radio 4, 1 October 2018**

### **Complaint**

The programme included an item on the controversy over Judge Brett Kavanaugh's nomination to the US Supreme Court, featuring an interview with a law professor who had worked with Anita Hill in her pursuit of a sexual harassment complaint against an earlier nominee, Judge Clarence Thomas. A listener complained that the allusions to the Clarence Thomas case were immaterial and prejudicial, that the selection of the main interviewee resulted in bias, and that the presenter had expressed her own view on a controversial topic.

### **Outcome**

The item made clear the differences, as well as the points of comparison, between the Clarence Thomas and Brett Kavanaugh cases, and the inclusion of an interviewee who clearly represented one viewpoint in the current case did not of itself lead to bias. However, the presenter gave the impression of sympathising with that viewpoint, and did not challenge the interviewee in a manner which would have ensured due impartiality.

### **Partly upheld**

#### **Further action**

The Editor of Woman's Hour has briefed the whole team about the importance of impartiality in their programmes. In addition the Woman's Hour team (along with other Production staff) have attended a BBC Radio briefing session on impartiality.