

Analysis of complaints

From 1 October 2019 to 31 March 2020 the Unit reached findings on 376 complaints. 19 complaints were wholly or partly upheld. 33 complaints 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 (78 in this period) which require longer or more complex investigation. During the period 1 October 2019 to 31 March 2020, 84% of replies were sent within their target time.

Summaries of upheld/resolved complaints

A guide to Labour Party anti-Semitism claims, [bbc.co.uk](https://www.bbc.com/news/health-51811111)

Complaint

A reader complained that, though the article's erroneous statement that Labour had "*never confirmed the number of anti-Semitism cases it is investigating*" had been corrected, no adequate explanation for the origin of the error had been given.

Outcome

Irrespective of the inadequacy of the explanation in the eyes of the complainant, the correction sufficed to resolve the issue of complaint.

Resolved

Anti-Semitism: May and Corbyn clash over anti-racism records, [bbc.co.uk](https://www.bbc.com/news/health-51811111)

Complaint

A reader complained that the original version of this article was inaccurate in stating that the Labour Party had "*never confirmed*" the number of complaints about anti-Semitism investigated, and that the emended version remained misleading by reporting that the scale of the issue was disputed.

Outcome

The article was inaccurate in its original form because Labour's General Secretary had, by the time of publication, released figures for complaints investigated over a ten-month period. However, the emendation of the article sufficed to resolve that element of the complaint, and it was a matter of fact that the accuracy of the party's figures had been strongly disputed.

Resolved

Brexit: 'I don't want to struggle with the mortgage', [bbc.co.uk](https://www.bbc.com/news/health-51811111)

Complaint

On the basis of a British Retail Consortium/KPMG survey, this article reported that "*Consumer spending growth in the UK fell to a record low*" in July 2019 and that nearly a third of UK consumers had reduced their spending because of concerns about Brexit. A reader complained that this gave a misleading impression about the impact of Brexit,

contradicted by an Office for National Statistics on the same day which showed 3.3% growth in consumer spending in the year to July.

Outcome

The ONS report was not directly commensurable with the BRC/KPMG survey, and could not be said simply to contradict it. However, the article framed the survey results with two case studies where anxieties about Brexit had caused consumers to decrease their spending and a quote from the Head of Banking at KPMG UK which tended to give the impression that they represented a general trend. The result was to give a more negative impression of the impact of Brexit than would have been the case if the survey results had been properly contextualised.

Upheld

Further action

The finding has been discussed with the BBC's business online team and they have been reminded of the importance in ensuring that stories which are based on a single survey are also careful to report the wider context. The article has been edited in light of the finding.

Good Morning Scotland, Radio Scotland, 15 July 2019

Complaint

The programme included an interview with an advocate of wind power, prompted by recent data showing that Scottish wind turbines had generated enough electricity in the first half of 2019 to power 4.7 million homes. A listener complained that the interviewee was allowed to promote wind power without critical questioning and had incorrectly described it as "*the cheapest form of energy*".

Outcome

On two occasions, the interviewee referred to onshore wind power as the cheapest form of electricity generation, and in relation to the widely-accepted "levelised cost" method of calculation these references were duly accurate. However, the guidelines provide that, when a contributor provides a single or partial view, "*the existence of a range of views and their respective weights should be acknowledged*", and that did not happen on this occasion.

Partly upheld

Further action

News teams have been reminded of the importance of critical questioning, particularly when the subject under discussion is potentially contentious.

How To Go Viral: The Art of the Meme, BBC Four, 20 March 2019

Complaint

The programme included as an example the video posted by Mark Meechan of his dog apparently giving a Nazi salute which had led to his being fined for breaching the Communications Act 2003. A contributor stated the judge in the case had "*explicitly said context and intent weren't relevant*" (which he described as "*madness*"). A viewer complained that this misrepresented the judge's position.

Outcome

The judge had not simply dismissed context and intent as irrelevant, but had ruled that certain material offered by the defence in that connection was irrelevant because it provided no mitigation. The programme gave a misleading impression in this respect.

Upheld

Further action

The programme has been amended in light of the finding.

Jeremy Vine, Radio 2, 19 September 2019

Complaint

Two listeners objected to a clip of Danny Dyer which included the word “twat”, in connection with an interview with David Cameron. One complained that Jeremy Vine had taken an inappropriate approach to the interview.

Outcome

Jeremy Vine’s approach was entirely appropriate for an interview with a former Prime Minister on a contentious topic, and the clip, which had been very widely circulated and reported at the time, illustrated a widespread reaction to the aftermath of the decision to hold a referendum on EU membership, and the ECU considered the first occurrence of the word “twat” to be editorially justified in that context. However, its second and more forceful use at the end of the clip was gratuitous, but an apology for the language was broadcast later in the programme.

Resolved

My Pakistani relatives thought my cancer was infectious, bbc.co.uk

Complaint

The article featured an account by a member of Slough’s Pakistani community of her treatment by her then-husband’s family when they became aware of her breast cancer diagnosis. The former husband complained that her account was inaccurate, that he and his family had been given no opportunity to reply to her claims, and that the inclusion of photographs of himself and his children infringed his and their privacy.

Outcome

The ECU was unable to determine the accuracy of the claims in question, but agreed they were such as to require a response from family-members identified in connection with them, and that the inclusion of the photographs infringed the privacy of the complainant and his children.

Partly upheld

Further action

The finding has been discussed with the News Online team and they have been reminded of the BBC’s responsibilities when reporting stories which contain the details of a third party. The article has been edited in the light of the finding.

News (5pm), BBC News Channel, 12 August 2019

Complaint

A report in the bulletin used the village of Westhumble in Surrey as an example of increasing drug-related crime in small towns and rural areas because of the expansion of county lines networks. A viewer complained that this gave a misleading impression of the nature and extent of drug-related crime in Westhumble.

Outcome

Most drug-related offences in Westhumble related to cannabis possession, and provided no basis for associating the issue with county lines activity.

Upheld

Further action

The UK Newsgathering team has been advised to make additional checks with the relevant police force when using publicly available crime data of this nature in future.

News (8pm), BBC News Channel, 9 July 2019**Complaint**

The bulletin included a report on that day's Commons vote to widen access to abortion and allow same-sex marriage in Northern Ireland. A viewer complained that it was biased, by virtue of including interviews with two supporters of the changes and none with opponents.

Outcome

The absence of an opponent of the changes would not necessarily have resulted in bias, but achieving due impartiality would have required elements of challenge in the two interviews with supporters which were absent on this occasion.

Upheld**Further action**

The production team has been briefed about the finding.

Panorama: The \$10bn Energy Scandal, BBC One, 3 June 2019**Complaint**

The programme and associated online articles reported on concerns arising from the award of concessions for two oil and gas fields off the coast of Senegal, and the recipient's sale of these concessions several years later to BP and another company. BP complained that the claims made in these items were inaccurate in a number of respects.

Outcome

The ECU found a breach of the BBC's standards of due accuracy only in the programme's statement that the recipient stood to receive "*between 9 and 12 billion dollars*" from BP (reflected as \$10bn in its title, and also reflected in the associated online items, to which clarifications were added independently of the ECU's involvement). The ECU accepted Panorama's argument that this was an estimate based on reasonable projections from relevant data available at the time the agreement was made in 2017. However, the estimate was presented with a degree of certainty which was not justified, bearing in mind that the royalty payments would depend on a number of important variables, such as the changing price of oil and gas and the yield from the two fields over their lifetime.

Partly upheld**Further action**

The team has been reminded to exercise an appropriate degree of caution in presenting financial projections.

Political Thinking with Nick Robinson, Radio 4, 15 May 2019**Complaint**

Political Thinking was a series of interviews with leading politicians which originated as a podcast. The guest in this edition was Sajid Javid MP. A listener complained that this was incompatible with the BBC's requirements for maintaining impartiality during election periods, noting the reasons given for not broadcasting the edition of Have I Got

News for You scheduled for 10 May, with the then leader of Change UK as one of the guests.

Outcome

Arrangements for the automatic scheduling of podcasts led to this programme being broadcast during the run-up to the European Parliament election. In cases where balance cannot be achieved within a single programme, the guidelines for election periods require that it be maintained over the campaign (with appropriate cross-trailing between linked programmes). In this instance, the length of the campaign did not provide sufficient opportunity for proportionate representation of the parties standing in the election, and it was a mistake to have allowed the interview with Mr Javid (and the following week's interview with the Labour MP Stella Creasey) to be scheduled for broadcast during the election period.

Upheld

Further action

The management of BBC Radio recognised the need to review the scheduling arrangements for on-demand items (as well as items commissioned for broadcast) during pre-election periods.

Question Time, BBC One, 31 October 2019

Complaint

Fiona Bruce contradicted a member of the studio audience who said Vote Leave had been accused of breaking electoral law. A number of viewers complained that in doing so she misled the audience about the position of both Vote Leave and Leave.EU, then failed to challenge incorrect statements by some of the panellists, and that subsequent corrections on air and online did not fully acknowledge or correct the misleading impression created.

Outcome

The BBC explained that Ms Bruce had misheard the audience member, and to that extent, in the ECU's view, the complaint was resolved with regard to Vote Leave. However it concluded that the audience was also left with the impression that Leave.EU had largely been exonerated. In fact it was fined the maximum of £70,000 for breaches of electoral law (reduced to £66,000 on appeal). Subsequent corrections did not sufficiently acknowledge this error, and to that extent the complaints were upheld.

Partly upheld

Further action

The programme has been reminded of the need for clarity in the framing of discussions on controversial matters.

Talkback, Radio Ulster, 19 June 2019

Complaint

The programme included a discussion about a campaign in support of a former soldier facing criminal charges in connection with Bloody Sunday. A listener complained that a contributor to the discussion had made inaccurate allegations about Security Forces activity in Northern Ireland, which the presenter failed to challenge.

Outcome

The contributor said that Brigadier Gordon Kerr, who had headed the Force Research unit, had been "*engaged in plotting and planning state murder and state terror*", and cited

the report of Sir Desmond de Silva QC in support of his statement. In fact the de Silva Report, though it found collusion between the Force Research Unit and loyalist paramilitaries, dismissed the view that the killings in question were actions of the British State, while evidence from other sources does not suffice to establish the truth of the contributor's reference to "*state murder and state terror*" in connection with the Brigadier. In the context, it would have struck listeners as a statement of fact rather than an expression of opinion and, having passed uncontested, it gave a materially misleading impression.

Upheld

Further action

BBC news teams in Northern Ireland have been briefed on this finding and on the need to ensure that claims of disputed fact by programme guests are appropriately qualified or challenged.

The Emma Barnett Show (presented by Clare McDonnell), Radio 5 Live, 6 May 2019

Complaint

The programme included an interview with a representative of the Soil Association on issues raised by the recently-published report by the UN's Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services. A representative of the Crop Protection Association complained that the interviewee had been given an opportunity to promote claims for organic farming which had been supported, rather than appropriately challenged, by the presenter.

Outcome

While most of the content of the interview was uncontroversial and editorially justified in relation to the UN report, the interviewee spoke in terms which suggested that the use of pesticides was harmful and to be avoided. In the absence of direct challenge, viewers might have understood this to be a matter of established fact, whereas there is an argument to the effect that the appropriate use of pesticides can be beneficial overall. In this respect, the item fell short of due impartiality.

Partly upheld

Further action

The Editor discussed the finding and the lessons arising from it with the presenter.

Tweet by Tom English, BBC Scotland, 6 August 2019

Complaint

A representative of Club 1872 (a Glasgow Rangers FC supporters' club) complained of a number of references, on air and on social media, to events at Rugby Park, the ground of Kilmarnock FC, on the basis that they were inaccurate and derogatory towards Rangers supporters.

Outcome

Most of the references complained of were legitimate reporting of, or comment on, the facts as they were understood at the time. But one tweet by Tom English, BBC Scotland's chief sports writer, was expressed in terms the ECU considered inappropriate. Crowding at the turnstiles had led to claims by Club 1872 that Rangers fans had been "*trapped outside*" the ground, with consequent risks to safety. The tweet in question said "*Trapped outside Rugby Park... Trapped outside?? This is execrable stuff*". On the evidence available at the time Mr English was entitled to question the extent to which

fans trying to get into the ground could reasonably be described as “trapped”, but describing an aspect of Club 1872’s statement as “*execrable stuff*” went beyond what might be considered a reasonable expression of professional judgement, even in the context of the kind of trenchant brevity often expected of tweets.

Partly upheld

Further action

Sports teams have been reminded of the importance of appropriate language when reporting or commenting on issues or events connected to Scottish football.

Unexpected Fluids, Radio 1 Instagram

Complaint

A visitor to Radio 1’s Instagram account complained this posting was sexually explicit in ways inappropriate for younger visitors to the account.

Outcome

The post in question was intended to promote a radio programme which had a legitimate purpose, in which the sexually explicit elements were set in an appropriate context. The ECU agreed, however, that without that context and with the additional visual element, the post was not appropriate for a platform and an account which is of interest to children and younger people.

Upheld

Further action

Radio 1 will be reminding teams of the importance of considering the likely age range of the audience on the platform they are creating content for; and the need to exercise particular caution with content of a sexual nature, especially when used for promotional purposes or in a situation where the audience will not already have a good idea of what to expect from it.

Tweet by Laura Kuenssberg, 9 December 2019

Complaint

Laura Kuenssberg tweeted that a Conservative Party adviser had been punched by a Labour activist during a visit by the Health Secretary to Leeds General Infirmary. Readers complained that the tweet was inaccurate poorly-sourced and showed bias, and that a later apology was inadequate.

Outcome

Subsequent video footage showed that no punch had been thrown. The original tweet was taken down and a correction published alongside the new evidence. This, combined with a later apology, was sufficient in the ECU’s view to resolve the issue. It found no evidence of political bias nor that Laura Keunssberg had failed to check the story before publication.

Resolved

Good Morning Ulster, Radio Ulster, 26 November 2019

Complaint

The programme included a report on the general election campaign in the Upper Bann constituency, followed by a discussion with two guests, one described as “*a political commentator*” and the other as a “*former SDLP MLA*”. John O’Dowd, the Sinn Fein candidate in the constituency, complained that the latter was in no sense an

independent commentator (having signed the nomination papers of his SDLP opponent) and that the item was unfair to him and lacked impartiality in relation to his party.

Outcome

The guest in question was not presented as an independent commentator, and the description of her as a “*former SDLP MLA*” gave listeners sufficient indication of her likely viewpoint. However, she was given considerable opportunity to dispute Mr O’Dowd’s statement in the report that “*There’s only two parties that can win this seat. It’s either the DUP or Sinn Fein*” and to put the case for voting for the SDLP in the constituency. While this did not amount to unfairness to Mr O’Dowd personally, it fell short of due impartiality in relation to his party.

Upheld

Further action

The management of BBC Northern Ireland briefed the teams involved on key learnings as these related to due impartiality and the handling of discussions of this sort. They subsequently took care to ensure that commentators who had signed the nomination papers for candidates in the general election were not invited to take part in constituency-specific discussions and also that any relevant party political affiliations were made clear to BBC audiences.

Points West, BBC One (West), 27 November 2019

Complaint

The programme looked at the general election campaign in Stroud and included a discussion between three candidates standing in the constituency, representing the Conservatives, the Labour Party and the Green Party. A representative of the Brexit Party complained that its candidate had been wrongly excluded from the discussion.

Outcome

The Brexit Party candidate was represented in the item only by a brief clip from a pre-recorded interview. Although the party did not meet the criteria which would have required the programme to offer its candidate the opportunity of participating in the discussion, its claims to do so were no less than those of the Green Party, and it was inconsistent with the BBC’s guidelines on election coverage that the Green Party was represented in the discussion while the Brexit Party was not.

Upheld

Further action

The finding has been discussed with the programme team and they have been reminded about the guidelines which apply during election periods.

Watchdog, BBC One, 19 September 2019

Complaint

The programme featured an analysis of the performance of UK train-operating companies based on publicly-available data on punctuality, cancellations and numbers of complaints. Virgin Trains complained that the programme’s commentary subjected them to criticisms to which they had not had an opportunity to respond, failed to contextualise the statistics it used and focused unfairly on them rather than on worse-performing operators.

Outcome

Watchdog notified Virgin trains of its intentions in an email which indicated that Virgin Trains might be the subject of criticism in relation to the data which it attached. However, it did not indicate that there might be adverse comment on other areas of performance, such as on-board facilities, overcrowding and value for money, and Virgin Trains should have been given a clearer indication of the nature and extent of the criticism to be levelled at them. As the data used by the programme assigned Virgin Trains an overall ranking of 19th out of 23, the ECU did not consider they had been unfairly singled out for criticism in relation to those aspects of performance. However, the characterisation of them as “*consistently among the worst performers for just about everything*” was a broader criticism than the data for the three chosen indices warranted, and stood in contrast with the most recent industry-wide customer satisfaction survey in which Virgin Trains were ranked no lower than fourth on any of the indices, and first among long-distance operators for “*Overall satisfaction with the journey*”. This was inconsistent with the requirement of the BBC’s Editorial Guidelines that statistics should be put into context.

Partly upheld

Further action

The issues arising from the finding were discussed with the programme team.