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Analysis of complaints

From 1 July to 30 September 2007 the Unit reached findings on 63 complaints concerning 61 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	Number of Complaints	Number of Items
Harm to individual/organisation (victim complaint)	7	7
Harm to individual/organisation (3 rd party complaint)	3	3
Party political bias	4	4
Other bias	24	22
Factual inaccuracy	11	11
Offence to public taste	2	2
Violence	1	1
Sensitivity and portrayal	5	5
Racism	1	1
Bad example (adults)	2	2
Bad example (children)	1	1
Commercial concerns	1	1
Other	1	1
Total	63	61

In the period 1 July - 30 September, 19 complaints were upheld (15 of them partly) - 30% of the total. Of the items investigated in the April - June quarter, complaints were upheld against 17 items (28% of the total). A further 4 complaints (about 4 items) were resolved. This report contains summaries of the findings in those cases (with the exception of findings on a complaint about a broadcast and related news and online coverage, the last of which was not reached until the October-November quarter, and an unrelated finding where appropriate further action has not yet been decided upon, which will be reported in the next bulletin).

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 (11 in this quarter) which require longer or more complex investigation. During the period 1 July - 30 September, 60.5% of replies were sent within their target time.

Summaries of upheld complaints

Guinea Pig Kids, BBC2, 30 November 2004 and related websites

Complaint

The Director of Planning and Policy Research of the New York-based Center for HIV Law and Policy, supported by several academics and other agencies involved in HIV research and treatment, complained that the programme unfairly claimed that New York City's Administration for Children's Services, together with a number of medical and child care institutions, "*effectively conspired to force helpless children of colour into inappropriate and sinister 'experiments' when in fact they made life saving drugs already approved for adults available to children living with HIV/AIDS who were in the foster care system*", that it gave a misleading impression of the effects of anti-HIV medication, and that it falsely claimed that

“denying medication to children with AIDS will improve their health while appropriate treatment will kill them”.

Ruling

The programme explored legitimate concerns about a research project involving the testing of anti-HIV drugs on children in the care system, where (it had emerged) there had been a failure in some cases to provide independent advocacy as required by the research protocols. However, the programme portrayed this failure as being the more serious because the drugs being trialled were, it claimed, both “lethal” and ineffective. In support of these claims, the programme interviewed an expert witness who was, though the audience was not told, a leading advocate of the propositions that HIV is unconnected with AIDS, that anti-retroviral drugs do not work in the treatment of AIDS and that they are, in fact, responsible for deaths attributed to AIDS. The audience was not told that his was a minority and controversial view which would be challenged by mainstream medical opinion. No other medical opinion was heard on this subject.

The programme also gave the false impression that parents or carers who objected to their children being placed in the trials risked losing custody of their children. In fact, the three case studies which created this impression did not involve children connected with the trials. Though there was no explicit claim that *“denying medication to children with AIDS will improve their health while appropriate treatment will kill them”*, the treatment of case studies in the programme contributed to that impression.

Party upheld

Further action

A correction will be published on bbc.co.uk, as part of the pages on which the material complained of appears, with a link to this summary. In addition, the ECU will contact other websites featuring the material in order to draw their attention to its ruling. The management of BBC News is addressing the issues arising from the ruling for the commissioning and supervision of independent productions of this kind.

News (10.00pm), BBC1, 18 April 2006

Complaint

A viewer complained about references to the Greenpeace report, “Chernobyl Catastrophe Consequences on Human Health” in a **Newsnight** item and in news bulletins in *“the lead-up”* to the item. By quoting the report’s estimate of about 100,000 excess deaths attributable to Chernobyl without appropriate qualification, the BBC had given credence to a highly tendentious figure from a campaigning organisation with a dubious record in the presentation of evidence.

Ruling

There was no **Newsnight** item matching the description. However, the 6.00pm and 10.00pm bulletins on BBC1 included packages linked to the 20th anniversary of the Chernobyl explosion which alluded to the Greenpeace report. There was nothing in the body of the packages or in the studio introduction to the package in the 6.00pm bulletin which would have led viewers to give undue credence to the Greenpeace estimate, but the studio introduction in the 10.00pm bulletin didn’t make it sufficiently clear that the figure came from a campaigning source.

Party upheld

Further action

The Editor of the bulletin reminded the programme team of the need to ensure that claims by campaigning organisations are clearly identified as such.

Points West, BBC1 (West), 29 January 2007

Complaint

A viewer complained that, in an item on a case of alleged bullying at Bulford Army Camp, the reporter had gratuitously introduced criticism of the Government which, reinforced by an interview with a Conservative MP, resulted in anti-Government bias.

Ruling

The concerns which had arisen in relation to Bulford Camp were not isolated ones, and it was legitimate, particularly in a region where the army is prominent, to broaden the story to include questions of army morale and the effect on it of the Government's actions. It was also legitimate to include an interview with the MP in question, who had served in the army and whose answers largely reflected his military experience rather than his political affiliation. However, the premises of the presenter's questions, together with the opportunity offered to an opposition MP to criticise the Government in a controversial area without challenge resulted in a degree of bias.

Party upheld

Further action

The Editor of **Points West** discussed the issues arising from the finding with the reporter concerned.

Look North, BBC1 (North East) & Drivetime, Radio Newcastle, 3 April 2007

Complaint

Sunderland Housing Group (which has since changed its name to Gentoo Group Ltd) a Registered Social Landlord (RSL) which manages what was the Sunderland Council housing stock, complained that reports in these two programmes, which dealt with a proposed restructuring of the organisation, gave a wrong impression that the Group and its executive were taking a controlling share in the board which would enable it to put up rents and sell housing stock; that the Group was facing massive tax problems; that a consultative exercise conducted amongst its tenants was inadequate; that the wording used in the reports showed bias against the Group; that the outcome of an application for judicial review by tenants had been inaccurately reported; and that the Group had not been afforded a proper right of reply.

Ruling

The proposed restructuring of Sunderland Housing Group was complex, involving the transfer of stock from four of its subsidiary companies to a fifth which would become the RSL. To avoid a tax liability of several million pounds, voting rights were to be amended temporarily to demonstrate that the parent company had control over the subsidiaries, which would then be wound up. The broadcast items, however, failed to make clear that this was not a permanent arrangement, which would have conferred upon the board and the executive the power to raise rents and sell off stock. In fact, none of this was the case. The items also misconstrued the tax liability which might arise if these arrangements were not put in place within the current financial year as a pending "*massive tax bill*" which would lead to redundancies. Prior to broadcast, moreover, the programmes had failed to put a number of the substantive allegations to Sunderland Housing Group. Had they done so, it is likely that these mistakes would have been corrected. These points of complaint were upheld. Further complaints concerning biased language and the way that a consultative exercise and an application for judicial review by tenants were reported were not upheld.

Party upheld

Further action

The issues arising from the finding have been discussed with the programme-makers concerned, with a view to not repeating the errors in future reports. The items complained of will not be re-transmitted, and an appropriate correction will be broadcast.

Scotland Live, Radio Scotland, 2 May 2007**Complaint**

The programme, on the eve of the Scottish local and Parliamentary elections, included an item intended to reflect the experiences of activists from the main parties during the campaign in Dundee. Fraser Macpherson, a Liberal Democrat Councillor, complained that interviews with himself and one of his Council colleagues were dropped from the item, on the grounds that the item had not intended to include candidates for the Council (the parties having been informed beforehand that Parliamentary candidates were to be excluded, but not that Councillors too were ineligible). This resulted in no Liberal Democrat representation in the item - a fault compounded by the inclusion of a Conservative interviewee who was in fact a Councillor. In response to his original complaint, the Editor of Scotland Live acknowledged that the programme team had failed to make clear to the parties that candidates for both the Council and the Scottish Parliament were to be excluded from the item, and to identify one of the Conservative interviewees as a Council candidate. However, C6T dordbiami (were ineligible) 5 (le h1 ues 59 out to the) 6 possibilities of wercu 5 (rb) 5 m, and thagib

Israelis from Iraq remember Babylon, news.bbc.co.uk, 7 May 2007

Complaint

A visitor to the page, which included first-hand accounts of their upbringing in Iraq by two Israelis, complained that the item gave the misleading impression that Iraqi Jews had not experienced difficulties until around the time of the creation of the State of Israel, and that the selection of two such testimonies indicated bias.

Ruling

of the research situation on the level of mistakes, it would not be accurate to regard this as a “warning” that one kind of ballot paper was significantly more likely to lead to mistakes than another as The Scotsman had suggested.

Upheld

Further action

The management of BBC Radio News discussed the issues arising from the finding with the programme team.

News (10.00pm), BBC1, 18 May 2007

Complaint

A viewer complained that the lead item, about the Commons vote on the proposal to exempt Parliament from provisions of the Freedom of Information Act, displayed bias.

Ruling

Independently of the ECU investigation, News management had discussed this item, and agreed that it did not meet the BBC’s standards of impartiality. They accepted that the tone of the lead-in, the report itself and the two-way between the presenter and the reporter

were presented uncritically. This reinforced the misleading impression, and was unfair to Prof Repacholi.

Partly upheld

Further action

The Executive Editor/Commissioning Editor for TV Current Affairs discussed the finding, and the need to reflect the weight of scientific opinion effectively, with the **Panorama** team. The team is also planning a special session to explore issues of balance and fair dealing with contributors in relation to scientific and medical topics. The finding against this edition of **Panorama** will be marked on the programme website in the appropriate place.

NewsWatch, BBC1, 25 May 2007

Complaint

A viewer complained that an item about the edition of **Panorama** subtitled

impartiality set out in the BBC's Editorial Guidelines. The presenter had adduced no evidence for his statement, whereas the guidelines on accuracy require BBC output to be "based on sound evidence" and avoid "unfounded speculation"; Sky News had not been given the right of reply required by the guidelines on fairness in cases where individuals or organisations were the subject of allegations; and the statement in question, together with a later statement of preference for BBC News over Sky News, showed bias towards the BBC, contrary to the guidelines on impartiality. In earlier correspondence, the producer of the programme had offered an apology for what he acknowledged was an inappropriate comparison, but had not accepted that there had been unfairness or partiality. The complainant maintained that the breach of standards was serious enough to warrant a written and on-air apology acknowledging inaccurate, unfair and partial treatment of Sky News.

Ruling

The presenter's remarks were in response to Sir Gerald's observation that the only coverage of Parliament he could rely on was that of Sky News. Though it was unfortunate that the presenter chose to make a comparison between Sky News and a BBC service, the manner of his response was appropriate in the context of an interview with a guest who was making his points with characteristic forcefulness, and the Unit found no breach of due impartiality. On the issue of accuracy, the Unit noted that, although the presenter had offered no evidence in support of his remarks, they represented a journalistic judgement by an experienced news professional, and so could not be described as "unfounded speculation"; and, in the absence of any evidence that his judgement had been incorrect, the Unit was unable to reach a finding of inaccuracy. On the issue of unfairness to Sky, the Unit noted that, although Sir Gerald had responded with further praise for Sky News, he was not speaking as a representative of Sky, and his comments were not addressed to the issue of its relative accuracy. To the extent that a specific criticism of Sky News was made in circumstances where there was no practical possibility of a response on Sky's behalf, there was an element of unfairness to Sky. However, as this occurred during a passing exchange in which Sky News had been warmly commended by Sir Gerald, a broadcast apology would have been disproportionate to the offence and any impact it might have had on listeners' perceptions of Sky News.

Resolved

When is a gun not a gun?, news.bbc.co.uk, 29 June 2007

Complaint

For a short time, an item on the trial of a dealer in antique guns reported that he had been found guilty on a charge of selling weapons which had been used in at least 14 gang-related shootings, including three murders. In fact, he had been found innocent, and the item was corrected when the error was noticed. The complainant maintained that, as well as acknowledging the error in correspondence, the BBC should acknowledge it publicly.

Ruling

Two versions of the item had been prepared, in anticipation of each possible verdict, and the wrong one had been erroneously posed. Although it had remained uncorrected only for a short time, the ECU took the view that the error was of the kind to which the following guideline applied: "*We should normally acknowledge serious factual errors and correct mistakes quickly and clearly. Inaccuracy may lead to a complaint of unfairness. An effective way of correcting a mistake is saying what was wrong as well as putting it right.*"

Upheld

Further action

A link directing readers to this finding will be added to the item.

a video link with the words *"Poll suggests only a third of Scots support plan"*. As the poll in question included no published figure for support for the plan to have a referendum, the juxtaposition was misleading in the sense complained of. However, it was only a matter of hours before the link was superseded by a link to footage from the launch itself, so the misleading impression did not persist.

Resolved