

# **E3 BBC complaints framework Procedure no. 1: Editorial complaints and appeals procedures**

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# Editorial complaints and appeals

## What is an editorial complaint?

- 1.1 An editorial complaint is about content (eg a programme or online article) for which the BBC has editorial responsibility. 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) or available on request from BBC Information 03700 100222. If you believe that the BBC has not adhered to these guidelines you can make an editorial complaint.
- 1.2 This document sets out the editorial complaints procedure. This is a three-stage complaints procedure and is set out on the BBC complaints website: [www.bbc.co.uk/complaints](http://www.bbc.co.uk/complaints) and the BBC Trust website: [www.bbc.co.uk/bbctrust/appeals/editorial\\_complaints](http://www.bbc.co.uk/bbctrust/appeals/editorial_complaints).

## BBC editorial complaints code of practice

### How to complain

- 2.1 There are three stages to the process. Within 30 working days (or exceptionally the BBC may allow longer if the BBC decides there is a good reason for the delay) from the transmission or publication you can:
- (a) make a complaint via the complaints website: [www.bbc.co.uk/complaints](http://www.bbc.co.uk/complaints)
  - (b) or ring BBC Information on 03700 100 222
  - (c) or write to BBC Complaints, PO Box 1922, Glasgow G2 3WT.
- 2.2 If you prefer to write directly to the programme, channel or division responsible your complaint will be handled in the same way. Should you choose to make your complaint to anyone outside of these areas the published complaints process will still be followed.
- 2.3 If your complaint is about a BBC UK public service or a BBC service licensed by the broadcast regulator Ofcom (primarily BBC commercial services in the UK and Europe) you can also complain to Ofcom about all issues except impartiality, accuracy, elections and referenda and some commercial issues (these remain the responsibility of the BBC Trust).
- 2.4 Your complaint will be logged on the BBC's complaints database at which point it will be given a unique reference number so that we have a record of it and can track the response and complaints handling can be systematically monitored.

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

- 2.5 You will receive a response when our research is complete. We aim to reply within 10 working days depending on the nature of your complaint.

- 2.6 If we made a mistake we will apologise and take action to stop it happening again. When appropriate we publish a public response, correction or apology online at [www.bbc.co.uk/complaints](http://www.bbc.co.uk/complaints). The BBC may also publish an on air correction or apology if it believes the matter warrants it.
- 2.7 We monitor and report in public on the complaints we have received, and learn from them to improve our programmes and services.

**Stage 2: If I'm not satisfied with the reply, what can I do next?**

- 2.8 BBC Information or the department responsible for the content about which you are complaining will try to resolve your complaint within two exchanges of correspondence. If you are still unhappy after these two exchanges you can take your complaint further.
- 2.9 If your complaint was about a specific item broadcast or published by the BBC and you believe it has breached the BBC's editorial standards, please write within 20 working days of the date of the final stage 1 response to the Editorial Complaints Unit (ECU), Room 5168, BBC White City, 201 Wood Lane, London W12 7TS (or exceptionally the BBC may allow longer if the BBC decides there is a good reason for the delay).
- 2.10 Your letter should be clear and concise. It should not exceed 1,000 words (usually four pages). In exceptional circumstances longer complaints will be entertained, however when you submit your complaint you should:
- (a) identify the reasons why your complaint exceeds 1,000 words
  - (b) provide a one-page summary of your complaint.
- 2.11 It should include the reference number, date and details of your final correspondence to and from the BBC Executive. This helps to clarify the details and terms of your appeal request. This written complaint is particularly important as it will be the main basis for deciding whether an appeal is taken by the ECU.
- 2.12 The ECU will reply, usually within 10 working days, setting out the editorial guidelines against which the complaint will be considered. If the ECU considers it helpful, the ECU will also summarise your complaint. You will be given the opportunity to comment on both the summary and selected guidelines and you are asked to do this usually within 10 working days.
- 2.13 If you are unable to put your request in writing or have any other access issues please contact BBC Information for assistance: Telephone: 03700 100 222
- 2.14 The ECU will then:
- (a) independently investigate your complaint
  - (b) decide if it is justified
  - (c) inform you of the reasoned decision
  - (d) ensure that the programme or division takes appropriate action in response to the finding.

- 2.15 The ECU aims to complete its investigation into your complaint within 20 working days of the summary of your complaint being sent to you (a target of 35 working days applies to a minority of cases which are judged to be unusually complex).
- 2.16 The relevant editorial area will have the opportunity to see the complaint and respond to it. In case of upheld or resolved findings by the ECU, the relevant editorial area will also have the opportunity to comment on the draft finding and any summary of the finding intended for publication.
- 2.17 If you have made a first party complaint, ECU will initially send you a draft finding which you have the right to comment on, and you are asked to do this usually within 10 working days.
- 2.18 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.

**Stage 3: If I still think the BBC has got it wrong what can I do?**

- 2.19 If you are still dissatisfied with the response that you have received at Stage 2, you can request an appeal to the BBC Trust's Editorial Standards Committee (ESC) within 20 working days of the date of the final Stage 2 response (or exceptionally the Trust may allow longer if the Trust decides there is a good reason for the delay). Depending on the nature of your complaint, and whether or not it fits the criteria for appeals that the ESC will consider, the ESC may agree to take your appeal. A brief outline of the process is set out below; however, if you wish to make an appeal you may like to read the full Appeals Procedure document set out below.
- 2.20 Your letter should be clear and concise and should not exceed 1000 words (usually four pages). In exceptional circumstances longer appeals will be entertained; however, when you submit your appeal you should:
  - (a) identify the reasons why your appeal exceeds 1000 words; and
  - (b) provide a one-page summary of your appeal.
- 2.21 It should include the reference number, date and details of your final correspondence to and from the BBC Executive. This helps to clarify the details and terms of your appeal request. This written appeal is particularly important as it will be the main basis for deciding whether an appeal is taken.
- 2.22 The ESC will consider your appeal with the BBC's response and decide whether you have a justified complaint.
- 2.23 If the ESC upholds your appeal it expects the Executive to take account of its findings.
- 2.24 You can write to the ESC at 180 Great Portland Street London W1W 5QZ.
- 2.25 If you are unable to put your request in writing or have any other access issues please contact the Trust Unit Enquiries line for assistance:  
Telephone: 0370 010 3100 Textphone: 03700 100 212

- 2.26 The ESC receives biannual reports from the BBC Executive on complaints and annual reports on complaints handling at both stage 1 and stage 2. The ESC seeks to ensure complaints are properly handled by the BBC and that the complaints handling process reflects best practice and opportunities for learning.
- 2.27 We aim to treat every complainant with respect and expect equal consideration to be shown in return to our staff who handle complaints.

## Full appeals procedures

### Introduction

- 3.1 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 Manager, BBC Trust Unit.
- 3.2 The ESC's responsibilities include taking appeals from people who have made an editorial complaint to the BBC Editorial Complaints Unit (or in some instances, set out below, a senior BBC manager) and are not satisfied with the response they have received.
- 3.3 This document answers the following questions:
- (a) does my appeal qualify for consideration the ESC?
  - (b) how can I make an appeal?
  - (c) how is an appeal prepared for the ESC?
  - (d) what is the ESC process for considering an appeal?
  - (e) can I ask for a hearing?
  - (f) what happens if an appeal is upheld?
  - (g) who do I contact about the appeals process?
- 3.4 The ESC is supported by the Trust Unit, a department that reports to the Trustees via the Director, BBC Trust. You will see mention in this document of the Head of Editorial Standards, who oversees the ESC procedures within the Unit, and the Complaints Manager, who has day-to-day responsibility for the administration of the ESC. The ESC also has access to independent editorial advisers who are external to the BBC.
- 3.5 Note that in many areas, the broadcasting regulator Ofcom can also take complaints directly from the public on BBC UK Public Services and services licensed by Ofcom (primarily BBC commercial services in the UK and Europe). You can choose to complain to the BBC or Ofcom or to both the BBC and Ofcom. The exceptions are matters of impartiality and accuracy, elections and referenda,

sponsorship and commercial references. In these matters, responsibility remains with the BBC Trust.

- 3.6 See [www.ofcom.org.uk](http://www.ofcom.org.uk) and in particular: [www.ofcom.org.uk/complain/](http://www.ofcom.org.uk/complain/)
- 3.7 If you decide to complain to Ofcom, please note that:
- (a) it will first take a decision on whether or not to entertain the complaint
  - (b) in general, it has a time limit of 90 days after a television programme has been broadcast (42 days for a radio programme) to take a complaint. This is subject to change in the event of Ofcom revising its procedures
  - (c) if you are complaining to Ofcom after being through the BBC's complaints procedures, Ofcom may take this into account when deciding whether to entertain your complaint, so do mention this in any initial correspondence with Ofcom.
- 3.8 Our promise to you is that the process for handling appeals to the ESC will be:
- (a) clearly communicated
  - (b) fair
  - (c) timely. The ESC normally aims to give you an answer on your appeal within 80 working days, and you will receive regular updates on the progress of your appeal.
- 3.9 If you think the Trust Unit has not handled your appeal according to its process then please contact the Head of Editorial Standards at the address in paragraph 3.17 in the first instance and then the Director, BBC Trust at the same address.

**Does my appeal qualify for consideration by the ESC?**

- 3.10 Your appeal must meet the following criteria:
- (a) It must be an editorial complaint. Your complaint must concern a breach of editorial standards and be about content (for example, a programme or an online article) for which the BBC has editorial responsibility, as detailed in the BBC's Editorial Guidelines <http://www.bbc.co.uk/guidelines/editorialguidelines>. You may be making a 'first party complaint' about unfair treatment or an infringement of privacy that has directly affected you. Or you may be making a third party 'standards complaint', where you feel the content has breached the BBC's editorial standards in some way. If you would like a hard copy of these guidelines please contact 03700 100 222.
  - (b) Your complaint must have already been escalated through the BBC Executive's complaints handling processes (see [www.bbc.co.uk/complaints](http://www.bbc.co.uk/complaints) for details). Usually, this will mean that your complaint has been investigated by BBC Information and then the BBC's Editorial Complaints Unit (ECU). Sometimes, however, a complaint falls outside the remit of the ECU, but still provides evidence to suggest there may have been a breach of editorial standards. In that case, your complaint must have been considered by a senior BBC manager.

- (c) The ESC does not take appeals from content producers about a decision by the ECU or by a senior divisional manager.
  - (d) Your appeal must raise a matter of substance – in particular, that, in the opinion of the Trust, there is sufficient evidence to suggest that the appeal has a reasonable prospect of success and there is a case for the BBC Executive to answer. Consideration will also be given to whether it is appropriate, proportionate and cost-effective for the Trust to address an appeal. For example, given the distinct roles and responsibilities of the Trust and the Executive, the Trust will not usually take appeals relating to day to day operational issues.
- 3.11 If you are not happy with the response you have received from the ECU or the senior manager and/or are not happy with their handling of your complaint then you should write to request an appeal within 20 working days of the date of the final correspondence with the ECU or a senior manager about your complaint (or exceptionally the Trust may allow longer if the Trust decides there is a good reason for the delay).
- 3.12 If you are unable to put your request in writing or have any other access issues please contact the Trust Unit Enquiries line for assistance:  
Telephone: 0370 010 3100 Textphone: 03700 100 212
- 3.13 The ESC will not consider an appeal which is vexatious or trivial, or which relates to content that has not yet been transmitted or published.
- 3.14 The ESC may decide not to consider an appeal where it relates to matters which have been, are, or are likely to be, the subject of, or relevant to, legal proceedings or proceedings by an appropriate public authority or regulator. This decision is taken on a case-by-case basis.
- 3.15 The ESC and/or the Head of Editorial Standards also reserve the right to refer a complaint back to the ECU or a senior manager, particularly if they think there has not been an appropriate investigation and response from the BBC's Executive to the original complaint or if the ESC considers additional investigation would be of assistance in clarifying matters before ESC consideration.
- 3.16 The ESC and/or the Head of Editorial Standards may ask either party in the complaint to provide more information at any stage.

**How can I make an appeal request?**

- 3.17 Send your appeal request to:  
Complaints Manager  
180 Great Portland Street  
London  
W1W 5QZ
- 3.18 Appeal requests should usually be made in writing, preferably typed rather than hand written.
- 3.19 If you are unable to put your request in writing or have any other access issues please contact the Trust Unit Enquiries line for assistance:  
Telephone: 0370 010 3100 Textphone: 03700 100 212



- 3.20 Similarly, where this document makes reference to websites, if you do not have access to the web, contact the BBC Trust information line for help.
- 3.21 Your appeal request should be detailed in no more than 1000 words (about four pages). In exceptional circumstances longer appeals will be entertained; however, when you submit your appeal you should:
- (a) identify the reasons why your appeal exceeds 1,000 words; and
  - (b) provide a one-page summary of your appeal.
- 3.22 Your appeal should include the following information:
- (a) a concise summary of up to 1000 words (about four pages) of your appeal, including details of the programme(s) or item, channel or service, and the date of transmission or publication. If your appeal concerns content on the BBC's internet sites, the ESC will normally only consider an appeal if a copy of the material is supplied
  - (b) a breakdown of the appeal into a series of concise points, illustrated with specific examples from the content of which you are complaining. This will assist us in ensuring that we understand the exact nature and basis of your appeal
  - (c) the date of your original complaint
  - (d) the date of the final correspondence with the ECU or a senior BBC Manager and the reasons why you are dissatisfied with the decision(s) of the ECU or a senior BBC manager.
- 3.23 Before making your appeal, you can normally also ask to be informed of the gist of the material which the ECU or a senior manager previously relied on in responding to your complaint (for example, transcripts or statements from the programme maker or online editorial team). You may want to comment on this material in your appeal letter. This is important to assist you in setting out as fully and clearly as possible the grounds for your appeal.
- 3.24 The Trust Unit aims to acknowledge your letter within 10 working days.
- 3.25 Your appeal will be assessed by the Trust Unit against the criteria outlined in Section 3.10.
- 3.26 The Complaints Manager or Head of Editorial Standards will write to you if the Head of Editorial Standards thinks your appeal does not qualify, and explain the reasons for that decision. If you disagree with that decision then you may appeal it to the Editorial Standards Committee (ESC). The Trust is the final arbiter if any question arises as to whether an appeal is for the Trust to determine or not. Complaints about the administration of the ESC appeals procedures should be addressed to the Director, Trust Unit, 180 Great Portland Street, London, W1W 5QZ.
- 3.27 If your appeal qualifies, 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 for ESC?**

- 3.28 Once it is agreed that the ESC will hear an appeal the ESC will then instigate its own independent consideration of the appeal.
- 3.29 The Complaints Manager may, if appropriate, work with an independent editorial adviser to help decide what the ESC will need to consider your appeal.
- 3.30 This will normally include a background note summarising the complaint, the relevant guidelines to be applied, the correspondence and other material relating to your appeal prepared by the Trust Unit on behalf of the committee. It may also include:
- (a) a briefing from an independent editorial adviser to the ESC or the Head of Editorial Standards about the editorial issues raised by your appeal
  - (b) further research into facts relating to the appeal, including obtaining independent advice from external sources if needed.
- 3.31 The Editorial Adviser or Complaints Manager may contact you and/or the content suppliers for more information or further responses (if you are contacted, you will usually be asked to respond within 10 working days).
- 3.32 The Complaints Manager will send relevant points of substance from any further investigation or advice to you and to the content suppliers and relevant representatives of the BBC Executive. You will be given an opportunity to comment on material to be put before the ESC and usually asked to respond within 10 working days. The Complaints Manager may withhold sensitive or confidential information including, for example, legally privileged or commercially sensitive material.
- 3.33 If a large number of complainants appeal against a specific decision by the ECU or a senior BBC manager, some of these procedures will need to be adapted and a summary of the range of issues raised by their appeals will be compiled. The appeals will then be considered together across the full range of issues identified.

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

- 3.34 The ESC reviews the programme or website content, the appeal which you provided to the Trust Unit, the background note (which will summarise your correspondence to date with the BBC) and considerations by the Head of Editorial Standards or an independent editorial adviser plus any material which the Complaints Manager has identified as being material to your appeal. The ESC has access as necessary to your previous correspondence. The ESC will also review your comments and the content producer's comments on this material. The ESC usually meets once a month. Where necessary, it may defer an appeal and request further investigation.
- 3.35 The ESC will assess the content you have complained about against all the relevant standards, codes and guidelines, including the BBC's Charter and Agreement and Editorial Guidelines. If you have appealed against the handling of your complaint the ESC will assess this. It 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 will

usually be given five working days to comment upon errors of fact or process in the finding. Any comments should be detailed in no more than one page. In exceptional circumstances longer comments will be entertained; however, when you submit your comments you should:

- (a) identify the reasons why your comments exceed one page; and
- (b) provide a one-page summary of your comments.

- 3.36 The chairman will consider any comments made on behalf of the Committee. His/her decision is final.
- 3.37 The ESC publishes its findings in a bulletin (normally monthly), available on [www.bbc.co.uk/bbctrust](http://www.bbc.co.uk/bbctrust) or in print from the Complaints Manager (see address in paragraph 3.17). The finding may include details and quotes from the complaint you made. Your name will be usually be removed from the finding; however, you may be named in a finding if you have been directly involved in a programme and/or content.
- 3.38 The ESC is the final stage of the BBC's editorial complaints process. Its decisions on standards complaints about accuracy and impartiality, elections and referenda, sponsorship and commercial references are final, because the Trustees are the regulators on these matters. Otherwise, if you are dissatisfied with the Committee's findings, you may wish to consider contacting the broadcasting regulator, Ofcom ([www.ofcom.org.uk](http://www.ofcom.org.uk)). You can also complain directly to Ofcom instead of, or as well as, the BBC in the first instance.

#### Hearings

- 3.39 The ESC does not normally hold oral hearings although in exceptional circumstances and at the ESC's discretion the ESC may decide to allow it.
- 3.40 The chair of the ESC chairs a hearing, or nominates an ESC member to chair the hearing in his/her absence. At least two other ESC members will attend.
- 3.41 You will usually be given at least 25 working days' notice of a hearing. You will be invited to attend, along with the content suppliers and members of the BBC Executive that the ESC Chair requires to attend.
- 3.42 All parties involved may be accompanied by other people (usually to a maximum of two) and should inform the Head of Editorial Standards of their names and description of their purpose at least seven working days before the hearing. Those who accompany the parties will normally be permitted to attend as advisers rather than advocates. Legal representation should not be necessary as this is not a court of law. It would only be permitted with the prior permission, and at the discretion, of the ESC's chair. The Editorial Adviser, Head of Editorial Standards and Complaints Manager may attend.
- 3.43 Apart from the people mentioned, the hearings take place in private.
- 3.44 The ESC chair will decide on the precise format for each hearing, but it will normally be as follows:
- (a) the chair outlines the hearing procedure
  - (b) you will be invited to summarise your original complaint and the basis for appeal

- (c) the content suppliers/BBC Executive representatives will briefly respond to your appeal
- (d) the chair and other ESC members may ask you and others present questions
- (e) at the chair's discretion, the two parties may question each other
- (f) there is then an opportunity for the content suppliers and/or the BBC Executive to make a brief final statement followed by a brief statement by you.

3.45 New material is not normally accepted at the hearing.

3.46 In order to facilitate access for complainants to hearings, information on specific needs will be sought in advance. The BBC will consider making any reasonable adjustments to the hearings process to accommodate the need for individual complainants on a case-by-case basis.

3.47 After a hearing, the Chair and ESC members who were present will come to a finding on the appeal.

**What happens if an appeal is upheld?**

3.48 When an appeal is upheld the ESC will:

- (a) apologise to the appellant for the breach in programme standards
- (b) 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 Committee
- (c) publish its finding, including any directions to the Executive on remedial action on the complaints website. The ESC's bulletin of findings is published on the BBC Trust site at [http://www.bbc.co.uk/bbctrust/appeals/editorial\\_appeal\\_findings.html](http://www.bbc.co.uk/bbctrust/appeals/editorial_appeal_findings.html) or available by phoning 03700 100 222
- (d) the Committee may also require an on-air or published apology or correction.

**Who do I contact about the appeals process?**

3.49 To submit an appeal, please write to:

Complaints Manager  
180 Great Portland Street  
London  
W1W 5QZ

3.50 If you are unable to provide a written document, or have any other access issues, please contact the BBC Trust Unit information line on 03700 103 100/textphone 03700 100 212 for help and advice on how to submit your appeal.

- 3.51 If, as outlined in the introduction, you are not happy with the way your appeal has been handled please write first to:

Head of Editorial Standards  
180 Great Portland Street  
London  
W1W 5QZ

- 3.52 And if you remain unhappy, to:

Director, BBC Trust  
180 Great Portland Street  
London  
W1W 5QZ

- 3.53 Please note that the Head of Editorial Standards and Director, BBC Trust are only able to consider whether your appeal has been properly handled in terms of clear communication, fairness and timeliness. They cannot consider the outcome of an ESC decision – the Trustees' decision is the final stage in the BBC complaints process. However, you may be able to complain to Ofcom – see note in section 2.3 – although Ofcom cannot consider matters in relation to BBC UK Public Services on impartiality and accuracy, elections and referenda, sponsorship and commercial references. Nothing in this procedure affects any rights that you might have to challenge the lawfulness of decisions of the Trust in court or to make a complaint to an external body.

Version	Date of publication	Approved by the Trust	Summary of changes since previous version
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'.