

INTRODUCTION

A new detailed survey conducted by News-watch of the BBC First complaints handling process shows that the procedure is unfit for purpose. It expands on the submission made by News-watch to the DCMS at the invitation of then Secretary of State Nadine Dorries in July 2022 in connection with the BBC Mid-term Review. The submission document (a copy of which is attached) highlighted glaring inadequacies in BBC complaints handling. Research conducted since and summarised below demonstrates that the extent of the problems is even worse.

FACTUAL BACKGROUND

The survey reveals that the BBC received **1.7m** complaints over the five years 2017-2022, the first half of the current Charter period.

Despite huge public concern about BBC integrity and impartiality, only a tiny fraction of complaints - 126 in five years - have been upheld or partly upheld by the BBC's Executive Complaints Unit (ECU).

Of that total, only 25 about the central Charter requirement of impartiality were upheld or partly upheld by the ECU. That's only 0.0015% of complaints received.

It defies belief that the BBC is so rarely found to be biased, particularly as research by Ofcom shows that only 54% of audiences think the BBC is impartial.

Analysis of the reasons given for both upheld and rejected claims (in the rare occasions when this happens) show that the ECU responses are almost risibly biased against the complainant's points of view.

What were the 1.7m complaints received by the BBC about? The outside world does not know because in the vast majority of cases, the BBC is not required to publish the data and does not do so. What they publish is sparse, piecemeal and provides only the bare minimum of explanation and context of complaints to the ECU.

It is likely that most complainants do not proceed beyond Stages 1 of the complaints process because they often receive standard form stonewall responses and because it takes time and effort to persevere with a complaint to the ECU and subsequently to Ofcom under its appeal process.

According to Ofcom, which since 2017 has regulated the BBC and is the final appeals body for complaints, latest research shows that only 18% of BBC complainants report a 'satisfactory experience' with the BBC process.

Ofcom, for its part, tends to be negative towards complainants. It has received 14,564 complaints about the BBC but has mounted only 9 programme investigations and upheld only 3. In this respect, it is doing very much less than the former BBC Trustees were when they were responsible for appeals.

The problems above are exacerbated by the fact that both the BBC and Ofcom have a rigid policy in only allowing complaints about single programme items (or a linked series), and thus will not consider external longitudinal research on controversial news and current affairs themes such as Brexit or the costs and energy supply issues of Net Zero.

SUBMISSION

This comprehensive review by News-watch of the workings of the **BBC First** Complaints Framework - believed to be the first of its kind - shows with startling clarity how inadequate the process is. The analysis is of all the published information about complaints over the first five years of the operation of the current BBC Charter (2017-22).

News-watch has already called, in submissions to the DCMS in connection with the BBC Mid-term Review, for the BBC complaints system and its appeals mechanism to be made properly independent of the BBC and Ofcom. If it was, bias issues could be properly identified and tackled.

Given the importance of this interface with the BBC's audience, especially with regard to the maintenance of impartiality, it is deeply worrying that a thorough review has not been conducted before now.

News-watch has undertaken this work in the public interest because no one at the BBC or Ofcom seems to regard it important to inform the public fully and openly about the issues raised in complaints handling, or to grasp the scale of the problems involved.

An example of the laxity and complacency in the domain is that The Serota Review of October 2021, which was commissioned by the BBC Board as a thorough review of BBC operations, assumed without providing evidence that the BBC First system was working 'extremely well'¹.

¹ <https://downloads.bbc.co.uk/aboutthebbc/reports/reports/the-serota-review.pdf>

Ofcom, in their June 2022 report about regulation of the BBC², appeared to take issue with this. The document concluded that there were shortcomings in the BBC First regime, such as not publishing enough information and an insufficiently creative approach to the handling of complaints.

Further, research conducted in connection with the report found that only 18% of those surveyed said they had a 'satisfactory experience' with the BBC First system.³ But Ofcom's proposals for remedy, and the BBC's response to the document, amount to only tinkering at the edges of the problems.

Ofcom's concerns, for example, do not extend to why such a minuscule proportion of complaints are upheld (by themselves and the BBC). Why in five years have there been only 26 upheld or partly upheld complaints about impartiality, and whether this might be linked to the Corporation as its own judge and jury in the vast majority of cases?

As things stand, it takes time, effort and dogged persistence to prosecute a complaint, and it must be focused on single programme items. The BBC First system is divided into Stages 1a and 1b then a possible Stage 2 appeal to the ECU. On top of that, if a complainant is not satisfied by the BBC's response, an appeal can be submitted to Ofcom.

At every stage, the complainant is at a disadvantage in a rigid framework of word and time limits. News-watch investigated in January the most recent 100 complaint resolutions published by the ECU website.⁴ The findings show that the process takes on average about four months (118 days). The shortest was 37 days from broadcast to resolution,⁵ and the longest 339 days.

The BBC deploy a phalanx of sub-contracted dedicated complaints handlers, together with BBC staff, to handle Stage 1 of BBC First. At Stage 2, the ECU has its own dedicated editorial staff, access to the resources of the Editorial Standards department, to senior editorial staff of varying ranks of seniority, plus to the BBC's legal department. By contrast, the complainant is on his or her own and confronted by a complex battery of rules under the broadcasting codes which make framing submissions an arduous and complex affair.

A primary obstacle for complaints made about bias and breach of impartiality rules is that the BBC and Ofcom work according to a concept of 'due' impartiality which has been interpreted that - at the discretion of editors - equal airtime does not have to

² https://www.ofcom.org.uk/__data/assets/pdf_file/0028/239176/How-Ofcom-regulates-the-BBC.pdf

³ https://www.ofcom.org.uk/__data/assets/pdf_file/0026/239174/3-BBC-First-Complaints-research-report.pdf

⁴ <https://www.bbc.co.uk/contact/complaint-service-reports>

⁵ Match of the Day, 12 July 2022

be given to each perspective in areas of controversy. This gives huge wriggle room to the broadcasters and means that members of the public must prove their case against a very high, and often shifting bar (such as that the complainant did not take into account balancing material in another programme).

The problems inherent in the current system are starkly evidenced by analysis of the figures involved and collated here for the first time. In the five years since Ofcom took over regulation of the BBC, 1.7 million complaints were submitted via the BBC First process. As already noted, it is not known what the vast majority of these were about because the BBC does not disclose details about stages 1 and 2 of the BBC First system.

Whatever the nature of the submissions, only 2,493 (0.01% or one thousandth of those received) progressed from Stage 1 to the ECU, and only 126 (0.0007%) were upheld or partly upheld, with only 26 of these hinging on impartiality (rather than inaccuracy or other breaches of BBC Editorial Guidelines). The figure is further diluted in that only 65 of the cases were in the straight 'upheld' category. Ofcom, for its part, received 14,564 complaints in the five years from audience members not satisfied about BBC content and the BBC's handling of their concerns. Nothing is known about 13,500 of these instances (93.5% of the total) because the Ofcom Content Board decided that, despite the views of the complainants, they should have been first considered by the BBC.

Ofcom has thus considered only 958 BBC-related cases in the first half of the Charter period. They decided to investigate only 15 (1.58%) of these with reasons given. Six were rejected without a full investigation but with the reasons for doing so. The Content Board conducted nine full investigations. Only three cases were found to be in breach of the broadcasting codes. Thus, of the 14,564 complaints about BBC programming received by Ofcom, only 1 in 5,000 was deemed to be valid.

Ofcom's low levels of activity in this domain are very hard to understand. Since 2017, when Ofcom's jurisdiction was established complainants have been given no indication about how audience concerns are dealt with by the industry regulator.

The further level of appeal to Ofcom was said to be a way of introducing greater rigour and outside independence into the processes of ensuring impartiality.

But in reality, it can now be seen to have led to a sharp reduction in standards and transparency.

In the previous Charter period - when the BBC was responsible for appeals in the complaints domain - the then BBC Trustees maintained an Editorial Standards Committee (ESC, made up of five of the Trustees). In the five years before Ofcom took over it handled 964 cases, published in regular reports - almost exactly the same total as Ofcom since then - but in every case (in sharp contrast to Ofcom), the ESC provided detailed explanations for both rejected and upheld complaints.

RECOMMENDATIONS

Overall, this amounts to a significant barrier for complainants to overcome. It defies belief that given the huge scale of BBC operations, so few breaches of impartiality occur.

From experience gained from making complaints, News-watch has concluded that members of the public are sent generic and platitudinous responses which do not deal with the specifics of individual cases, but rather speak in platitudes about how, in the BBC's judgment, balance and accuracy is achieved. Many submissions are dismissed on technicalities within the broadcasting rules or through biased judgments made by BBC staff.

News-watch has collated at Appendix 1 all the 126 partly upheld or upheld complaints rulings handled by the ECU.

The Executive Complaints Unit decisions are published periodically and arranged online in batches of eight⁶, so access is difficult. There is no running collation, and no attempt is made by the BBC to identify trends or patterns in either the complaints themselves or the findings.

The ECU rulings do not allow any general conclusions to be reached in programme terms about patterns of inaccuracy or bias, or about the quality of the reasoning deployed by the BBC, because each response is unique.

Against this background, there is an urgent requirement of reform of BBC First and Ofcom's role in the process.

⁶ <https://www.bbc.co.uk/contact/recent-ecu>

APPENDIX 1 - 126 PARTLY UPHELD OR UPHELD COMPLAINTS RULINGS HANDLED BY THE ECU IN OFCOM'S TENURE AS BBC REGULATOR

Points West, BBC One (West), 13 April 2017

Complaint

The programme included an item on the campaign in Bristol for a cannabis café. A viewer complained that it left the impression that use of cannabis was legal and included footage of cannabis use which would have facilitated imitation at a time when children would have been watching.

Outcome

The item made clear at several points that the use and cultivation of cannabis were illegal, but there was no editorial justification for the explicitness with which cannabis use was illustrated. **Partly upheld**

Further Action

None given by ECU

News (5.00pm), News Channel, 20 April 2017

Complaint

A report on an election campaign speech by Jeremy Corbyn included the following exchange between the presenter and the reporter:

Presenter: He didn't mention Brexit, of course that's at the heart of Theresa May's campaign and interesting that she immediately starts attacking on the issue of migration.

Reporter: Yes, it is quite noticeable, again and again, Mr Corbyn does not mention the B word. He didn't really when he did a stump speech in Croydon yesterday and today, he only mentioned it when challenged by reporters.

A listener complaint that this was inaccurate, as Mr Corbyn's speech had in fact mentioned Brexit.

Outcome

Although the reporter's general point was soundly based, the exchange gave the impression that Mr Corbyn had not referred to Brexit in the body of the speech in question. As he had done so twice, albeit briefly, this impression was inaccurate.

Further Action

The need for accuracy even when making a general observation about the ambition of a political speech has been stressed to the news team.

Newsnight, BBC Two, 21 April 2017

Complaint

A viewer complained that, in a package on the French Presidential election, Evan Davis's approaches in back-to-back interviews with representatives of the Macron and le Pen campaigns was so marked as to constitute bias.

Outcome

The difference was partly accounted for by the fact that the interview with the Macron representative was recorded while news of the killing of a policeman on the Champs Elysees was breaking, while the le Pen representative was recorded the following day and after Ms le Pen herself had provoked controversy with her comments on the event. However, it was indeed marked, and Evan Davis gave the impression of endorsing Mr Macron's claim that Ms le Pen had illegitimately sought to make political capital out of the incident. **Upheld**

Further Action

Newsnight has been reminded of the requirements of due impartiality, so that the perception of its coverage matches its intent.

Victoria Derbyshire, BBC2/News Channel, 27 April 2017

Complaint

The programme included a report on support by students' unions for the BDS campaign, which advocates boycott, divestment and sanctions in relation to Israel. A viewer complained that the report falsely claimed that the Charity Commission was investigating students' unions in this connection, that it gave an inaccurate impression that the campaign targeted only Israeli organisations, that it did not identify the pro-Israel campaigning affiliations of two student interviewees (whereas a pro-BDS interviewee was identified as a member of his university's Palestine Society), and bias was apparent in the treatment of the supporters of BDS who appeared in the item and the subsequent studio discussion.

Outcome

The report said the Charity Commission was "examining concerns about the involvement of a number of students' union charities in the BDS movement". The Charity Commission confirmed to the ECU that this form of words was accurate. Though the report's reference to BDS targeting "Israeli companies and institutions" was not an exhaustive summary of the campaign's scope, the ECU did not consider it materially misleading to viewers, and nor did it regard the fact that some speakers

were challenged more than others as evidence of bias. However, it agreed that the pro-Israeli affiliations of two contributors who spoke against BDS should have been made clear to viewers. **Partly upheld**

Further Action

The Editor of the programme has reminded producers and reporters of the need to give clear information about the allegiance of contributors to public campaigns where they are relevant to the audience's understanding of the issues under discussion.

Sunday Politics, BBC One, 30 April 2017

Complaint

Interviewing Alex Salmond, Andrew Neil put to him the claim that one Scottish child in five leaves primary school "functionally illiterate". A viewer complained that there was no basis for this claim.

Outcome

The figure derived from the sum of the two lower bands for reading attainment in the 2014 Scottish Survey for Literacy and Numeracy. That survey, however, contained no reference to "functional illiteracy", and no data which would have justified that form of words as a description of its findings. **Upheld**

Further Action

The Sunday Politics team has been reminded of the need to establish the evidential basis of claims that are quoted in its questions.

The World Tonight, Radio 4, 23 May 2017

Complaint

In an item which focused on resilience in Manchester in the aftermath of the Manchester Arena bombing, the presenter cited "Jewish riots in the 1940s" as an instance of friction between communities in Manchester. A listener complained that this was a misleading characterisation of the events in question.

Outcome

The presenter had in mind the events of August 1947 in Manchester, which (as she had intended to say) were anti-Jewish disturbances. **Upheld**

Further Action

While this was a slip of the tongue, the Editor has reminded the team of the need for precision on matters of historical importance.

PM, Radio 4, 8 June 2017

Complaint

In a report from Jerusalem, the reporter noted that 2017 was both the 50th anniversary of the Six-Day War and the 70th anniversary of UN Resolution 181, calling for separate Israeli and Palestinian states, which he said had been “rejected by Palestinians and by most Jewish organisations”. A listener complained that this gave a misleading impression of Jewish reactions at the time.

Outcome

Though some Jewish organisations had opposed the resolution, it was very strongly supported by others, including the Jewish Agency (which was much the largest and most influential representative group at the time). The impression of general Jewish rejection of the resolution was therefore misleading. **Upheld**

Further Action

The team has been reminded of the need to check that reported references to historical events are duly accurate.

The Travel Show, News Channel, 10 June 2017

Complaint

A viewer complaint that an item on an all-night hairdressing salon gave undue prominence to a commercial undertaking.

Outcome

There was editorial justification for the item as part of a series of features on London as a 24-hour city, but the name and branding of the salon were more prominent than was warranted. **Upheld**

Further Action

The programme team has been reminded of the need to reflect the world as it is without giving the impression of undue prominence.

The World Tonight, Radio 4, 27 June 2017

Complaint

A report on fire safety in tower blocks included an interview with a resident of Shepherds Court, a tower block in London where there had been a fire in August 2016. Another resident complained that the report had given a misleading impression of the building's vulnerability to fire.

Outcome

The interviewee said the building had no fire doors, no sprinklers and no fire extinguishers. Although it was not stated that these constituted breaches of fire regulations, the terms of the interviewee's statement and the reporter's reaction to it were such as to give the impression that they were grounds for significant concern. As the complainant pointed out, however, the doors to each flat and to the stairwells were in fact fire doors, and there are reasons why there is no regulatory requirement for sprinklers and fire extinguishers for such a building. The report gave a misleading impression in that respect. **Upheld**

Further Action

The Editor has emphasised to the team that it is important to question claims that may be misleading, particularly when they involve matters of current controversy.

My Big Gay Jewish Conversion, BBC One, 9 August 2017

Complaint

The programme followed a gay man in his exploration of the possibility of converting to Judaism. A viewer complained that a map shown in connection with the man's visit to Israel gave a misleading impression of the status of the occupied territories.

Outcome

The map showed the occupied territories in a darker shade of yellow than Israel itself, but any distinction this might have conveyed was counteracted by a thick line running round the perimeter of Israel and the occupied territories (on the first appearance of the graphic), giving the misleading impression that they formed a single entity. **Upheld**

Further Action

The programme will be appropriately edited before it is again made available.

Today, Radio 4, 10 August 2017

Complaint

The programme included an interview with Lord Lawson, occasioned by the release of Al Gore's second film about climate change. Nine listeners complained that Lord Lawson was not an appropriate speaker on climate change issues, and that his contribution had contained inaccuracies on the topic.

Outcome

The programme was justified in interviewing Lord Lawson in a context which did not imply that his views stood on the same footing as those of climate scientists, but the particular position in the debate occupied by Lord Lawson and the Global Warming Policy Foundation should have been made clear to listeners, either in the introduction to the interview or early in the questioning, and some of his statements in relation to climate change were wrong as the Global Warming Policy Foundation subsequently acknowledged) and should have been challenged. **Partly upheld**

Six O'Clock News, Radio 4, 18 August 2017

Complaint

Reporting on an initiative to set up a new consultative council for British Muslims, the BBC's Religious Affairs Correspondent said, "The Muslim Council of Britain, an umbrella organisation for 500 Sunni Mosques and Schools, represent less than 5% of Britain 2.5 million Muslims". A representative of the Muslim Council of Britain complained that there was no basis for a figure as low as 5%

Outcome

The Religious Affairs Correspondent had based the figure on an ICM poll supplemented by an allowance for outreach work subsequently conducted by the Council. However, the poll in question had not been framed with a view to measuring the extent of support for the Council, and other surveys more directly related to that question suggested that a much higher proportion of UK Muslims considered themselves to be represented by the Council. **Upheld**

Further Action

The correspondent has been reminded that the results of surveys depend on the specific questions asked and that both should therefore be reported with due accuracy.

Newsnight, BBC Two, 22 August 2017

Complaint

The programme led on President Trump's announcement of a new strategy towards Afghanistan and included a discussion with two contributors about the implications for Pakistan. A viewer complained that the critical view of Pakistan's role in the region expressed by both contributors resulted in bias.

Outcome

The Foreign Minister of Pakistan had accepted an invitation to contribute to the discussion, but withdrew at short notice. In his absence, and the absence of appropriate challenge from the presenter, the critical views expressed by both contributors resulted in a departure from due impartiality on a topic of some controversy. **Upheld**

Further Action

The programme team has been reminded of the need to review the presentation of a debate if a late cancellation affects its intended balance.

South East Today, BBC One (South East), 4 September 2017

Complaint

The programme featured an investigation into the Chief Executive of a fundraising organisation which sent parcels to British troops, who was alleged to have used his contacts to sexually pester the wives of serving soldiers. The Chief Executive complained that the report was materially misleading and that he had not been given the opportunity to respond to the specific claims made about him.

Outcome

The ECU found that the claims made about the Chief Executive were soundly based and the reporter was entitled to rely on a Facebook message posted in his name for information. It agreed, however, that insufficient efforts had been made to contact him ahead of the broadcast and therefore upheld that aspect of his complaint.

Partly Upheld

Further Action

The Editor of South East Today re-emphasised to the programme team the requirement to provide a fair opportunity to respond to allegations.

News (6.00pm), BBC One, 14 September 2017

Complaint

In the wake of the Bank of England's decision to raise interest rates, the presenter said the pound was at "a one-year high" against the euro and the dollar. A viewer complained that this was incorrect.

Outcome

The statement was correct in relation to the dollar but incorrect in relation to the euro. **Upheld**

Further Action

The production team recognises the pound moves separately against the two currencies and has been reminded to take greater care over distinguishing between them.

Six O'Clock News, Radio 4, 25 October 2017

Complaint

The bulletin included a report on the independent review of energy costs commissioned by the Government from Professor Dieter Helm. A listener complained that the statement that domestic energy bills "had doubled in the last decade", which occurred in the headline and the body of the report, was wrong.

Outcome

Energy prices rose only slightly over the decade, while average domestic bills (which reflect variations in consumption) fell in real terms. The statement complained of was therefore materially misleading. **Upheld**

Further Action

The business team have been reminded of the need to be accurate in their use of statistics, even when a generalised statement about a particular trend is made.

Today, Radio 4, 27 October 2017

Complaint

In an item on the conclusion of a report to the UN Security Council that the Syrian government had been responsible for a sarin gas attack on the town of Khan Sheikhoun the previous April, an interviewee, Reza Afshar was introduced as working for Independent Diplomat (an organisation which provided diplomatic support to unrecognised governments), having worked previously at the Foreign Office. A listener who disputed the conclusion of the report complained that the interview

had been poorly conducted and that no mention had been made of Mr Afshar's status as a Syrian opposition spokesman.

Outcome

The interview had been properly conducted, but the terms in which Mr Afshar was introduced gave an impression of neutrality which was misleading to listeners. **Partly upheld**

Further Action

The Today team have been reminded of the importance of providing sufficient background information on interviewees to enable listeners to calibrate their comments.

Sasha Twining, Radio Solent, 30 October 2017

Complaint

The programme included a phone-in prompted by Barry Sheerman MP's comment (on the previous day's Sunday Politics) that those who voted to remain in the European Union were the "better educated people in our country". A listener complained that the discussion was biased in favour of Brexit.

Outcome

Although the presenter's questions were attempts to engage listeners (as distinct from statements of her own view), the premise of the discussion led her to address predominantly those who might take issue with Mr Sheerman's comment, which is to say mainly Leave voters, resulting in a degree of imbalance on a controversial issue. **Upheld**

Further Action

The programme team have been reminded that the choice of the starting point of a discussion can affect the perception of its due impartiality.

Elizabeth I's Secret Agents, BBC Two, 30 October & 6 November, 2017

Complaint

A viewer complained that these two episodes of the three-part documentary series gave the misleading impression that Fr John Gerard, a Jesuit priest, had known of, or been complicit in, the Gunpowder Plot.

Outcome

Fr Gerard had given the plotters communion shortly before they attempted to execute their plan, but the only evidence of his knowledge or involvement was

provided under torture by a servant of one of the plotters, who withdrew his confession when it became clear that he was to be executed in any event. The final sentence of the 30 October broadcast and two sequences in the 6 November broadcast gave the impression that Fr Gerard's knowledge or involvement was a matter of established fact, and this was misleading to viewers. **Upheld**

Further Action

The two episodes were edited in the light of the finding before being re-broadcast.

Inside Out, BBC One (South West), 30 October 2017

Complaint

The programme included an item on "legacy prosecutions" of British former soldiers in connection with incidents during their service in Northern Ireland. It featured the case of Dennis Hutchings, who is facing charges arising out of the fatal shooting of John Pat Cunningham, an unarmed man with learning difficulties, in 1974. On behalf of Mr Cunningham's family and on its own behalf, the Pat Finucane Centre complained that the amount of time and sympathetic attention devoted to Mr Hutchings in the item led to an unacceptable lack of balance, and that the item had been misleading in relation to the issues arising from such prosecutions.

Outcome

The story's claim to attention in a regional programme rested on the fact that Mr Hutchings is resident in the region, and it was in keeping with the audience's expectations that the main focus of the item should have been on him. The views of Mr Cunningham's family and their supporters were presented in a manner which met the requirements of due impartiality in this context and made clear that their feelings were no less entitled to consideration than those of Mr Hutchings. However, the item included a contribution from a supporter of Mr Hutchings in which he described "on the run" letters issued to former paramilitaries as "effectively...letters of immunity". As the letters in fact provide for future prosecution in the event of new evidence coming to light, and as the description passed unchallenged, it created a misleading impression in relation to the issues under discussion. **Partly upheld**

Further Action

The findings of the ECU have been conveyed to the production team. The reason for the upheld part of the complaint has been explained to staff and they have been reminded to challenge any similar assertion should it arise in the future.

BBC News (6pm), BBC One, 30 November 2017

Complaint

A report on the latest net migration figures included a contribution from a Welsh businessman introduced as speaking from the point of view of an employer. A viewer complained that his affiliation to UKIP had not been made clear.

Outcome

The speaker is a prominent member of UKIP in Wales and one of the party's parliamentary candidates. As his political affiliation might have had a bearing on viewers' judgement of his contribution, it should have been made clear. **Upheld**

Further Action

The programme has been reminded that there are occasions on which we may need to make it clear to the audience that contributors are associated with a particular viewpoint.

The Alternativity, BBC Two, 17 December 2017

Complaint

The programme followed Danny Boyle's visit to the West Bank as he took up Banksy's invitation to produce a nativity play outside his Walled Off Hotel in Bethlehem. A representative of BBC Watch complained that it included a number of statements which were misleading and biased against Israel.

Outcome

Of the three statements complained of, two were consistent with due accuracy in a context where the focus was on Danny Boyle's experience and impressions rather than reportage of the situation in the West Bank. However, the narrator's statement that Thousands of Palestinians had been "imprisoned for refusing to leave their land" was misleading in a context where it could not be understood as a reference to the large number of arrests relating to the more general issue of the occupation of the West Bank and opposition to Israeli actions. **Partly upheld**

Further Action

The programme will not be repeated in its present form.

Today, Radio 4, 4 January 2018

Complaint

The programme included an interview with Tony Blair by John Humphrys on the subject of Brexit. The complainant (along with a number of other listeners) said the

conduct of the interview was biased and unduly aggressive, and in marked contrast to the later interview on the same topic with Norman Lamont. In addition, he said John Humphrys' statement that "the Royal College of Nursing accepts that the reason there are fewer nurses now is not because of Brexit, it's because of the introduction of English language tests" was wrong.

Outcome

The complaints about the conduct of the interview were not upheld. In the case of the Royal College of Nursing, however, John Humphrys was mistaken. Although the view he attributed to the College had been put forward by a number of health care professionals, the College itself had said the situation had been driven by factors which included Brexit and that the introduction of English tests, while not helping the situation, was unlikely to be the root cause. **Partly upheld**

Further Action

The programme has noted the fact that the RCN cites various factors in this case and will try to ensure these are reported accurately on any future occasion.

Today, Radio 4, 11 January 2018

Complaint

The programme included an interview with Michael Gove on the Government's 25-year environment strategy. A listener in Scotland complained that the interview did not make clear that the new proposals would apply in England only.

Outcome

Most matters of environment policy have been devolved to the Scottish Parliament and the Welsh and Northern Irish Assemblies. As this was not made clear in the programme, listeners could have been given the misleading impression the proposals set out by Mr Gove would apply across the UK. **Upheld**

Further Action

The Today team have been reminded of the need to be clear how far the remit of policymakers may extend under devolution.

Victoria Derbyshire, BBC Two, 19 January 2018

Complaint

During an interview with the Indian writer and film producer Twinkle Khanna about her new film "Pad Man", a caption saying "90% of Indian women use rags, ashes or newspapers instead of sanitary products" was shown. A viewer complained that this figure was seriously inaccurate.

Outcome

The figure was taken from a 2011 study, the reliability of which the ECU was unable to assess. However, more recent survey work has shown a much higher level of use of sanitary products, so the earlier figure is now misleading. **Upheld**

Further Action

The programme has been advised to ensure it checks all statistics thoroughly, to ensure due accuracy in its output.

Newsnight, BBC Two, 25 January 2018

Complaint

During an interview with the founder of Momentum, Emily Maitlis mentioned the case of David Watson, a Labour activist who she said had been suspended from the party “for his anti-Semitic views” and “for anti-Semitic remarks”. Four viewers, including Mr Watson, complained that the references to anti-Semitism were misleading and prejudicial.

Outcome

Mr Watson had been suspended in May 2016 pending investigation of unspecified breaches of Labour Party rules. Although press reports at the time attributed the suspension to allegations of anti-Semitism, Mr Watson had not been notified of the nature of the alleged breaches and there was no indication that the investigation had concluded. To the extent that the references complained of gave the impression that allegations of anti-Semitism against Mr Watson had been found to be justified, they were misleading (though unlikely to prejudice an internal Labour Party investigation). **Upheld**

Further Action

Journalists have been reminded of the need to check the accuracy of any reported allegation carefully, and a correction and apology has been published on the Corrections & Clarifications page of bbc.co.uk.

The Mash Report, BBC Two, 25 January 2018

Complaint

A viewer complained that the use of the term “tranny”, in the handle of a tweet shown and discussed in the social media wall segment of the programme, was offensive.

Outcome

Ofcom’s research indicates that in most contexts the word “tranny” is considered “strong and problematic” and viewed as offensive because hurtful towards LGBT people. In this instance, there was no contextual justification for any offence given by showing the Twitter handle @Tranny_Magnet. **Upheld**

Further Action

The programme-makers have noted and discussed this word’s potential for offence.

Reporting Scotland, BBC One Scotland, 16 February 2018

Complaint

The programme included a report dealing with the issue of government ministers (in both the Scottish and UK Parliaments) receiving severance payments having resigned following allegations about their behaviour, in the course of which it was stated that Michael Fallon and Damien Green had both received them. A viewer who had pointed out that Mr Fallon had not received a severance payment (being above the maximum age of eligibility under the Ministers’ Pension Scheme) complained that, despite the error being acknowledged, no correction had been published.

Outcome

The ECU agreed that the nature of the error was such that a correction should have been published. **Upheld**

Further Action

BBC Scotland news teams have been reminded of the importance of detailed factchecking to ensure accuracy across all of their reporting.

Today, Radio 4, 23 February 2018

Complaint

The business desk included an item about the Labour Party’s plans for the rail industry, consisting of an interview with Christian Wolmar. A listener complained that he was introduced in terms which gave an impression of disinterested expertise, whereas he was an active Labour Party member.

Outcome

Mr Wolmar, introduced as “author, journalist, long-time observer of the rail industry, has sought the Labour nomination for Mayor of London and stood as a Labour candidate in a 2016 by-election, and is currently seeking nomination as a Labour candidate for Parliament. Listeners should have been made aware of his political affiliation. **Upheld**

Further Action

The Today team have been reminded of the importance of providing sufficient background information on interviewees to enable listeners to calibrate their comments.

Look North, BBC One (North East & Cumbria), 27 March 2018, 6.30pm

Complaint

The programme included an interview with Emma Lewell-Buck, MP for South Shields, following a finding by the Local Government Ombudsman on the process by which her husband been found guilty of elder abuse in his former capacity as a care worker for South Tyneside Council. The South Shields Constituency Labour Party complained that they had not been offered proper opportunities to reply to allegations, and that the item had failed to report important aspects of the story, had not been duly impartial and had allowed Ms Lewell-Buck to allege she and her husband had been the victims of a vendetta within the party despite the fact that the Ombudsman had found no substance in the allegation.

Outcome

The programme had given proper opportunities for reply, had legitimately focused on certain aspects of the story and had observed due impartiality. However, it was at fault in not reporting the Ombudsman's finding that there was "no evidence the Council had any vendetta" against Ms Lewell-Buck or her husband (which had been mentioned in the lunchtime edition's treatment of the same story). **Partly upheld**

Further Action

The team has been reminded of the need to be consistent in the reporting of the matter in hand and include all relevant details in all broadcasts.

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.

The One Show, BBC One, 4 April 2018

Complaint

The programme included an item about Dr Dan Reinstein, the inventor of a form of laser treatment for presbyopia (“Laser Blended Vision”) who had recently undergone the treatment himself. Two viewers complained that the item was “an advertorial” for Dr Reinstein and his clinic had failed to warn viewers of the risks attaching to the treatment.

Outcome

The level of risk attaching to the treatment was not such as to warrant a warning to viewers. However, the item did not entirely avoid an impression of promoting or endorsing a commercially available procedure. **Partly upheld**

Further Action

The finding has been noted and discussed with the production team.

The Andrew Marr Show, BBC One, 8 April 2018

Complaint

In the programme’s review of the papers, and immediately after discussion of that morning’s reports of events in Syria, Andrew Marr said “And the Middle East is aflame again, I mean, there’s lots of Palestinian kids being killed further south as well by the Israeli forces”. Two viewers complained that the reference to “lots” of Palestinian children being killed by Israeli forces was misleading in itself, and that the overall effect of the statement was to create a misleading sense of equivalence between the actions of Israeli forces on the border with Gaza and the alleged use of chemical weapons by the Syrian regime.

Outcome

There was nothing in the statement or its context to warrant the view that it suggested the equivalence complained of. However, the toll of casualties in the

events on the Israel-Gaza border by the date of transmission was not such as to justify the reference to “lots” of children being killed. **Partly upheld**

Further Action

The team has been reminded that all BBC output must be well sourced and presented in clear, precise language.

Stephen: The Murder That Changed a Nation, BBC One, 19 April 2018

Complaint

The programme included footage of the complainant and a former police colleague of his, and a reference to the fact that they were among those convicted on evidence provided by a third party. He complained that it failed to mention that his conviction and that of his colleague were subsequently quashed.

Outcome

The complaint was initially lodged via a contributor who alerted the programme makers to the error. They edited the offending section of the programme, removing the footage and changing the voiceover (though without contacting the complainant to explain what had been done). In the Executive Complaints Unit’s view, this action did not suffice to resolve the issue of complaint in the absence of an appropriate public acknowledgement and correction. **Partly upheld**

Further Action

The finding, and the importance of correcting significant errors on the record, was discussed with the programme-makers.

This Week, BBC One, 19 April 2018

Complaint

The programme included a filmed opinion piece by Peter Hitchens questioning the evidential basis on which Western powers had used force in Syria after alleged chemical attacks on civilian populations, followed by a studio interview. A viewer complained that Andrew Neil had conducted the interview in a rude and bullying manner and had misrepresented what Mr Hitchens had written on the matter.

Outcome

The conduct of the interview went no further than might have been expected in testing a controversial argument put forward by an experienced media contributor. However, Mr Neil was incorrect in representing Mr Hitchens as having written that there was a temptation for the UK, France and the USA to fake chemical attacks in Syria. In the blog in question, Mr Hitchens had identified a temptation for groups

opposed to the Assad regime to fake such attacks, in the hope of getting those countries directly embroiled in the Syrian conflict. **Partly upheld**

Further Action

The programme has been reminded of the need for due accuracy in paraphrasing the views expressed by its contributors.

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.

Look North, BBC One (Yorkshire), 20, 21 May & 20 July 2018, Josh Warrington... Leeds’s first ever boxing World Champion, bbc.co.uk, and various social media

Complaint

Michelle Sutcliffe complained that describing Josh Warrington as Leeds’s first boxing world champion was inaccurate, she having won the WBF World Flyweight title in 2000. The error had been repeated on a number of social media platforms, and again on Look North on 20 July despite her lodging a complaint after the original transmission.

Outcome

The broadcast of 20 May correctly described Josh Warrington as the first male World boxing champion from Leeds, but a mistake later arose which led to broadcast and online copy omitting that qualification, up to and including the 20 July broadcast. A posting by the programme-makers on the Corrections and Clarifications page of bbc.co.uk acknowledged only this latter error and, in the view of the Executive Complaints Unit, did not suffice to resolve the issue of complaint. **Partly Upheld**

Further Action

The finding was discussed with the team and there was considerable emphasis on the importance of correcting errors promptly and thoroughly.

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.

Manchester: The Night of the Bomb, BBC Two, 22 May 2018

Complaint

The families of two victims of the Manchester Arena bombing complained that the programme included mobile phone footage of the foyer in the immediate aftermath of the explosion, despite the concerns they had expressed before transmission about the broadcasting of such potentially distressing images.

Outcome

The programme-makers had considered the families' concerns, in balance with what might be appropriate in a programme broadcast on the anniversary of the event (rather than its immediate aftermath) and the public interest they believed would be served by the inclusion of the footage, in showing the reality of the situation which faced survivors and those trying to help victims before the arrival of emergency services. As a result, they increased the extent to which the images in the footage were obscured and used a shorter extract than originally planned. In the view of the Executive Complaints Unit, they had succeeded in ensuring the footage did not allow individual victims to be identified, but the sequence had added less to the audience's understanding of the event than they had hoped and intended. The Unit concluded, on balance, that the public interest considerations did not outweigh the potential distress to victims' families, that the footage in question should not have been included, and that the programme should not be rebroadcast in a form which included it. **Upheld**

Further Action

The finding has been discussed with programme teams as a future guide to finding the right balance between the public interest and the impact on those concerned.

Reporting Scotland, BBC One Scotland & Good Morning Scotland, Radio Scotland, 26 May 2018

Complaint

Both programmes included reports of the conclusions of a study presented at an international conference on obesity, as they related to Scotland. A member of the audience complained that both reports contained serious inaccuracies, while the Good Morning Scotland item had failed to report initiatives by the Scottish Government which accounted for the study's prediction of lower rates of future obesity in Scotland than in England and Wales.

Outcome

As the purpose of the items was to report the findings of the study, and as the summary of them presented to the conference had said nothing about the possible impact of Scottish Government initiatives, there was no occasion for either item to call attention to them. However, both items were incorrect in reporting the study as finding that more than a third of Scottish women would be "morbidly obese" (rather than simply "obese") by 2035. **Upheld/partly upheld**

Further Action

BBC Scotland news teams have been reminded of the importance of accurate reporting, particularly where information is being gleaned from published reports.

The News Quiz, Radio 4, 1 June 2018

Complaint

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.

Liz Green, Radio Leeds, 26 June 2018

Complaint

The programme included a phone-in on homeopathy. A representative of the Good Thinking Society complained that it was conducted in a way which gave the impression that the arguments for and against the efficacy of homeopathy were on an equal footing and included misleading and inaccurate claims by homeopaths.

Outcome

The conduct of the phone-in did not sufficiently reflect the fact that there is no peer reviewed scientific evidence that homeopathic treatment has any efficacy beyond a possible placebo effect and claims by some callers about its effectiveness in a range of medical conditions should have been challenged. **Upheld**

Further Action

The team has discussed the finding and staff have been reminded of the need to ensure due impartiality and apply appropriate weight to issues of a controversial nature. Staff have also been briefed on the BBC Academy articles and features on reporting science and pseudo-science.

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.

News Bulletin, BBC News Channel, 29 July 2018

A viewer challenged the accuracy and impartiality of a report on the release of Ahd 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.

BBC News (10pm), BBC One, 1 August 2018

Complaint

A viewer complained that a report on the financial crisis at Northamptonshire County Council failed to mention which political party runs the authority.

Outcome

In view of the political controversy arising from the situation in Northamptonshire, the item should have made clear that the Council is Conservative controlled. **Upheld**

Further Action

The programme team has been reminded of the need to refer to the political background of elected bodies as and when editorially relevant.

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.

Any Questions, Radio 4, 3 August 2018

Complaint

The Rt Hon Priti Patel MP, a member of the panel in this edition of the programme, complained of the statement in the presenter's introduction that she had resigned from the Cabinet "after it emerged that she had breached the Ministerial Code over meetings with the Israeli Government": this was inaccurate because she had not been found in breach of the Code.

Outcome

The judgement on whether the Code has been breached rests with the Prime Minister, having received advice from the Independent Advisor on Ministerial

Interests. As no such advice had been sought in Ms Patel's case, the presenter's statement was inaccurate irrespective of whether Ms Patel's actions could have constituted a breach of the Code. However, the broadcast of a correction in the next day's edition of Any Answers sufficed to resolve the issue of complaint. **Resolved**

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.

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.

Vanessa Feltz, Radio London, 20 September 2018

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.

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.

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.

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.

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.

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.

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.

Up All Night, Radio 5 Live, 21 December 2018

Complaint

The programme included an interview about the political situation in Spain with Irene Lozano, the Secretary of State for Global Spain. A listener complained that terms used by both Ms Lozano and the interviewer had given the false impression that the leaders of the Catalan independence movement had been convicted of crimes.

Outcome

As was made clear in the interview, the trial of Catalan leaders had not yet begun. However, the use of terms such as “these crimes that they committed” by the interviewer and “political leaders that have committed criminal offenses” by Ms Lozano conveyed the false impression that their guilt had already been established.

Upheld

Further Action

The presenter has been reminded of the importance of precise language, especially when legal proceedings are imminent.

New Year's Solutions, Radio 4, 2 January 2019

Complaint

This programme, offering “everyday solutions to the climate crisis” included the advice that putting denim jeans in the deep freeze would disinfect them while economising on the energy and water used in washing them. A listener complained that this advice was misleading.

Outcome

The disinfectant effect of freezing on the microbes most likely to be found in jeans is slight, and the advice was misleading. **Upheld**

Further Action

The programme was edited and replaced on BBC Sounds and will not be rebroadcast in its original form.

The Stephen Nolan Show, BBC Radio 5 Live, 17 February 2019

Complaint

The programme included a discussion of Martina Navratilova’s recently published views on trans women athletes, in which the trans woman cyclist Rachel McKinnon participated. Five listeners objected to the fact that an invitation to another speaker, Nicola Williams, had been withdrawn after Dr McKinnon had made that a condition of her own participation, and complained that the resulting discussion was one-sided.

Outcome

The decision to accept Dr McKinnon’s terms was a matter for the programme-makers’ editorial discretion (exercised in view of the fact that Ms Navratilova had cited Dr McKinnon in the article in question and that Dr Williams would be invited to take part in a subsequent edition of the programme), and not a matter for judgement by the ECU. In Dr Williams’ absence, however, there was no challenge to the views expressed by Dr McKinnon, either from the presenter or the other guest, and the result was not duly impartial. **Upheld**

Further Action

The programme team has been asked to ensure that debates properly reflect due impartiality either in their casting or in the nature of the questioning.

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.

Business Briefing, BBC News Channel, 28 March 2019

Complaint

The programme included an interview with Tim Martin, Chairman of Wetherspoon, who was described by the presenter as a business leader “who wants a clean break from the EU”. Two viewers complained that the interview was not conducted in a properly impartial manner, with Mr Martin being persistently interrupted by the presenter.

Outcome

In the ECU’s judgement, it would have been easy for viewers to form the impression that the presenter held a distinct view of her own on Mr Martin’s support for leaving the EU without a deal, and the interview fell short of the BBC’s standards of due impartiality in that respect. **Upheld**

Further Action

It has been stressed to the presenter that the way questions are framed should make it clear to the audience that this is for the proper purpose of impartial challenge and that a personal view is not being expressed.

Money for Nothing, BBC One, 3 April 2019

Complaint

The series features saleable items made from salvaged waste. In this edition, parts from a 1930s brush-cutter were used to make a desk lamp which the commentary said had been “tested to comply with all UK safety standards”. On the basis of previous correspondence with the BBC, a viewer complained that it had not been tested to the appropriate standard, and that the item might have the effect of encouraging dangerous imitation.

Outcome

In view of the rarity of the salvaged item in this instance, the ECU saw little likelihood of imitation, but accepted that the claim of compliance with safety standards was inaccurate. It had been made on the understanding that the lamp could be classed and tested as second-hand, but the Chartered Trading Standards Institute does not regard re-purposed items incorporating an electrical element as second-hand for regulatory purposes, and different tests are required. **Partly upheld**

Further Action

All electrical items made on the programme will be tested to ensure they comply with the relevant standards.

BBC News (6pm & 10pm), BBC One, 11 April 2019

Complaint

Both bulletins included a report from Merseyside featuring the reactions of voters and business-owners to the Prime Minister’s decision to extend the deadline for Brexit. A viewer complained that the report failed to make clear that a businessman who spoke in favour of the Prime Minister’s position was an active member of the Conservative Party, having stood as a Conservative parliamentary and mayoral candidate.

Outcome

As it could have affected viewers’ assessment of what he said, information about the businessman’s political affiliation should have been given. **Upheld**

Further Action

The editorial team has been advised that the political background of contributors should be provided when the subject matter is such that the audience needs to be able to calibrate the views expressed.

Health: Truth or Scare, BBC One, 25 April 2019

Complaint

A representative of the Good Thinking Society complained that an item on homeopathy tended to give the impression that it was a treatment of proven effectiveness, whereas there was no scientific basis for crediting it with anything beyond a placebo effect.

Outcome

Although the item included a number of script lines which made clear that the opinion of informed medical experts is that homeopathy was ineffective and a contribution from a GP which reinforced this point, it gave the overall impression that the relative validity of homeopathy and conventional medicine was still a matter of debate. **Partly upheld**

Further Action

The item will not be repeated.

BBC News (1pm), BBC One, 8 May 2019

Complaint

The bulletin included an item on a report by the Nuffield Trust, commissioned by the BBC, which showed that the ratio of GPs in the UK had fallen from 65 to 60 per 100,000 people over the previous five years. A viewer complained that this gave a misleading impression of the situation in Scotland.

Outcome

Over the same period, the ratio in Scotland had not fallen significantly (while it had risen in Northern Ireland). By presenting only the overall UK figure, the item gave a misleading impression in those respects. **Upheld**

Further Action

The programme team will be briefed on the finding as part of a session on handling statistics.

5 Live Breakfast, Radio 5 Live, 3 June 2019

Complaint

A listener complained that Jeremy Hunt's surname had been mis-spoken as "c" by Nicky Campbell, and there had been no apology.

Outcome

Although the misspeaking was clearly unintentional, there should have been a prompt apology for the inadvertent obscenity. **Upheld**

Further Action

The team was reminded of the importance of taking swift action to mitigate any offence caused by the inadvertent use of inappropriate language in a live broadcast.

Question Time, BBC One, 17 January 2019

Complaint

The ECU received 22 complaints about the treatment of Diane Abbott MP during and immediately before the recording of this edition of the programme. 15 of them complained that a misleading impression about the standing of the Labour and Conservative Parties in the opinion polls, though subsequently acknowledged by the BBC, had not been properly corrected.

Outcome

The ECU found no grounds for the suggestion that the presenter, Fiona Bruce, had referred to Ms Abbott during the preliminaries to the recording in terms which were discriminatory or likely to prejudice the studio audience against her, and nothing to support the view that Ms Bruce's conduct of the discussion was less than even-handed. There was, however, a misleading impression arising from an exchange in which another panellist said Labour was "way behind", "miles behind" and "six points behind" in the polls. Ms Abbott replied, "Just as a point of information, currently we're kind of, in the polls overall, we're kind of level pegging", at which point Ms Bruce interjected "But you're behind, Diane...Definitely". Subsequent corrections on social media and on the BBC website "Corrections and Clarifications" page made clear that Ms Bruce had in mind a poll published on the morning of the programme which showed a Conservative lead (of 5%), while saying Ms Abbott was "also right" with reference to recent polling as a whole, and a correction by Ms Bruce in the 24 January edition of the programme echoed this. The ECU, while acknowledging these extensive efforts to set the record straight, took the view that the effect of Ms Bruce's intervention went beyond generating confusion between different sets of polling data, suggesting that, contrary to what Ms Abbott had said, the overall data then current showed a definite Conservative lead, and that the corrections did not entirely rectify that impression. **Partly upheld**

Further Action

The Editorial Director of BBC News has discussed the finding with the programme team, and the posting on the BBC Corrections and Clarifications page has been emended to reflect the finding's terms.

The Friday Football Social, Radio 5 Live, 29 March 2019

Complaint

A former footballer who was a guest on the programme was asked his opinion about Brexit. Identifying himself as a Remain supporter, he said “I don’t know what it was built on, leaving the EU. I think it was built on the same bigot [sic] uneducated kind of view we have on what we talked about earlier when we talked about racism”. A listener complained that this breached the BBC’s standards of due impartiality.

Outcome

There being no balancing view, the programme did not observe due impartiality.

Upheld

Further Action

The Head of Digital & Radio Sport has reminded those involved of the need for ensuring a balancing view is put forward in such circumstances.

Victoria Derbyshire, BBC Two, 25 April 2019

Complaint

The programme included a discussion on the involvement of girls in gang crime. A viewer complained that one of the participants, Claudia Webbe, was not identified as a senior member of the Labour Party.

Outcome

Ms Webbe was introduced as the former Chair of Operation Trident, set up to tackle gun and gang crime in London, which established her qualifications as a participant and would have sufficed if the discussion had kept clear of party-political issues. However, Ms Webbe’s citation of “government-led austerity since 2010” as a salient component of the problem took it into an area where the information that she was a member of the Labour Party’s National Executive would have been relevant to viewers’ understanding of her contribution. **Upheld MJ**

Further Action

The programme team has been reminded of the importance of ensuring relevant background details are included to allow audiences to judge the nature of a contributor’s comments.

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.

Sunday Breakfast, Radio 5 Live, 15 May 2019

Complaint

The programme included an item on HMRC's "loan charge", a provision introduced in April 2019 to levy a charge on loans to employees now deemed to be disguised remuneration. A listener complained that it was one-sided.

Outcome

Though the item reflected the fact that the provision has attracted widespread criticism, it fell short of due impartiality by not including any representation of HMRC's response. **Upheld**

Further Action

The programme team has been advised of the need to reflect an official response, even where no-one is available to contribute to the on-air discussion.

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.

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.

D-Day 75: A Tribute to Heroes, BBC One, 5 June 2019

Complaint

A viewer complained about the occurrence of the f-word in the coverage of this event.

Outcome

The word occurred in the staging of an extract from the play, “Pressure”, about the meteorologists involved in D Day planning when, despite having rehearsed a revised version, the actor in question had reverted to the original script. While the ECU accepted that the circumstances were such that it would have been difficult to include a timely apology in terms compatible with the character of the event, the inadvertent use of the word in question in this daytime broadcast was certainly a breach of editorial standards which, in the absence of an apology, remained unresolved. **Upheld**

Further Action

The production team has been reminded of the need to ensure an on-air apology is made, even if belatedly, where there has been an unforeseen use of potentially offensive language in a live broadcast.

Heresy, Radio 4, 11 June 2019

Complaint

Reflecting on recent incidents involving the throwing of milkshakes as a form of political protest, Jo Brand said “I’m kind of thinking why bother with a milkshake when 5 you could get some battery acid...that’s just me. I’m not going to do it, it’s purely a fantasy but I think milkshakes are pathetic. I honestly do – sorry”. 20 listeners complained that the joke was offensive and/or likely to incite violence.

Outcome

In view of Ms Brand’s immediate disavowal and the context of the programme’s wider message in favour of more civility in political discourse, the ECU did not consider the joke likely to incite violence, but accepted that, against the background of a significant problem with acid attacks, it was capable of causing offence beyond what was editorially justified and should have been edited out before transmission.

Partly upheld

Further Action

The adjudication has been discussed by Radio 4's commissioning team and with the programme's producers.

Newsnight, BBC Two, 19 June 2019

Complaint

The programme included a report on special educational needs provision. A viewer complained that it did not make clear that different considerations applied in Scotland.

Outcome

The report was based on the results of Freedom of Information requests to English local authorities and should have made clear that it related only to England. **Upheld**

Further Action

Newsnight's senior editors have reasserted to all journalists on the programme the need to remain mindful of devolved matters, and to ensure that regional differences are reflected in coverage when they are material to an understanding of the story.

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.

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.

Newsnight, BBC Two, 15 July 2019

Complaint

The programme included a discussion about Brexit between Rod Liddle, columnist and author of a book about Brexit called "The Great Betrayal" and Tom Baldwin of the People's Vote campaign. A viewer complained that the presenter Emily Maitlis was sneering and bullying towards Mr Liddle and in doing so exemplified the way the BBC views Leave voters.

Outcome

The ECU did not agree that it was possible to deduce Emily Maitlis' view on Brexit from the discussion. It also believed that it was valid to press Mr Liddle on his personal views and noted that he had the opportunity to defend himself vigorously. However, it was insufficiently clear that this was not Ms Maitlis's view of Mr Liddle but that of his critics, and the persistent and personal nature of the criticism risked leaving her open to the charge that she had failed to be even-handed between the two guests. **Upheld**

Further Action

The programme has been reminded of the need to ensure rigorous questioning of controversial views does not lead to a perceived lack of impartiality.

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.

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.

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.

Midnight News, Radio 4, 30 September 2019

Complaint

This news bulletin included an item prompted by remarks made by Cardinal Vincent Nichols on the Sunday programme on Radio 4 expressing concern about the tone of the debate in Parliament over Brexit, which he feared could encourage violent extremists. In the item, the reporter said:

Unlike the Anglican Church, it's unusual for Britain's Catholic hierarchy to speak publicly on social or political issues

and:

in the face of declining church attendance, some Catholic parishes, particularly in London, have been boosted by immigration, and it may be that parishioners' concerns about the possible impact of abrasive language on their lives has now

reached the very top of the Church.

A listener complained that the first statement was refuted by evidence showing that the leaders of the Catholic Church have made frequent public pronouncements on such matters, and that the second misleadingly suggested the Cardinal had an ulterior motive beyond a concern for the common good, thus undermining his message.

The ECU considered the complaint raised potential issues under the BBC's Editorial Guidelines concerning due accuracy, which require that the level of accuracy should be "adequate and appropriate to the output, taking account of the subject and nature of the content, the likely audience expectation and any signposting that may influence that expectation".

Outcome

In relation to the first statement, the ECU noted that the position of the Catholic Church on such social issues as contraception and abortion had often been re-stated, that the complainant had provided recent examples of statements by the English and Welsh hierarchy on other issues of public concern, and that BBC News had already conceded an element of inaccuracy in correspondence with the complainant. On that basis it judged that the item did not meet the standard of due accuracy which applies to news bulletins of this kind, and that this element of the complaint should be upheld.

In relation to the second statement, there was no inaccuracy in the observation about Catholic parishes being "being boosted by immigration", and his suggestion of a link between this and the concern expressed by the Cardinal was the kind of professional judgement which listeners might expect from a reporter with extensive experience of covering religious affairs. In the ECU's view, it did not imply an ulterior motive (as distinct from the legitimate motive of taking account of the concerns of the laity) and would not have been likely to undermine the Cardinal's message in the minds of listeners. This element of the complaint was not upheld.

Partly upheld

Further action

The finding was reported to the Divisional Board of BBC News and discussed with members of the programme team.

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.

Meat: A Threat to Our Planet?, BBC One, 25 November 2019

Complaint

Concentrating largely on examples from the USA and Brazil, this programme set out to explore the proposition that "our hunger for meat is killing our planet". Foot Anstey LLP complained on behalf of their client the National Farmers (NFU) that it was inaccurate in a number of respects and biased in its treatment of livestock farming, particularly as practised in the UK^[1]. The ECU considered the complaint in the light of the BBC's Editorial Guidelines on Accuracy and Impartiality. The main points of complaint (in italics) and the ECU's response to them are summarised below.

[1] Foot Anstey also lodged a complaint about inaccuracy and bias in a promotional trailer for the BBC's Christmas television output, which was not upheld, and a general complaint about the BBC's coverage of farming which was not found to raise issues of concern.

Outcome **Accuracy**

The claim that thousands of tonnes of Brazilian beef were exported to the UK gave a misleading impression of the extent to which the UK is implicated in the Brazilian farming practices shown in the programme.

According to Government estimates, the UK imported approximately 23,000 tonnes of Brazilian beef products in 2019, so the programme's claim was not inaccurate. Though the programme did not specify that this represented only a small proportion of UK beef consumption, it did state that Brazil maintained a herd of 200 million cattle, so it would have been apparent to viewers that the UK was not a major consumer of Brazilian beef, and the ECU did not consider the claim to be misleading.

The statement that "Methane is an extremely potent greenhouse gas, almost 30 times more powerful than carbon dioxide" should have been carefully explained to viewers, as it obscures the fact that methane in the atmosphere is believed to dissipate over about 12 years, whereas carbon dioxide continues to affect the climate for hundreds, if not thousands, of years.

Irrespective of its relative longevity, methane is classified as a greenhouse gas by the Independent Panel on Climate Change, is produced by cattle in large quantities, and is a significant cause of global warming, accounting for 20% of global emissions, much of that from livestock farming. The programme did not seek to evaluate methane's relative contribution to global warming, but it did show ways in which scientists were attempting to reduce the production of methane by cattle. In this context the ECU did not consider the information misleading to viewers.

The statement that UK meat farming was "the cause of serious pollution incidents on a weekly basis", prefaced by the information that farmed animals around the world produce three billion tonnes of manure every year, gave an exaggerated impression of the environmental impact of effluent from UK meat farming.

According to the Environment Agency, in 2018 there were 77 serious incidents attributed to farming activities. 65 incidents involved livestock farms, and 34 of those involved slurry, silage or manure. Figures for incidents involving slurry, silage or manure in the two preceding years were 44 for 2017, and 43 in 2016. Although that does not equate precisely to a figure of one per week, the ECU regarded the frequency of the incidents to be such that the reference to a "weekly basis" was a fair approximation.

The programme was misleading in failing to discuss the negative health effects of reducing meat consumption.

The programme considered the effects of reducing meat consumption on the global environment. A discussion of the health issues related to eating or abstaining from meat would not have been material to viewers' understanding of the environmental issues, and its absence from the programme raised no issue of inaccuracy.

Editorial decisions and juxtaposition of narrative and images conveyed the impression that methods employed abroad which the programme criticised were either significant in the production of meat consumed in the UK or comparable to UK production.

The programme's concentration on methods employed by much larger meat producers such as the USA and Brazil was in keeping with its global focus, and it made no statement to the effect that the UK was a major consumer of meat from either country or that its production practices were comparable to theirs. The ECU found no issue of inaccuracy in this area, although it had some bearing on the issues of impartiality considered below.

The suggestion that livestock globally produces more greenhouse gases than the running of transport was inaccurate in relation to the UK and had been shown to be exaggerated in relation to the global picture.

The suggestion relied on a 2013 paper by the Food and Agriculture Organisation of the United Nations, which attributed 14.5% of human-induced greenhouse gas emissions, and the 2014 estimate by the Intergovernmental Panel on Climate Change that direct emissions from transport accounted for 14%. The ECU therefore did not agree that the programme conveyed an exaggerated impression. And, as the impression was clearly presented as relating to the global picture, the ECU considered any disparity with the UK picture to be immaterial.

Impartiality

Given that the vast majority of beef on sale in Britain is from British farms, and not produced in ways shown on the programme there should have been a very clear distinction made in the farming systems. But there was not, and the presenter spoke to a British audience when she spoke of her own intentions in relation to meat. The audience would have been left with the very clear view that British meat is produced in the same ways as the rest of the world.

And:

A single view was expressed with no range of views being acknowledged.

The BBC's Guidelines on Impartiality say, "When dealing with 'controversial subjects', we must ensure a wide range of significant views and perspectives are given due weight and prominence, particularly when the controversy is active". The ECU agreed that the subject-matter of the programme was controversial in significant respects. While aspects of the environmental impact of global meat production may be matters of established fact or scientific consensus, there has been a continuing public debate about the sustainability of meat production, with the implied suggestion that reducing one's personal meat consumption is ethically preferable. The presenter of the programme set out the issues in these terms:

"As demand increases, so do greenhouse gas emissions, so does pollution, so does the destruction of biodiversity, which leads to one very obvious question. Should we just stop eating meat?"

Early in the programme she said:

"I don't think the general public has any idea about what's going on to produce the bacon they fry up for breakfast."

And she ended the programme by asking viewers to consider their own behaviour, in what was effectively a call to action:

"Amidst all the bad news about the damage that our modern world is causing to our planet, this is one problem we can all do something about. We can each decide what kind of relationship we want to have with the natural world. Every day, with every meal, we can choose where our meat comes from, how much of it to eat and even whether to eat it at all."

In this context the range of farming methods used to supply consumers and their relative environmental impact was of relevance to viewers. Traditional grass-based methods of livestock production, prevalent in some sectors of meat production in Britain and many other countries, account for a significant element of global output^[1], but these were not discussed in the programme, beyond a reference to "Some farmers around the world...rearing livestock in a way that takes better care of the planet, using farming methods that support soil health without the need for chemical fertilisers and pesticides", illustrated by the untypical example of a smallholder in Wales who raised chickens for his family's consumption. As a result, viewers received a partial analysis of the impact of livestock farming on the global environment and biodiversity, based almost exclusively on intensive farming methods and of limited application to the choices open to UK consumers. In the judgement of the ECU, this fell below the BBC's standards of impartiality in relation to controversial subjects.

Accuracy: Not upheld

Impartiality: Upheld

[1] According to the Food and Agriculture Organisation, intensive systems provide less than 15% of beef or milk production while accounting for about 60% of global pork or chicken meat.

Further action

The finding was reported to the Board of BBC Content and discussed with the programme-makers concerned.

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.

The Inquiry, BBC World Service, 25 January 2020

Complaint

This edition of the series, entitled How did Trump get into trouble with Ukraine?, set out to explore how President Trump's personality and way of dealing with people led to his first impeachment. A listener complained that it was one-sided, and inaccurate in a particular respect. The ECU considered the complaint in the light of the BBC's standards of impartiality and accuracy.

Outcome

The programme followed its usual format of a sequence of interviews with speakers selected as "expert witnesses", linked by the presenter. Although the four speakers who took part in the programme clearly had close knowledge of their subjects and represented legitimate viewpoints, they all analysed the impeachment as resulting from features of, or flaws in, the President's conduct and character, and the presenter's commentary gave no indication of alternative views and analyses (for example, the view that the political motivation of the President's opponents played a significant role in the process which led to impeachment). As a result, the programme fell short of the BBC's standards of impartiality.

The concern about accuracy related to a reference by the second contributor to CrowdStrike, an American cybersecurity technology company hired to investigate hacking of the Democrat National Committee's computers, which blamed Russian agencies before the US government investigated. President Trump had suspicions about the company and was known to have asked the government of Ukraine to investigate it. The contributor suggested that this was because the President had a preference for conspiracy theories. The complainant argued the suggestion was inaccurate because the suspicions were well-founded, citing an investigation conducted by a journalist who was "no political friend of Mr Trump". However, the ECU did not consider this provided grounds for the suspicions in question such as warrant discounting relevant US government intelligence agency assessments, and this aspect of the complaint was not upheld.

Partly upheld (impartiality)

Further action

The finding was reported to the senior management of World Service and discussed with the programme-makers concerned. The programme will not be re-broadcast in the same form.

John Hillcock for Shaun Keaveny, 6 Music, 21 February 2020

Complaint

The programme included an interview with the musician Roger Waters about Julian Assange, who is currently held in remand pending extradition to the USA. A listener

complained that Mr Waters made a number of “controversial points” about Mr Assange’s case, with “neither any challenge to his position, or contrasting points of view being raised”. The ECU considered the complaint in relation to the BBC’s guidelines on Impartiality, which require that an appropriate range of views on controversial matters should be reflected in BBC output.

Outcome

Mr Waters’ interview was preceded by an introduction by the reporter who had interviewed him, in which she explained that he was promoting a Free Assange rally in London the following day. She said that Mr Assange had been imprisoned in London since April 2019 for “publishing classified documents about US war crimes in Iraq and Afghanistan”. She went on to explain that he had been charged in the United States with “hacking” and breaches of the Espionage Act. In the interview Mr Rogers was critical of the motives of the US government which he maintained was “trying to kill” Mr Assange by sentencing him for long periods if found guilty. He stated that Assange was guilty of no crime and was in his view a journalist attempting to speak truth to power. His views were not challenged by the reporter. In the ECU’s view, the item amounted to a strong statement of one viewpoint in what was self-evidently a controversial matter. A previous reply from the BBC had suggested that, being devoted primarily to news about the music industry, the programme was not subject to the requirements which would apply to mainstream news and current affairs programmes, but the ECU noted that the guidelines expressed the BBC’s commitment to achieving due impartiality “in all its output”, taking account of the subject and nature of the content, the likely audience expectation and any signposting that may influence that expectation. The ECU saw nothing in the expectations attaching to a programme about music industry news, or in the nature of its content, which would warrant presenting only one view on a matter of current controversy without appropriate challenge and agreed that the item had been in breach of the BBC’s editorial standards.

Upheld

Further action

The finding was reported to the Board of BBC Radio and the producer of the programme was asked to listen again to the item in the light of feedback from the management of Radio 6 Music.

Inside Out, BBC One (South East), 9 March 2020

Complaint

Inside Out broadcast an investigation into the Bridehood – a worldwide Christian movement with three bases in the UK – in which a number of former members claimed their experience of growing up in these communities had left them

psychologically damaged. A complaint was received from a legal firm representing the Bruderhof community (known as Church Communities UK) raising concerns about the impartiality, fairness and accuracy of the film. The complaint alleged that insufficient space had been given to those supportive of the Bruderhof, the use of anonymous witnesses had deprived the community of the opportunity to offer meaningful replies, and elements of the broadcast were inaccurate. It also claimed some of the footage shown was in breach of the community's right to privacy. The ECU considered the complaint in the light of the BBC Guidelines on impartiality, fairness, accuracy and privacy.

Outcome

The film included interviews with several former members of the Bruderhof community, some of whom contributed anonymously to the programme. Their concerns included, among other things, experiences of public shaming, a perceived lack of support for those who chose to leave, and restricted opportunities for contact with family members. The film emphasised the historic nature of the allegations but, to the extent that they still affected those who contributed to the programme, they raised contemporary issues.

The Guidelines require film makers to show due impartiality by reflecting a range of views as well as a right of reply where serious allegations are made. The ECU noted that the programme acknowledged the communities' charitable works and good relations with local people but saw no reason for it to have included contributions from those with a positive experience of life in the Bruderhof community, which would not have been directly relevant to the purposes of the film. The complaint was not upheld in relation to impartiality.

In relation to privacy the ECU reviewed the relevant footage and noted that it consisted mainly of material placed in the public domain by the Bruderhof. Where scene-setting shots of the community grounds and buildings were used they did not identify any individuals, and therefore were unlikely to have infringed the privacy of the residents. The complaint of infringement of privacy was not upheld.

The ECU also considered concerns about the nature and subsequent handling of the right to reply offered to the Bruderhof via their legal representatives. It noted that the responses on behalf of the Bruderhof identified the material provided as "not for publication" but given they constituted a reply to a request for comment from a broadcaster on a matter of significant public interest it seemed reasonable for the programme makers to have relied on the contents to ensure a duly balanced account – particularly given the Bruderhof's unwillingness to be interviewed for the programme. It further noted that towards the end of the film the reporter read out extracts from the brief, formal statement provided by the Bruderhof. This aspect of the complaint was not upheld.

Another element in the complaint about right to reply arose from the fact that the former members of the community who contributed to the programme were not

identified to the Bruderhof in the correspondence prior to transmission (though some were identified in the programme itself), and the complaint maintained that this deprived the Bruderhof of the opportunity to provide adequate responses and correct inaccurate claims. Explicit provision is made in the BBC's Editorial Guidelines for the use of anonymous contributors, subject to it being editorially justified. The ECU was shown evidence that direct and indirect pressure had been placed on contributors to change their accounts (though none to suggest the complainants were aware of such behaviour) and this, along with the highly personal nature of much of the testimony, provided sufficient grounds not to disclose their identities. In any case, the contributors' accounts were mainly not of a kind amenable to individual rebuttal, and the programme-makers were seeking comment on multiply sourced claims about the behaviour of the Bruderhof community from the 1990s onward, rather than on any individual allegation.

The ECU therefore concluded that no unfairness arose in principle from not identifying the contributors to the complainants, but found that there was one instance, concerning the contribution of a woman named in the programme as Cecily (her real forename). Cecily's account was one of many the reporter had gathered in the course of her investigation and, to the extent that her recollection was corroborated by others, or irreducibly personal in nature, her account did not require a direct response. But in one area the ECU agreed that her contribution was specific and open to direct challenge. In the programme she spoke of her relationship with her family in these terms:

They don't know about my life, they don't know what I've studied, they don't know where I've lived. I've travelled the world, I've worked in numerous jobs and I'd love to share my life with my parents – you know - I love them more than anything my parents, and my brothers and sisters...

The complainants provided evidence of some contact between Cecily and family members still in the Bruderhof, on the basis of which they characterised her account of the matter as false. Having reviewed this evidence and the evidence provided by Cecily to the programme-makers, the ECU concluded that her words in the programme did not constitute a false statement but reflected a sharp difference of opinion with the complainants about the adequacy of the family contacts she had been allowed. Nevertheless, the ECU accepted that, given their context in the programme, her words were likely to have conveyed the impression that she had had no contact with her family at all since leaving the community – an impression which was less than fair to the complainants, and which could have been avoided if the programme-makers had put them in a position to provide the relevant evidence before transmission. This aspect of the complaint was upheld, on the grounds of unfair treatment of the complainants.

Partly upheld

Further action

The finding was reported to the BBC England leadership team and discussed with the programme-makers concerned.

Taking Control: The Dominic Cummings Story, BBC Two, 18 March 2020

Complaint

This programme set out to explore the career, character and thinking of Dominic Cummings, with contributions from a range of critics and admirers. A viewer complained that the programme overall was biased against Mr Cummings (lacking “sufficient balancing opinion”) and gave the impression “That he was prepared to be recklessly violent towards political opponents; that he had ‘tribalist’ ‘neo fascist’ prejudice against Muslims; and that he was a liar who grossly misrepresented statistics in order to further his political aims”. The ECU considered the complaint in the light of the BBC’s editorial standards of impartiality and accuracy.

Outcome

On overall balance, while noting the complainant’s estimates of word-count and the distribution of opinion among contributors, the ECU considered that the editorial intention of the programme was as much expository and analytical as evaluative, and that the range of views it contained was sufficient to ensure due impartiality in relation to its controversial elements. This aspect of the complaint was not upheld.

The reference to Mr Cummings as “prepared to be recklessly violent towards political opponents” related to the claim made by Colin Perry, formerly of the CBI, that after they had taken part in a radio debate Mr Cummings had attempted to push him downstairs and had pinned him to a wall with a raised fist. Mr Cummings not having responded to the programme-makers’ request for his comments, the programme reiterated his previously expressed denial: “Cummings said that he and Colin Perry had stumbled into each other”. As the particulars of the incident were known only to the protagonists, and in the absence of further information from Mr Cummings, the ECU took the view that the programme had done enough to observe due accuracy and impartiality here, and this aspect of the complaint was not upheld.

The attribution of prejudice against Muslims related to a sequence which included the following quotation from a paper entitled “How Demographic Decline and its financial consequences will sink the European Dream” published by a think tank directed by Mr Cummings: “The consequences of economic stagnation coinciding with rising Muslim immigration cannot fill anyone familiar with European history with anything other than a sense of apprehension, at least, about the future of the Continent”. The ECU agreed that, in the context of this sequence, the quotation tended to support the impression complained of. In the think tank paper, the quotation stood in a context which pointed to Europe’s relative difficulty in integrating immigrants, rather than anything connected with Islam, as the source of tension, and the paper itself concluded “There is little reason to be optimistic about Europe’s capacity to avoid a growth of extremist political activity, or its desire to

avoid the traditional response of polities in crisis – blaming foreigners”. In the ECU’s judgement, the quotation would have conveyed a different impression in the programme if more had been done to reflect its original context. As this risked misleading viewer, there was a breach of the BBC’s standards of accuracy, and this aspect of the complaint was upheld.

The complaint that the programme represented Mr Cummings as “a liar who grossly misrepresented statistics in order to further his political aims” related to a section of the programme which discussed his work for Business for Sterling. In this section, it was made clear that Business for Sterling relied on a survey which put the cost of joining the euro at more than £34 billion, whereas another estimate, by a consultancy firm, put it at less than £12 billion, and that Mr Cummings had had the idea of making a comparison with the cost of the NHS (prefiguring an element of the referendum campaign). It also made clear that Business for Sterling’s figures, in relation to both the euro and the NHS, were “strongly contested” by critics, but this was no more than a statement of fact, and the programme offered no view on which figures were closer to the truth. In the ECU’s judgement this section of the programme did not give the impression complained of, and this aspect of the complaint was not upheld.

Partly upheld (Accuracy)

Further action

The finding was reported to the Board of BBC News and discussed with the programme-makers concerned.

Outside Source, BBC News Channel, 14 April 2020

Complaint

The programme included an item on two recently published studies, from the US and Italy which, in the words of the presenter, “are suggesting that air pollution can affect the severity of Covid-19”. The item consisted of an introduction by the presenter followed by an interview with a scientist, Dr Gretchen Goldman, introduced as being “from the Union of Concerned Scientists which advocates for science-based policy”. A viewer complained that the item was biased, both in its selection of the interviewee (whom he termed “an environmentalist”) and in its treatment of the topic, and “probably misleading” in giving the impression that the correlation between air pollution and death rates from Covid-19 found by the studies demonstrated a causal relationship. The ECU considered the complaint in relation to the BBC Editorial Guidelines on Impartiality and Accuracy.

Outcome

The ECU noted that, as a scientist, Dr Goldman was competent to give a view on the studies under consideration and found no breach of impartiality in her selection as an interviewee. As to the content of the interview, the ECU noted that there is

normally scope for more than one view on recently published scientific studies, and that the issues raised by the studies in question were best regarded as part of the normal exchange of expert views which accompanies emerging science, rather than the kind of controversy to which considerations of due impartiality apply. The ECU therefore found no breach of impartiality in the content of the item.

In relation to accuracy, however, the ECU noted that the Union of Concerned Scientists' advocacy extended beyond "science-based policy" and encompassed campaigning stances on a number of issues, climate change and environmental degradation being prominent among them. It concluded that information to that effect would have been helpful to viewers in evaluating what Dr Goldman had to say about research which suggested the possibility of a link between Covid-19 and the environmental issue of air pollution. It also noted that the presenter, having summarised the studies' findings on correlation, began the interview by asking "But can we know for sure if there is a link?" to which Dr Goldman replied that the studies were "compelling evidence that suggests air pollution may be playing a role in what makes Covid more deadly". Nowhere in the item was there reference to other factors, such as population density, which would have to be evaluated before conclusions as to a causal relationship could be drawn. In the ECU's judgement, viewers were not given sufficient information about the interviewee or about other possible interpretations of the research to make an informed judgement about what they were hearing, and the item fell short of the BBC's standards of accuracy in that respect.

Partly upheld

Further action

The finding was reported to the Divisional Board of BBC News and discussed with members of the programme team.

Life and Birth, BBC One 11 May 2020

Complaint

This series of observational documentaries followed events in Birmingham's maternity units. A member of staff at one of the units complained that they had been filmed and shown in one of the programmes despite making clear that they consented to neither. The ECU considered the complaint in relation to the BBC's Editorial Guidelines on Privacy. In order to safeguard the complainant's privacy, their gender and the transmission date of the programme are not given in this published version of the ECU's finding.

Outcome

The Editorial Guidelines make clear that people in sensitive places such as hospitals have a reasonable expectation of privacy and that consent should be sought before filming them and including them in programmes. In this instance, the independent

production company involved maintained in response to the complaint that they had no record of the complainant having withheld consent. In the course of the ECU's investigation, they discovered that such a record had been made but, as a result of human error, it had not been included in the master-list of consents. The shot of the complainant in the programme would not have rendered them identifiable to viewers in general, and there was nothing inherently private in the activity they were engaged in. Nevertheless, the filming and broadcasting of the complainant without their consent constituted an unwarranted infringement of their privacy.

Upheld

Further action

The finding was reported to the board of BBC Content and discussed with the independent production company. The programme was removed from BBC iPlayer and the shot in question will be removed before it is re-shown. BBC Content is undertaking further investigation into the circumstances which allowed the error to occur.

Politics Scotland, BBC One Scotland, 17 May 2020

Complaint

A viewer complained that criticism of the Scottish Government's handling of the Covid-19 outbreak went unanswered and that the programme should have sought and broadcast a response from the Scottish Government. The ECU considered the complaint in the light of the BBC's Editorial Guidelines on Impartiality.

Outcome

The programme contained two main interviews, with the Chief Executive of Scottish Care Donald Macaskill and the then leader of the Scottish Conservatives Jackson Carlaw, and both dealt with issues raised by recently published guidelines on care homes and the next steps likely to be taken to ease lockdown restrictions in Scotland.

The ECU decided they did not amount to a "strong and damaging critique" sufficient to require the programme to offer a right of reply to the Scottish Government. With the exception of the claim that no new testers had been recruited, which was clearly sourced to a report in that morning's newspapers, the programme dealt with familiar issues on which the Government had already stated its position. Where there was no direct criticism of the Government, or where its position was readily apparent, the editorial guidelines would not oblige the programme to directly reflect its point of view. Both guests, however, advocated comprehensive testing of all staff and residents in care homes currently free of Covid-19, in contrast to the then advice from the Scottish Government and Health Protection Scotland, which recommended only sample testing. In the ECU's view the programme as broadcast did give viewers a sense of why some caution might be advised on this question. But the official position was not set out in either interview in a way which might have offered a

challenge to those being questioned. And whilst the overall benefits of comprehensive testing were not in dispute, the Health Secretary Jeane Freeman had laid out her Government's ambition on this at some length on the programme the previous week when she spoke about the need to raise capacity. The ECU therefore agreed that an opportunity should have been found to reflect her position and to that extent upheld the complaint.

Partly upheld

Further action

The finding was reported to the BBC Scotland's Executive Team and discussed with the programme-makers concerned.

BBC News (1pm), BBC One, 28 May 2020

Complaint

While the bulletin was on the air, Durham Constabulary issued a press release about Dominic Cummings' visit to the county. Speaking live and at short notice, Norman Smith, the BBC's Assistant Political Editor at the time, reported on it as follows:

We've heard from Dominic Cummings saying he didn't break the rules, we've heard from Boris Johnson saying he didn't break the rules, we've heard from numerous cabinet ministers saying he didn't break the rules: Durham police say, oh yes, he did. He broke the rules by driving from his parents' home to Barnard Castle – you remember that 30-mile eyesight test drive. Well, they say that was a minor breach of the rules. The decision to drive from London all the way up to Durham, that wasn't a breach, but the trip to Barnard Castle was a minor breach.

A viewer complained that, irrespective of any inference which might be drawn from the statement, Durham Constabulary had not in fact said that Mr Cummings had broken Covid rules. The ECU considered the complaint in the light of the BBC's standards of due accuracy.

Outcome

The press release made clear that, in Durham Constabulary's view, the journey to Durham had not breached any regulations in relation to Covid. It went on to say:

Durham Constabulary have examined the circumstances surrounding the journey to Barnard Castle (including ANPR, witness evidence and a review of Mr Cummings' press conference on 25 May 2020) and have concluded that there might have been a minor breach of the Regulations that would have warranted police intervention. Durham Constabulary view this as minor because there was no apparent breach of social distancing.

Although the release continued in terms which suggested Durham Constabulary believed it likely that Mr Cummings had breached the regulations, the ECU agreed with the complainant that it could not be accurately reported as saying he had done so. The context being one of sharp political controversy, it was notable that, while Durham Constabulary might have taken the opportunity to say that the trip to Barnard Castle either had or had not breached lockdown regulations, they refrained from doing so, and the report was less than duly accurate in that connection.

Upheld

Further action

The finding was reported to the management of BBC News and discussed with the programme-makers concerned.

Ambulance, BBC One, 18 June 2020

Complaint

The programme was one of a series which followed the work of the ambulance service in Merseyside, and included a sound recording of an emergency call from a man whose wife had collapsed. Later in the programme, it transpired that the paramedics had been unable to resuscitate her. Their daughter, Mrs Helen McHale, complained that the material had not been properly anonymised and had been used without consent and without warning to the family, causing upset and distress. The ECU considered the complaint in relation to the BBC's Editorial Guidelines on Privacy, with particular reference to the section on Revisiting Past Events, which says:

So far as is reasonably practicable, surviving victims or the immediate families of dead people who are to feature in the programme should normally be notified of our plans. We should only proceed against any reasonable objections of those concerned if they are outweighed by the public interest.

Outcome

The provisions for notifying families do not apply when material is used in a way which conceals the identity of the individuals concerned, and the programme-makers believed they had achieved this by disguising the caller's voice and removing visual clues to the location of his home. However, they had not given due consideration to the question of identifiability to family-members and friends who knew the circumstances of the incident. In the context of the programme, which made clear that the emergency occurred somewhere in Merseyside at the time the Grand National was being run, it was foreseeable that family and friends would be able to identify those involved irrespective of the steps taken by the programme-makers. Consent for the use of the material should therefore have been sought, and its transmission in the absence of consent (and, in the nature of the case, without warning) breached the privacy of family-members.

Upheld

Further action

The finding was reported to the Board of BBC Content and discussed with the programme-makers concerned. The material in question will not be re-broadcast without the consent of the family.

Bargain Hunt, BBC One, 19 June 2020

Complaint

An antiques dealer complained that a ring he had sold to one of the competing teams as Victorian had been disqualified from the programme because it was misidentified as being made in the 1950s. The complainant said this was inaccurate, damaging to his reputation (in a context where he would have been identifiable to clients and other dealers) and that there had been insufficient acknowledgement that a mistake had been made. The ECU considered this as a complaint under the Guidelines on Accuracy and Fairness.

Outcome

The original advice, as broadcast on the programme, had been taken from an auctioneer, and was followed in good faith by the programme-makers. On receiving the complaint, however, the programme-makers sought advice from other experts, and from the Goldsmiths' Company, which confirmed authoritatively that the dealer's dating had been correct. In the light of this information, the programme-makers made an appropriate refund to the losing team and gave the complainant an assurance that the programme would not be re-broadcast with the mistake in it. He was also sent an open letter from the series producer acknowledging and apologising for the error.

In the ECU's view this was an appropriate response to his personal concerns and resolved the complaint in relation to fairness. However, it noted that the BBC Complaints Framework also says the BBC should "acknowledge fault" when it makes a mistake. The personal letter went a considerable way to address this. But in the ECU's view there was an additional and distinct obligation on the BBC to publicly acknowledge an inaccuracy as it had a material effect on audience perception of the programme.

The misdating of the ring and the decision to disqualify it not only featured prominently on the show but also affected the outcome of the competition. In the context of a series of this kind, the mistake was a serious one which, in our view, called for public acknowledgement. As this had not happened by the time the complaint reached the ECU, this aspect of the complaint was upheld.

Resolved/partly upheld

Further action

The finding was reported to the Board of BBC Content and discussed with the programme-makers concerned. A note of the matter has been posted on the Corrections and Clarifications page of bbc.co.uk, and the programme will not be re-broadcast in its original form.

The Rise of the Murdoch Dynasty, BBC Two, 14, 21 & 28 July 2020

Complaint

This series chronicled the relationship between Rupert Murdoch and senior politicians and included testimony from former editors of News Corp newspapers, politicians and their advisors, as well as outside observers. A representative of News UK, owned by Mr Murdoch's NewsCorp business, and two other correspondents contacted the ECU to cite a range of concerns about the accuracy and impartiality of the series. As all the substantive issues of editorial standards raised by the other correspondents also featured in the complaint by News UK, this summary addresses the issues as put by News UK.

In particular News UK claimed the programme adopted the view that Mr Murdoch represented a threat to liberal democracy and exercised malign political influence, without giving due regard to the opposing point of view and to the evidence. It also argued the series lacked adequate context, such as reference to Mr Murdoch's business successes, which might have enabled viewers to properly judge his actions. The complainant also criticised an account given of the role of The Sun newspaper during the 1997 General Election and went on to suggest the story the programme told of the phone-hacking scandal was "highly inaccurate partial and unfair" in that it offered a platform to a campaigning group without properly explaining its motivation and gave a misleading account of the role of The News of the World in the hacking of Milly Dowler's phone.

Outcome

The series set out in some detail the at times complex and intricate links between Mr Murdoch and senior politicians, and in the ECU's view did so largely on a factual basis. Where statements were made about the power of the press, they did not go beyond statements about which there could be little dispute. Some contributors did express concern about the nature of Mr Murdoch's influence, but it was a matter of personal opinion, which individual contributors were entitled to express, and not a basis for inferring an editorial line on the part of the programme-makers. Without a direct contribution from a member of the Murdoch family, the requirement for due impartiality was met by the inclusion of the on-the-record opinions of Mr Murdoch senior and interviews with, among others, a one-time Executive Editor of The News of the World and a former senior lieutenant to Mr Murdoch.

In chronicling the rise of the Murdoch dynasty, the programme was not obliged to offer an account of all Mr Murdoch's business interests and, inasmuch as it

examined his commercial success, it did so only to the extent that it was relevant to the story it told about the Murdoch family. In the ECU's view the Guidelines would not require arguments related to other issues to be reflected in a programme explicitly about something else. The programme-makers chose to focus on the political rather than the business acumen of Mr Murdoch, interwoven with an account of his family's involvement in the company, as the Guidelines permit.

In relation to the specific criticism levelled against the series, the programme set out the events leading up to the closure of *The News of The World* and the establishment of the Leveson Inquiry. It did not purport to be a detailed examination of Max Mosley's court case against the newspaper, nor an analysis of the campaign by Hacked Off to place press regulation on a statutory footing. The fact that those involved in what was termed "the rebel alliance" were united in their dislike of Mr Murdoch and the conduct of some of his newspapers was clear from their individual contributions and required no further elaboration. Their presence in the programme helped tell viewers a story which included an explanation for the source of the funding for their campaign and the personal motives for their involvement. The BBC Editorial Guidelines are not intended to prevent groups from setting out their campaign objectives; they are only concerned with ensuring the BBC does not uncritically align itself with their aims. But the programme did not directly involve itself with issues arising from Hacked Off's campaign for greater press regulation. And to the extent that this could be deduced from the hostility of some of the contributors towards Mr Murdoch, it was in the ECU's view, properly counterbalanced by remarks from other contributors, which cast doubt on the motives of those involved in the campaign.

The ECU also considered the criticism of the programme's treatment of the hacking of Milly Dowler's phone. The ECU accepted that it is now agreed that the false hope described by Milly Dowler's mother in her testimony to the Leveson inquiry, and repeated in the series, was in all probability not the fault of the private investigator who hacked Milly Dowler's phone. Judge Leveson and *The Guardian* subsequently accepted it was likely that the messages were automatically deleted by the mobile phone company's system. And although the programme made no reference to the original supposition that the messages had been deleted by a journalist acting for *The News of the World*, in the ECU's opinion viewers might nevertheless have inferred that the newspaper was responsible for giving Milly Dowler's parents the impression she might still be alive, and that inference would probably have been incorrect. However, Lord Leveson concluded that the essence of *The Guardian* story – namely that Milly Dowler's phone was hacked by or on the instructions of journalists employed by *The News of the World* – was correct. So, while it would have been better if the programme had guarded against an incorrect inference in this respect, the ECU did not think it would have affected the audience's understanding of what *The News of the World* was guilty of so materially as to amount to a breach of the BBC's editorial standards.

The final substantive point the ECU considered related to the claim that viewers were misled into believing that the exposure of the private lives of a series of Conservative MPs was the result of a political agenda, linked to The Sun's switch to supporting Labour in the 1997 General Election. The sequence, included in the 14 July broadcast, involved testimony from a former Deputy Editor of The Sun and a former reporter from The News of the World, separated by a montage of front pages from both newspapers showing exposés of Conservative MPs during the Major government of 1992-7. The ECU accepted the programme-makers did not intend viewers to understand this montage as relating only to the run-up to the 1997 election (in the context of a programme where events were not dealt with sequentially) but envisaged that section of the sequence as illustrating a more general point about the power tabloid newspapers have to expose MP's private lives. In the ECU's view, however, the juxtaposition in time in this case did not work as clearly as in other parts of the programme. As a result, it would not have been apparent to viewers that the montage related to events which largely predated The Sun's increasing warmth towards and declaration of support for Labour. Similarly, it would not have been apparent that the former reporter's comments, in which he spoke of a policy of targeting Conservative MPs, also related to a period which began well before The Sun's support for Labour in the 1997 General Election. The sequence may therefore have given the misleading impression that Conservative MPs had been targeted as a result of Mr Murdoch's decision to support Labour in the 1997 election. For these reasons the ECU judged that the sequence, though it formed only a small part of the picture developed over three hours of programming, fell below the BBC's standards of due accuracy in such a context.

Partly upheld

Further action

The finding was reported to the Board of BBC Content and discussed with the programme-makers concerned. The iPlayer version of the programme has been edited in the light of the finding and the programme will not be re-broadcast in its original form.

BBC News (10pm), BBC One, 21 July 2020

Complaint

This bulletin included one of a series of reports introduced as "looking at Britain's colonial legacy worldwide" which dealt with the Bengal famine of 1943 in which about 3,000,000 people are believed to have died. A viewer complained that it reflected unfairly on Winston Churchill's role in the matter, in three main respects: it personalised an issue about which Churchill could have had little or no knowledge, ignoring key roles played by the Indian Government, local administrators and the relevant Cabinet Committee; it did not take proper account of the fact that Britain was engaged in a world war at the time; and it suggested the absence of effective action to alleviate the famine reflected racism on Churchill's part. As these issues

concerned a figure in comparatively recent history whose reputation and actions still give rise to controversy in some respects, the ECU considered the complaint in the light of the BBC's editorial standards of due impartiality.

Outcome

The ECU did not agree that the report was unduly personalised in relation to Churchill. It did not give the impression that any of the many parties concerned had sole responsibility for the alleviation of the famine, attributing decision-making power to Churchill and his Cabinet, not Churchill alone, and the ECU noted significant documentary evidence that he was aware of the famine and intervened personally on a number of occasions, for example by writing to the Viceroy of India and President Roosevelt. As to the wartime context, the studio introduction to the item referred to decisions made "in the turmoil of wartime" and the report itself referred on two occasions to the constraints arising from the war. As the programme appeared to the ECU to have presented a duly balanced picture in both respects, these points of complaint were not upheld.

In relation to the third point of complaint, a number of the interviewees in the report, suggested Churchill regarded Indians with a degree of disdain if not outright hostility, and the impression that this explained his behaviour was reinforced by the citation of a contemporary account reporting Churchill as having said Indians "breed like rabbits". It is hardly controversial to say Churchill on occasion expressed attitudes which many would now regard as evidence of racism, and the ECU thought it editorially justifiable to refer to the issue of racism in the context of a report focusing on Indian attitudes which run counter to the received view of Churchill. In the ECU's judgement, however, more exploration of alternative views of Churchill's actions and motives in relation to the Bengal famine was required to meet the standard of impartiality appropriate to a report in a news bulletin of this kind. This aspect of the complaint was upheld.

Partly upheld

Further action

The finding was reported to the Board of BBC News and discussed with the programme-makers concerned.

Live at the Apollo, BBC Two, 8 September 2020

Complaint

Two viewers objected to Jack Whitehall's opening routine, in which he recounted what took place when he had been introduced to a dwarf at a pop concert. The ECU considered their complaints in the light of the section of the BBC's Editorial Guidelines on Harm and Offence dealing with portrayal.

Outcome

The guidelines on portrayal say:

When it is within audience expectations, we may feature a portrayal or stereotype that has been exaggerated for comic effect, but we must be aware that audiences may find casual or purposeless stereotypes to be offensive.

The ECU considered that viewers familiar with Jack Whitehall's self-deprecating style of comedy would have understood the routine as intended primarily to show up his own inadequacies and failings, and to that extent it fell within audience expectations for stand-up comedy in a late evening slot. The ECU accepted, however, that there were occasions when it seemed a stereotypical view of dwarfism itself, rather than Jack Whitehall's own ineptitude, was the source of the humour, which took the routine beyond the expectations of audiences in relation to material of this kind.

Upheld**Further action**

The finding was reported to the Board of BBC Content and discussed with the programme-makers concerned. The material in question will not be re-broadcast.

Health Check, BBC World Service, 23 September 2020

Complaint

In the programme a British academic, Professor Anna Gilmore, was interviewed about heated tobacco products (HTPs) marketed and distributed under the brand name IQOS by Philip Morris International (PMI). PMI complained that Professor Gilmore was presented to listeners as an "independent expert" without reference to her role as a campaigner against tobacco products and the tobacco industry. PMI also complained that it was not invited to participate in the broadcast, or to respond to points made by the Professor. It complained further that statements made by Professor Gilmore contained material inaccuracies about the risks of consuming HTPs and compliance with laws about the sale of IQOS products in countries where tobacco products are banned or restricted and that, in the absence of an alternative viewpoint, the programme's treatment of its topic failed to meet appropriate standards of impartiality. The ECU considered the complaint in the light of the BBC's Editorial Guidelines on fairness, accuracy and impartiality.

Outcome

Professor Gilmore was introduced as "Director of Tobacco Control Research Group at the University of Bath in the UK and a spokesperson for the global tobacco industry watchdog, STOP". In the ECU's view, this was sufficient to signal to listeners that she did not speak from a position of neutrality in relation to the tobacco industry.

The ECU agreed, however, that more should have been done to give PMI an opportunity to set out its position. The programme-makers lodged a request for a brief statement from PMI in response to the question, “What evidence is there for modified risk for these products?” (i.e., HTPs) and, having received no answer, concluded that PMI did not wish to comment; but it appears that, unknown to them, the request (which had been addressed to a subsidiary of PMI rather than to PMI’s press office) did not reach its intended destination – and, in any event, the programme included other points critical of PMI to which it should have had the opportunity of responding. The ECU found a breach of the BBC’s editorial standards of fairness in this respect.

On the question of risk attaching to the consumption of HTPs, PMI contested Professor Gilmore’s statement that there was “no evidence [that HTPs] are less risky than smoking”. The ECU accepted that relevant regulatory bodies had indicated a possibility, or even a likelihood, that they might be found less injurious to health than smoking when evidence accrues but noted the World Health Organisation’s assessment that “reducing exposure to harmful chemicals in Heated Tobacco Products (HTPs) does not render them harmless, nor does it translate to reduced risk to human health. Indeed, some toxins are present at higher levels in HTP aerosols than in conventional cigarette smoke, and there are some additional toxins present in HTP aerosols that are not present in conventional cigarette smoke. The health implications of exposure to these are unknown”. In the light of this, the ECU concluded that Professor Gilmore’s statement was duly accurate at the time the programme was broadcast.

In relation to compliance with laws about the import and sale of IQOS devices, the ECU agreed that the programme gave the impression that PMI had attempted to circumvent the law in a number of countries. The ECU concluded that it had not been established that PMI had acted improperly in relation to any country, and that the impression given here was consequently in breach of the BBC’s editorial standards of accuracy.

In relation to impartiality, the ECU acknowledged PMI’s concern that the prominence of one view (which was that of someone who did not speak from a position of neutrality in relation to the tobacco industry) resulted in a failure to treat the topic with due impartiality, but judged that, in the context of the programme’s particular focus, the topic did not constitute what the Editorial Guidelines term a “controversial subject”, to which considerations of impartiality particularly apply, and that the issue was largely one of correct interpretation of scientific evidence, which stood to be judged primarily in relation to accuracy. The complaint was not upheld in relation to impartiality.

Partly upheld

The Jeremy Vine Show, Radio 2, 6 October 2020

Complaint

The programme included an interview with Andrew Marr about his book “Elizabethans: How Modern Britain Was Forged” in which he referred to one of its subjects, Jayaben Desai, who was involved in the prolonged strike at Grunwick in 1976. The son of the late George Ward, the owner of Grunwick, complained that the discussion repeated statement about Mr Ward’s treatment of his workforce which were in conflict with the findings of the inquiry conducted by Lord Scarman, and for which the BBC had apologised when they were broadcast on previous occasions. The ECU considered the complaint in the light of the BBC’s editorial standards of due accuracy.

Outcome

As the ECU was presented with no evidence which would have allowed it to discount Lord Scarman’s conclusions, it accepted that the statements in question would have misled listeners and did not meet the BBC’s standards of due accuracy.
Upheld

Further action

The finding was reported to the board of BBC Radio and discussed with the programme-makers concerned. The inaccurate material will not be re-broadcast.

Enslaved with Samuel L Jackson, BBC Two, 25 October 2020

Complaint

This was the fourth programme in a series on the transatlantic slave trade and dealt in part with the story of The London, a British naval vessel returning from the Caribbean which sank off Ilfracombe in 1796 with loss of life. A viewer complained that the programme was inaccurate in giving the impression that:

The UK was the first European country to abolish slavery in its dominions.
nobody tried to save the drowning captives.

Africans from former French colonies had been fighting for independence in St Lucia, and slaves had fought and won their freedom, but after a year the British returned and re-enslaved them.

the black captives on The London were not prisoners of war but re-enslaved people.

The ECU considered the complaint in the light of the BBC’s editorial standards of due accuracy.

Outcome

Having investigated the historical record and consulted with experts in the field, the ECU reached the following conclusions.

In relation to point 1, the ECU noted that, while the UK had passed the Slavery Abolition Act in 1833, the French National Convention had issued a decree abolishing slavery in all French colonies in 1794. However, the decree did not include measures to enforce the policy, and it was reversed by Napoleon in 1804, after which slavery remained legal under French law until 1848. Although it could be said that France was first to announce the abolition of slavery, it can also be said that the UK acted to abolish the practice of slavery in its dominions in ways which were not pursued by France. On that basis, the ECU considered the impression given by the programme to be consistent with the BBC's standards of due accuracy.

In relation to point 2, the complainant queried the programme's statement (in connection with those below decks in *The London* when it sank) that "nobody would have bothered to come and rescue them", pointing out that a contemporary newspaper report referred to "six local seaman who lost their lives trying to rescue people from the ship". The ECU noted that, later in the programme, the same speaker said "The locals saw the ship was in distress. Lots of people from the harbour rowed out to try and help the ship and guide the ship into the harbour. They even had a pilot to try and come on board. But the Captain refused help", and that the programme-makers maintained that his earlier statement had been intended as a reference to the reluctance of the ship's crew to rescue the passengers. While accepting that this intention may not have been apparent to viewers, the ECU concluded that the later statement would have guarded against any impression that no rescue had been attempted, and that the programme was within the bounds of due accuracy in this respect.

In relation to points 3 and 4, the ECU noted some uncertainty in the historical record and some divergence of opinion among historians. While it is clear that slaves on St Lucia demanded their freedom in 1791 and four years later rose in rebellion when they joined French Revolutionary forces and defeated the British, what occurred afterwards when British forces took back the island is less clear. It appears some did return to the plantations as slaves, but others were treated as combatants and taken as prisoners of war.

As to the status of the passengers on *The London*, the programme's suggestion that they were being held as slaves, having been re-enslaved by the British, is not accepted by many historians with an expert knowledge of the subject. The ECU acknowledged that some contemporaneous documentary evidence could be interpreted in a sense which supported the programme's suggestion and understood why the programme-makers had found the view that the passengers had been re-enslaved convincing, but in the light of the scope for differing interpretations which historic documentary sources often allow and of the weight of opinion on the other side of the argument, the ECU concluded that the programme should have referred to the view that the individuals in question were prisoners of war and not slaves, even if on balance it came to a different judgement. By omitting that view the programme tended to give the impression that its narrative in relation to re-enslavement was generally accepted, and it fell short of due accuracy in that respect.

Partly upheld

Further action

The finding was reported to the Board of BBC Content and discussed with the programme-makers concerned.

Oxford Street: Men filmed spitting at Jewish people on bus, BBC News Online (England) & BBC London News, BBC One (London), 2 December 2021

Complaint

On 2 December 2021 the BBC published an article, headlined as above, about an incident in which abuse was directed at a group of Jewish students on a bus in London's Oxford Street. That evening BBC One (London) broadcast a report on the same story in its main news bulletin at 6.30pm. Subsequent to both, the BBC received representations from a significant number of groups and individuals, including the Board of Deputies of British Jews and the Chief Rabbi critical of the accuracy and impartiality of the BBC's coverage of the events described, particularly in relation to the claim that an anti-Muslim slur had been heard from inside the bus. In the light of the deeply felt concerns expressed by senior leaders in the Jewish community and others, the Director-General in his role as Editor-in Chief instructed the BBC's Executive Complaints Unit to investigate the complaints as a matter of urgency.

Outcome

The ECU, though part of the BBC, is independent of programme-makers, and is tasked with judging complaints about BBC output against the requirements of the BBC's editorial standards, as expressed in the Editorial Guidelines. If we conclude that a complaint has identified a breach of those standards, we will uphold it in that respect – or, if it seems to us that the breach had already been recognised and appropriate action taken to remedy it, our finding will be that the complaint has been resolved. In reaching our finding we have watched and read the relevant output, watched and listened to an enhanced audio version of the disputed recording, examined the editorial processes which led to the inclusion of the claim about an anti-Muslim slur in both the online and broadcast items, and considered the BBC's subsequent decision to stand by its reporting. We have also considered the two reports commissioned by the Board of Deputies, along with the result of a separate check carried out on behalf of the BBC.

Three main questions, which emerged from the complaints, provide a focus for our finding. First, did the overall coverage lack impartiality, both in its choice of language and its focus – in effect, as some have suggested, “victim-shaming” the Jewish passengers on the bus, implying they bore a share of responsibility for the incident,

or otherwise creating a false equivalence? Second, was the BBC justified, on the basis of the evidence available to it at the time, to include a line saying an insult of some kind had been heard coming from the bus (in addition to those already reported as having come from the pavement)? And finally, in the light of new analysis of the recording, was the BBC right to continue to defend all the statements included in its reports as accurate and not requiring amendment?

Taking these in turn, the first BBC report on this story was published on the afternoon of 2 December. The BBC became aware of the story via social media the previous day, but considerable effort had gone in to verifying the footage and establishing the facts. The headline Oxford Street: Men filmed spitting at Jewish people on bus was placed above the following introduction which gave a flavour of the article's tone and content:

An alleged anti-Semitic incident involving passengers on a bus in central London is being treated as a hate crime, the Met Police has said. It happened on Monday night in Oxford Street during the Jewish festival of Hanukkah, the force said. Footage appears to show men spitting at and abusing people on the bus. Boris Johnson said the clip was "disturbing".

A number of complainants have cited the use of the word "alleged" and phrases like "appears to show" as evidence of a lack of impartiality, in contrast with the lack of qualification in the phrase "some racial slurs about Muslims can also be heard from inside the bus" (a form of words to which the finding will return, in a different context). Others also highlighted the reporter's reference in the television item to any role the words from the bus might have played. As to "alleged" and the like, the terminology was used on the basis of legal advice taken by the programme-makers and was by no means unusual in reporting matters under police investigation which may fall to be decided by the courts, and where not all the facts have been established. We saw no evidence to suggest it was intended to contrast with the treatment of the anti-Muslim slur claim – which was contextualised in the online item in a way the statements about the behaviour of those outside the bus were not, by the inclusion of a quote from one of the students on the bus, in which she denied hearing any such insults from her fellow-passengers. In relation to the second point, the reporter in the television item said (in connection with the words supposedly spoken from the bus) "It's not clear at the moment for the person which said that what role this may have played in the incident". As is sometimes the case in unscripted broadcasting, it is apparent that the reporter's intended meaning was not expressed with complete clarity, but what can be said is that he did not assert that the slur had played a role, and that, at that point in time, there were elements of uncertainty about what had happened which it was appropriate for the report to reflect. In any event, the reference came towards the end of a piece in which the overriding focus had been on the behaviour of those outside the bus, which was hardly conducive to the view that the passengers shared responsibility for the incident.

For these reasons, and judged against the evidence available at the time, the ECU did not accept that either item lacked impartiality in the senses complained of, or that the charges of victim-blaming or false equivalence are warranted. In two significant respects however both items were inaccurate. The original online copy spoke of “some racial slurs about Muslims” whilst the TV report explained “you can hear some racial slurs about Muslim people”. In later versions the online copy was changed to “a slur about Muslims” reflecting that the original iterations had mischaracterised the nature of the insult and there was insufficient evidence that it had happened on more than one occasion. In the ECU's judgement the original versions did not meet the BBC's standards of due accuracy but, on the basis set out above, the ECU regarded the correction of the online item as resolving the complaint in that respect. As there was no equivalent correction in the case of the TV report, and as the inaccuracies in it were no less significant than those in the online item, the ECU upheld this aspect of the complaint.

In connection with the second of the questions set out above – about whether reporting that an insult of some kind had been heard coming from the bus was justified on the basis of the evidence available at the time – it is important to note that, at the time the BBC ran the story, the principal primary source material consisted of a mobile phone recording lasting 58” [1], which we understand had been provided to the Community Security Trust (CST) when the incident was reported to them and subsequently began to circulate on social media. The CST became a point of contact about the incident for the media, and it was to the CST that BBC London applied on the morning of 2 December for clearance to use the recording. In the somewhat unusual circumstances which obtained here, it was inevitable that reporting of the incident would reflect such information as could be gleaned from the recording; and, in the light of the CST's leading role in relation to anti-Semitic incidents as well as their involvement in the incident in question, it was natural and appropriate that the BBC should turn primarily to the CST for verification (as many other media outlets did). The ECU has been shown a detailed timeline of events from the moment the BBC became aware of the story on 1 December, and it shows an unusually high level of consultation among colleagues about the content of the recording. It was on the afternoon of 1 December that it was first identified as containing an anti-Muslim slur (in the form of “Dirty Muslims”), and the recording was subsequently assessed by at least seven members of BBC London news staff and a senior editor in network news, all of whom agreed that the phrase “Dirty Muslims” could be heard, before a decision to include a statement to that effect in BBC output was made. Properly, however, the BBC did not rely on its own assessment alone. The claim was put by the reporter in the television item to the representative of the CST with whom he had been dealing, who replied (in a WhatsApp exchange which the ECU has seen) in terms which the BBC took as confirmation that the phrase in question had been spoken and, in the ECU's judgement, it was entirely reasonable to take them in that sense. We should make clear, however, that we do not say the CST's response determined the BBC's decision to include the claim in its output – it was only one part of the decision-making process, but it does have some significance for the ECU's view on the outcome of that process. With hindsight, and in the light of

subsequent evidence that the recording was open to another interpretation, it might be argued that even further verification should have been sought, but the situation at the time was that no alternative interpretation had been proposed, and in our view the elements of internal scrutiny taken together with the CST's response amounted to an editorial process which we would regard as more than sufficient in any but the most extraordinary circumstances. We therefore do not believe we can fairly find that the decision to broadcast the claim in question constituted a breach of editorial standards, even if it were accepted in the light of later evidence that the claim itself was questionable. And, in view of allegations of latent or even active anti-Semitism which have been made, the ECU considers it important to say it was manifest from the evidence we have seen that the decision, whether or not mistaken, was made entirely in good faith.

We now turn to the third question, about whether the BBC has been right to continue to defend the statements in its reports about an anti-Muslim slur as accurate and not requiring amendment. Since 2 December the matter has been the subject of (to our knowledge) three outside assessments, two commissioned by the Board of Deputies from a Professor of Linguistics and a team of digital forensic and data security specialists, and one commissioned by the BBC from a firm of translators; and in the course of assessing the evidence offered by the Board of Deputies and preparing a response to complaints, the mobile phone recording has been listened to by a number of senior members of BBC News management (and a member of staff with a working knowledge of Hebrew), and discussed with the BBC's Jerusalem Bureau with input from native Hebrew-speakers there (though with inconclusive results, which led to the commissioning of the firm of translators). In response to the Director-General's instruction to the ECU we have viewed and listened to a version of the material with enhanced audio (as set out above), and the Head of the ECU has listened to the material in studio conditions with the help of a BBC sound engineer who was able to apply a number of further enhancements.

In this connection, the ECU notes the suggestion, in a report commissioned by the Board of Deputies from a Professor of Linguistics that BBC staff may have misheard the phrase as a result of the "Apollonian tendency", which he describes as the mind's inclination to create order or meaningfulness, especially when encountering unfamiliar information. Although it might be observed that such a tendency might apply as much to those undertaking investigations on behalf of others as to BBC staff, it corresponded with the experience of members of the ECU, both as investigators of complaints and in their previous roles as programme-makers, in which they had encountered cases where the same audio material can genuinely be construed in entirely different senses by different listeners. The interpretation arrived at may well depend on cues which the listener is unaware of having received and once arrived at, may be very difficult to controvert. In the ECU's view, the contesting interpretations of the material under consideration were a case in point, and it might not be possible to determine with certainty which of them is correct on the basis of the recording alone. The question we therefore addressed was whether the BBC's response should have acknowledged an element of doubt about the anti-

Muslim slur claim. In this connection, we noted that the report commissioned by the BBC did not result in unanimity, with three of the four translators involved construing the phrase as “Dirty Muslims” and one as the Hebrew for “Call someone, it’s urgent”. While the majority finding gives support to the view that “Dirty Muslims” is a sustainable interpretation, the more significant point for the ECU is that the sole exception indicates that it was not the only possible interpretation. In the ECU’s judgement this, taken together with the evidence put forward by the Board of Deputies, should have led the BBC to recognise at an earlier stage that there was genuine doubt about the accuracy of what it had reported.

It follows that the online article as it stands must now be regarded as no longer meeting the BBC’s standards of due accuracy and, to the extent that the anti-Muslim slur claim has itself become controversial, it also lacks due impartiality in failing to reflect alternative views. The same applies, mutatis mutandis, to the television item, though that could not have been updated as an online item can.

The complaints were therefore partly upheld in relation to accuracy and impartiality.

[1] Other material has since emerged but has no direct relevance to our finding.

Partly upheld

Further action

The online item will be revised in the light of the finding and a posting will be made on the Corrections and Clarifications page about the television item (which will also acknowledge the original element of inaccuracy in the phrase “some racial slurs about Moslems”).

UPDATE AND CLARIFICATION – 3 FEBRUARY 2022

Following publication, the Community Security Trust (CST) made representations to the BBC with significant concerns regarding the references to them in the above finding. The ECU is happy to make the following points clear:

Where the finding states: “With hindsight, and in light of subsequent evidence that the recording was open to another interpretation, it might be argued that even further verification should have been sought ...”, we’d like to make clear that this reference does not imply that the CST provided verification of the existence of the slur. The responsibility for such verification rests with the BBC journalists, and managers, responsible for the story.

Where the finding states: “it was natural and appropriate that the BBC should turn primarily to the CST for verification (as many other media outlets did)” this was a reference to verifying that the video represented an incident of abuse directed at a

group of Jewish students on a bus on London's Oxford Street. For clarity, this reference to 'verification' does also not refer to confirmation of whether the subsequently disputed phrase could be heard. The CST also request that the BBC make clear that they were not proactively releasing or initiating use of the video by the media and had acted during this incident as a conduit between the media and the students on the bus. The ECU is also aware that the BBC had contact with other sources, separate from the CST, who were able to verify that the video represented the incident in question.

Where the finding states: "Properly, however, the BBC did not rely on its own assessment alone. The claim was put by the reporter in the television item to the representative of the CST with whom he had been dealing ... in terms which the BBC took as confirmation that the phrase in question had been spoken". The CST wish to be clear that during this exchange they were under the impression that the BBC had already decided to include the 'slur' claim. As the ECU finding makes clear earlier on, at least seven members of BBC London news staff and a senior editor in network news had already agreed that the slur could be heard. The CST have asked the ECU to reflect that their concern during this exchange was not on confirming or disputing the claim, but on putting the case that, even if a slur had been uttered, there were insufficient grounds for the BBC to refer to it in reports of the incident; we are happy to accept the CST's account of its position. We acknowledge that the BBC may well have arrived at a decision to include the claim irrespective of their engagement with the CST, though this is not a point which the ECU investigation had occasion to address.

None of the above points of clarification impact on our overall conclusions or findings; this complaint was partly upheld for the reasons outlined.

The Corrections, Radio 4, 6, 13 & 20 November 2020

Complaint

This three-part series looked at what became known as the Trojan Horse Affair – an alleged Islamic plot to infiltrate schools in Birmingham. Its stated purpose was to explain how journalists covered the story and what propelled the dominant narrative. A listener complained the programmes failed to show due impartiality through the omission of key facts and the inclusion of a number of false accounts about the differential treatment of girls at one of the schools involved, in particular a story about an alleged phone-hacking incident. The ECU considered the complaint in the light of the BBC's editorial standards of impartiality.

Outcome

In the ECU's view the decision by the programme-makers to focus on media coverage of the story, rather than undertake a reinvestigation of what happened, inevitably involved a process of selection, with only events most closely fitting the brief likely to be included. In principle what to include and what to exclude is an

editor's prerogative and it would only engage the impartiality guidelines were it to be apparent that an omission might have risked leading listeners to being materially misled.

The complainant cited several areas he felt the programme should have explored, or subjects where in his view a significant point of view was omitted. In all but one of these the ECU concluded there was no case to answer. The absence of a reference to the collapse in misconduct hearings against more than a dozen teachers and a detailed exploration of the role of the journalist Andrew Gilligan and the Department of Education, though all potentially interesting aspects of the story, did not in the ECU's view undermine the programme's impartiality, as the editors were entitled to focus on areas they believed were more closely aligned to the stated intention of the series.

This left, however, an account in the second episode of an alleged phone hacking incident involving a pupil at one of the schools. In this case, in the ECU's view, an interview with the former Chair of the school's governing body ensured there was an appropriate right of reply to the general allegations of misogyny at the school; nor was it necessary to report that the Police decided to take no action with regard to the phone-hacking claim as, whether or not a criminal matter, it was important evidence of how pupils were treated at the school. But the seriousness of the allegation meant it was incumbent on the programme to seek a response from a member of the school authorities to the specific incident. It was not put to the former Chair, and the programme team had not approached any other representative of the school who might have been expected to address it. In the ECU's judgement this fell short of the requirements of due impartiality as they applied in this context, and this aspect of the complaint was upheld.

Partly upheld

Further action

The finding was reported to the Board of BBC News and discussed with the programme-makers.

Newsnight, BBC Two, 16 November 2020

Complaint

A viewer of a report about the numbers of aspiring PhD students from a BAME background offered places in Universities in the UK complained that data from a survey carried out by Newsnight was used without appropriate contextual reference. The ECU considered the complaint in the light of the BBC's standards of accuracy.

Outcome

The report relied on a survey carried out by Newsnight under the Freedom of Information Act 2000. The reporter stated that, of the 62 institutions who responded to the survey, all but one showed a higher acceptance rate for white students, “with the majority showing a large disparity”. One example was selected showing that “there were 8,088 offers for white candidates compared to only 386 for those of black ethnicity” at an unnamed university. However, the data gathered by Newsnight showed that when offers to postgraduate applicants from other BAME categories were included the total at this single institution over the same period rose to 5051. Although the acceptance rate for BAME applicants as a proportion of those applying was lower than for white, the disparity was much less marked (37.9% versus 53.3%) than the report suggested.

The ECU considered that the use of this statistic without broader information about the results of the survey created a misleading impression inconsistent with the level of accuracy expected of a news report.

Upheld

Further action

The finding was reported to the Board of BBC News and discussed with the programme-makers concerned.

Mayday: The Canister on the Bed, Radio 4, 20 November 2020

Complaint

The programme, part of a series on aspects of the conflict in Syria, dealt with the chemical weapons attack at Douma, which it described as “one of the most contested events in the war”, and included an account of the role subsequently played by a former inspector with the Organisation for the Prohibition of Chemical Weapons (OPCW), known pseudonymously as Alex, who had expressed concerns about the OPCW’s conclusions on the matter. The journalist Peter Hitchens complained that the programme had been inaccurate in insinuating that Alex’s disclosures had been motivated by a reward of \$100,000 offered by WikiLeaks, that he believed the attack had been staged, and that he had made his views known only through “a select few journalists who share the Russian and Syrian state views on the war”. The ECU considered the complaint in the light of the BBC’s editorial standards of due accuracy.

Outcome

The programme, having referred to Alex’s disclosures in the winter of 2019, said it was “interesting” that they “came at a time when WikiLeaks was offering a \$100,000 reward for any leaked material relating to the Douma incident”. The ECU agreed that this amounted to an insinuation about Alex’s motives. It considered the evidence, some of it from confidential sources, which had led the programme-makers to believe the insinuation justified, but judged that, although it was such as

to warrant reporting (on an attributed basis) that Alex's motives had been questioned, it was not strong enough to warrant the programme itself calling them into question. Similarly, the programme's statement that Alex "believed the attack was staged" seemed to the ECU to rest on evidence which, although strongly suggestive, was not so conclusive as to justify stating as a fact that he believed the attack to have been staged. As to Alex's dealings with journalists, although he had collaborated with journalists who held broadly the same views on the war as the Russian and Syrian governments, he had also collaborated with journalists of whom that could not be said (Mr Hitchens among them).

The ECU found that, although they were limited to one aspect of an investigation into a complex and hotly contested subject, these points represented a failure to meet the standard of accuracy appropriate to a programme of this kind. The ECU noted that a posting about one point of the complaint had been made on the Corrections and Clarifications page of bbc.co.uk but, as it was not reflected in the extended version of the programme which continued to be available on BBC Sounds and the website of the series, it did not suffice to resolve the issue in question.

Upheld

Further action

The finding was reported to the Board of BBC News and discussed with the programme-makers in question.

Chiles on Friday, Radio 5 Live, 1 January 2021

Complaint

The programme included an interview with the matron of a London hospital, aimed at conveying a sense of what was happening in her hospital over the holiday period and how it was affecting staff. A listener complained that it referred to children with Covid in terms which were at odds with what was known about the general incidence and severity of Covid infections among the young, and which would have raised unnecessary concern among parents and potentially affected the ongoing debate about school closures.

Outcome

The broadcast included the following comments by the interviewee (the substance of which was also posted on Twitter by the programme-makers): "We have children who are coming in. It was minimally affecting children in the first wave. We have a whole ward of children here and I know that some of my colleagues are in the same position where they have whole wards of children with Covid".

The following day, the Royal College of Paediatrics and Child Health issued a statement which said "As of now we are not seeing significant pressure from COVID-19 in paediatrics across the UK. As cases in the community rise there will be a small

increase in the number of children, we see with COVID-19, but the overwhelming majority of children and young people have no symptoms or very mild illness only”, and it emerged on subsequent enquiry that the interviewee had been speaking on the basis of very small numbers in her own hospital. The ECU noted that the programme-makers had not sought to establish the number of children involved or the severity of their symptoms; and, while appreciating the difficulty of obtaining a corroborating medical view on a public holiday, was concerned that remarks on a topic of such concern to parents, and which appeared at odds with what was generally understood to be the case, had been included in the broadcast without more scrutiny (and further circulated on Twitter). The programme published another tweet the following day which included the statement from the Royal College of Paediatrics and Child Health. The ECU thought this an appropriate step to have taken, but it did not address the inaccurate impression likely to have been given to listeners to the programme the day before.

Upheld

Further action

The finding was reported to the Board of BBC News and discussed with the programme-makers concerned.

Today, Radio 4, 20 January 2021

Complaint

The programme included a discussion about the future of populism after the defeat of Donald Trump in the US presidential election. Mark Wallace, Chief Executive of the website ConservativeHome, complained that it was inaccurate for one of the contributors to take ConservativeHome alongside “the Tea Party...or other similar movements” as an example of “the way in which the equivalent of Africanised bees...have invaded decent political parties”, ConservativeHome not being a “movement”, nor having an agenda of “invading” a political party, nor deserving of the implication that it was less than “decent”. He also complained that a later comment by the same contributor wrongly associated ConservativeHome with conspiracy theorists, and argued that both misconceptions should have been corrected on air. The ECU considered the complaint in the light of the BBC’s standards of accuracy.

Outcome

In the ECU’s view, the contributor’s comments about conspiracy theorists, in which ConservativeHome was not mentioned, were sufficiently separated from his earlier reference to the website for there to be little prospect that they would lead listeners to associate the two, and this aspect of the complaint was not upheld.

In relation to the comments which named ConservativeHome, the ECU noted the website’s description of itself as a forum designed “to champion the interests of

grassroots Tory members and to argue for a broad conservatism”. The ECU found no grounds for regarding that description as controversial and agreed with Mr Wallace that it was the contributor’s description which was inaccurate. Although the inaccuracy was not pointed out on air, the presenter of the item did describe the comments as “a very particular characterisation of populism”, which would have indicated that listeners should not take them as definitive, and BBC News subsequently posted the following entry on the Corrections and Clarifications page of the BBC website:

In a discussion about the impact Donald Trump has had on populist politics a contributor referred to the role played by the Tea Party, ConservativeHome ‘and other similar movements’. ConservativeHome has been in touch to make clear the company is a media outlet, staffed by journalists who write about the Conservative Party and Conservative politics, that it is not a ‘movement’ and it is not in any way equivalent to or similar to the Tea Party or any ‘other similar movements’.

In the ECU’s judgement, this would have sufficed to resolve the issue of complaint but for the fact that, while generally dissociating the website from populist movements, it did not address the characterisation of ConservativeHome as invasive and as standing in contrast to “decent political parties” – the elements of the comments which, in the ECU’s view, made them objectionable as well as merely inaccurate. The ECU therefore upheld this aspect of Mr Wallace’s complaint.

Partly upheld

Further action

The finding was reported to the Board of BBC News and discussed with the programme-makers concerned.

Good Morning Scotland, Radio Scotland, 11 February 2021

Complaint

A listener complained that an interview with BBC Scotland’s Science and Innovation Correspondent had given the incorrect impression that two vaccine shots would confer 100% immunity to Covid. The ECU considered the complaint in relation to the BBC’s editorial standards of due accuracy.

Outcome

On two occasions the correspondent referred to full immunity in connection with two doses of vaccine. In fact, no available vaccine claims to confer 100% immunity after a second dose (the Pfizer BioNtech and AstraZeneca offering 95% and 82% respectively). While there are contexts in which the phrase “full immunity” might be defended as shorthand for the full measure of protection which vaccination can provide, it fell short of due accuracy in the context of an interview in a news

programme with a specialist correspondent on an issue of public health (as BBC Scotland had acknowledged in correspondence with the complainant).

Upheld

Further action

The finding was reported to BBC Scotland's Executive Team and discussed with the programme-makers concerned.

South Today, BBC One (South), 15 March 2021

Complaint

The programme included an item on the sentencing of Mr Alan Naylor and his company EzeParking (which offers car parking services to passengers embarking on cruises from Southampton) arising out of an occasion when he had made use of a car park owned by Southampton Council and removed a number of client's cars without paying the parking charges. Mr Naylor complained that the item had been misleading in not mentioning his intention to appeal against the convictions; in incorrectly naming him as the owner of the first car shown leaving the car park in CCTV footage of the incident used in the item; and in giving the impression that his motive in removing the cars was to avoid payment and that it was for this that he and his company had been convicted. The ECU considered his complaint in the light of the BBC's editorial standards of accuracy.

Outcome

An intention to appeal is not necessarily relevant to a report on court proceedings, and in this instance, noting that the appeal would have been in relation to charges to which Mr Naylor and his company had pleaded guilty, the ECU did not consider that viewers would have been misled in relation to the subject-matter of the item by the omission complained of. As to the ownership of the car, it was named as Mr Naylor's in the list of court charges and the ECU understood that the previous keeper of the vehicle, in whose name it was still registered with DVLA, had confirmed to Southampton Council that he had sold it to Mr Naylor in November 2018. The complaint was not upheld on these points. The ECU agreed, however, that the item gave the impression complained of in relation to Mr Naylor's motive, at least in part. As seen in CCTV footage used in the item, he had facilitated the removal of the cars by driving his own car through the exit barrier twice (taking advantage of the 15 minutes' free parking allowed) and arranging for other vehicles to tailgate him on each occasion. This gave rise to charges of breach of consumer protection legislation, on the grounds that the procedure had put clients' vehicles at risk of damage contrary to the assurance of safety and protection given on EzeParking's website, and the original charges of fraud were not proceeded with. The studio introduction to the item, which said Mr Naylor and his company had "been fined after attempting to avoid paying for parking" may well have suggested to viewers that the convictions related to avoidance of payment, though the item contained a

number of elements which sufficed to counteract that impression. What was not counteracted, however, was the impression that avoiding payment was Mr Naylor's motive for acting as he did. As this was ultimately not an issue before the court, the outcome of the court proceedings provides no basis for attributing such a motive to Mr Naylor, and the item fell below the BBC's editorial standards of accuracy in doing so. The complaint was **upheld** in that respect.

Further action

The finding was reported to the senior management of BBC England and discussed with the programme-makers concerned.

Today, Radio 4, 3 June 2021

Complaint

The programme was broadcast after the announcement that Naftali Bennett had succeeded in forming a coalition government in Israel which included an Arab party. A listener complained that it contained a statement to the effect that this was the first time an Arab party had formed part of an Israeli government which was both inaccurate and a manifestation of habitual bias against Israel. The ECU considered the complaint in the light of the BBC's editorial standards of due accuracy and impartiality.

Outcome

The complaint related to two contributions from a BBC correspondent. The first was in the 6am bulletin, in which the correspondent's report said the coalition would "include, for the first time ever in Israeli politics, some Arab law-makers". The second was in an interview with Nick Robinson about half an hour later, in which the correspondent said, "we also have, as well as that kind of political spectrum, for the first time ever an Arab party, an Islamist party even, which is going to join in an Israeli government". The ECU noted that Arab parties had formed part of coalitions led by Mapai and its successor the Israeli Labour Party at various points before 1977 (though arguably only nominally), and accepted that, to that extent, the correspondent's statements were not strictly accurate. The complaint was upheld in that respect. However, the ECU also noted that participation of a party which is not only Arab but Islamist in an Israeli government headed by someone described in the programme by his chief strategist as right-wing and nationalist was a somewhat extraordinary development in Israeli politics, which could fairly be described as unprecedented, even if not precisely in the way the correspondent suggested. The ECU therefore did not accept that the statements in question reflected any underlying lack of impartiality.

Partly upheld

Further action

The finding was reported to the Board of BBC News and discussed with the correspondent concerned.

Euro 2020, BBC One, 12 June 2021

Complaint

Seven viewers complained that pictures of the collapse of the Danish player Christian Eriksen and subsequent developments during the Denmark v Finland match were distressing and intrusive. The ECU considered the complaints in the light of the BBC's guidelines on Harm and Offence, which make clear that material which risks offending audiences must be justified by its context.

Outcome

The ECU agreed that the coverage of the incident, which included shots of the efforts to resuscitate Eriksen and of his evidently distressed wife, was likely to cause offence, both because of the upsetting nature of some of the images and by the element of intrusiveness they involved. The ECU noted that the choice of shots from the stadium was not in the hands of the BBC programme team (the pictures being provided by the host broadcaster UEFA), who had no way of anticipating the earliest of the distressing images, which were among the most intrusive. The ECU also noted that the programme team's expectations were influenced by a longstanding UEFA protocol covering events of this nature; they recognised that the initial shots of the incident didn't conform to those expectations but assumed from the fact that the UEFA match director then cut to wide shots of the crowd and other players that the protocol was being properly observed. Unfortunately, that assumption proved ill-founded, as the remainder of the coverage included several instances of the match director cutting to shots which were closer than a BBC team would have selected. The ECU agreed with the management of BBC Sport that the BBC's coverage should not have stayed with the pictures from the host broadcaster for as long as it did and found no contextual justification which would have brought the sequence as a whole within the requirements of the BBC guidelines on potentially offensive material.

Upheld

Further action

The finding was reported to the management of BBC Sport and discussed with the programme-makers concerned. All those working for BBC Sport have now been reminded of what action should be taken in the event of a serious incident such as this one, and a wide and generic shot will always be made available for immediate use at future live matches.

Look North, BBC One (North), 4 July 2021

Complaint

The programme led with a report about a campaign for the removal of Covid restrictions on visits to family-members in care homes and included an interview

with the person promoting the campaign. A viewer complained that the report did not reflect the views of those who supported restrictions on visits to care homes during the pandemic, and that the interviewee's closing remark, which implied that lack of visiting caused additional deaths, went unchallenged by the reporter. The ECU considered the complaint in the light of the BBC's standards of due impartiality.

Outcome

The interviewee concluded by arguing that the re-introduction of "lockdown" restrictions would result in "more deaths, and from Covid". In the ECU's view, this amounted to an observation that isolation from family could contribute to mortality among care home residents and was not so contentious as to require challenge. However, the interviewee's stance in favour of abolishing restrictions was a controversial one. The ECU noted that there was no reflection of a contrary view in the report itself and that, although Look North had covered the issues relating to care homes during the pandemic from a range of perspectives, there was no item within the relevant timeframe which could be regarded as providing balance on the question of restrictions on visiting. Accordingly, the ECU upheld that aspect of the complaint.

Partly upheld

Further action

The finding was reported to the management of BBC England and discussed with the relevant programme-makers.

Good Morning Ulster & The Stephen Nolan Show, Radio Ulster, 23 July 2021

Complaint

Both programmes quoted a tweet written by a doctor at the Mater Hospital in Belfast, which said:

To the 18% that haven't had the 1st Covid vaccine...the Mater is full with young (in 20/30s) critically unwell, Unvaccinated COVID patients on ventilators who are now regretting their decision. Might be time for a rethink. The 3rd wave is here & u r now the most vulnerable

The tweet was read out twice in Good Morning Ulster, the first time in the context of a news story that the number of hospitalisations in Northern Ireland due to Covid-19 had doubled in a week, the second time during an interview with the Medical Director of the Belfast Health and Social Care Trust which administers the Mater Hospital. The tweet was then read out again in The Stephen Nolan Show in a question to a 25-year-old man who had refused vaccination.

A listener who had pursued his concerns via subsequent Freedom of Information requests complained that inadequate steps had been taken to verify the tweet's claims, which were in fact incorrect.

Outcome

In view of the doctor's professional standing, the ECU did not regard the tweet as coming from a source for which verification would normally be appropriate and noted that the Director of the relevant Trust had expressed no scepticism about its claims when it was put to him for comment. Accordingly, the element of the complaint which concerned verification prior to transmission was not upheld. However, it was apparent from the result of subsequent Freedom of Information requests (30 July and 18 October) that, in the context of the two programmes, the tweet had given the impression that the level of bed occupancy at the hospital by young unvaccinated Covid patients on ventilators was substantially higher than was in fact the case at the material time. In the ECU's judgement the inaccurate impression, though inadvertently conveyed, amounted to a breach of the BBC's editorial standards.

Partly upheld

Further action

The finding was reported to the management of BBC Northern Ireland and discussed with the programme-makers concerned.

BBC News (10pm), BBC One, 23 September 2021

Complaint

A report about Haitian immigrants to the United States included this statement:

As migrants attempted to cross from Mexico to a makeshift camp in Texas this week, they were pushed back by mounted Border Patrol officers using whips.

A viewer complained that the claim that whips had been used was false. The ECU considered the complaint in the light of the BBC's editorial standards of due accuracy.

Outcome

Reports on social media and news media that Border Patrol officers had used whips were based on photographs taken by an agency photographer who subsequently stated that he had not seen whips being used at the time. Moreover, the Department of Homeland Security, which is responsible for border control, stated on 20 September that the images showed long reins used to control horses – an explanation entirely compatible with the images themselves. In view of these points, the ECU agreed that the report's claim about the use of whips was not consistent with the BBC's standards of due accuracy.

Upheld

Further action

The finding was reported to the Board of BBC News and discussed with the programme-makers concerned.

Six O’Clock News, Radio 4, 11 October 2021

Complaint

A listener complained a statistic used by the BBC’s Health Editor, to demonstrate the risk to pregnant women of not taking a Covid vaccine, was misleading as it lacked context. Although the complainant did not question the accuracy of the statistic itself, the ECU assessed the complaint under the published BBC Guidelines on Accuracy as these make clear that the BBC must “weigh, interpret and where appropriate challenge statistics” with “important caveats and limitations” explained.

Outcome

In the report Hugh Pym explained that “Figures from NHS England show that between July and September 118 people started the treatment, of which 20 were pregnant. 19 of these were reported as unvaccinated”. The complainant argued this lacked context, as readers were not told the percentage of pregnant women who have been vaccinated. The ECU assessed this in the light of the available evidence on vaccination rates among pregnant women at the time of the broadcast and found precise figures do not appear to have been available. But estimates which were in the public domain appear to show a significantly smaller proportion of pregnant women were vaccinated compared to the general population (one placing it at 15% for the UK), which would tally with the wider concern reflected in the piece at the relatively low rate of vaccine take-up among pregnant women. Statistically, the fewer the number of pregnant women vaccinated, the less the significance that can be attached to the preponderance of unvaccinated pregnant women falling seriously ill after catching Covid. In the ECU’s view it did not undermine the essential validity of the story, as a disproportionate number of pregnant women had fallen ill from Covid and a higher take-up rate of the vaccine among pregnant women would likely have decreased the numbers requiring treatment in intensive care – and the report gave the actual figures from NHS England, in contrast to much of the coverage elsewhere. But given the obligation in the guidelines to offer “important caveats” and explain the limitations of any statistics used, the ECU agreed a qualifier should have been added to explain the low take up rate among pregnant women and how it limited the conclusions that can be drawn from the statistics.

Upheld

Further action

The finding was reported to the Board of BBC News and discussed with Hugh Pym.

Today, Radio 4, 13 October 2021

Complaint

Introducing an item in a review of the papers, the presenter said “And quite a lot of coverage still of Kathleen Stock, the academic from Sussex University who’s been abused by students who accuse her, falsely, of transphobia. She says her Union has now effectively ended her career. It’s published a statement of support, not for her, but for those who are abusing her”. Four listeners complained that the use of “falsely” was not only inaccurate but betrayed a personal opinion on the presenter’s part, and three of them complained of inaccuracy and apparent bias in describing the students who had been protesting against Professor Stock of “abusing her”. The ECU considered the complaints in the light of the BBC’s editorial standards of due accuracy and impartiality.

Outcome

As the validity or otherwise of the accusation of transphobia are at the heart of the controversy over Professor Stock, the ECU agreed that it was not duly accurate to refer to it in terms which suggested it had been disproved and upheld the complaints in that respect. However, it did not agree that the use of “falsely” indicated the producer’s personal opinion (which would have been contrary to the guideline on impartiality which says BBC journalists and news presenters “may not express personal views” on controversial subjects in BBC output), but considered it was better understood as an anticipation of the article being introduced, which did indeed argue that the accusation was false.

In connection to the reference to protestors “abusing” Professor Stock, the ECU noted that publications by her antagonists had applied terms to her which were incontestably abusive, irrespective of the merits of the arguments they were associated with. Accordingly, the ECU did not regard the reference as raising issues of accuracy or impartiality.

Partly upheld

Further action

The finding was reported to the Board of BBC News and discussed with the programme-makers responsible.

Strictly Come Dancing, BBC One, 23 October 2021

Complaint

In a sequence on the programme, the celebrity dancer Ugo Monye was filmed driving and talking to his professional dance partner Oti Mabuse. A viewer complained that filming someone whilst in charge of a motor vehicle and performing to camera was in contravention of the Highway Code and that it set a poor example

to the viewing public. The ECU considered this complaint in the light of the BBC Editorial Standards relating to safety and imitative behaviour.

Outcome

In the ECU's view proper care was taken by the programme team in preparing for filming. The crew conducted a risk assessment, and a safety car was driving ahead to reduce the risk of an accident. The simple act of filming was not in itself a breach of the Guidelines as drivers face many distractions, not all of which are considered inherently dangerous, including talking to passengers. The ECU did not conclude it was likely adult drivers would be influenced by what they saw on screen. However, it agreed that Mr Monye should not have removed both hands from the steering wheel while driving, however briefly as there did not appear to be a sufficient editorial justification for doing so on this occasion.

Partly upheld

Further action

The finding was reported to the Board of BBC Content and discussed with the programme-makers concerned.

Panorama: Wild Weather, BBC One, 3 November 2021

Complaint

The ECU considered two complaints about information contained in this programme. In the first, a viewer complained that in the introduction, the presenter incorrectly suggested the death toll from extreme weather-related events was rising and expected to rise further. The second complainant raised concerns that the programme inaccurately asserted that Madagascar was on the brink of the first famine caused by climate change. The ECU considered both complaints in the light of the BBC's editorial standards relating to accuracy.

Outcome

In the ECU's view the wording of the introduction, which stated "the death toll is rising around the world and the forecast is that worse is to come", risked giving the impression the rate of deaths from extreme weather-related events was increasing. In fact, as noted a recent report from the World Meteorological Organization, despite the number of weather-related disasters (such as floods, storms and drought) growing significantly in the past 50 years, the number of deaths caused by such disasters has fallen because of improved early warnings and disaster management.

BBC News accepted the wording in the programme was not as clear as it should have been and a public acknowledgement was put on the BBC's Corrections and Clarifications website before the complaint reached the ECU. This was an appropriate means of response and ensured the potentially misleading impression

was corrected as a matter of public record. However, an oversight meant the programme was still available on the BBC iPlayer without a link or reference to the published correction, and for that reason the complaint was upheld.

Separately the ECU considered the language used in the programme about the drought in Madagascar. It agreed the evidence showed southern Madagascar had suffered lower than average seasonal rainfall in recent years, and that climate change was one of the factors which had contributed to famine in the country. It also noted the reporter's language mirrored that used by the UN's World Food Programme. However, the statement that Madagascar was on the brink of the world's first climate-induced famine was presented without qualification, whereas other evidence available prior to broadcast suggested there were additional factors which made a significant contribution to the shortage of food. The complaint was therefore upheld.

Upheld

Further action

The finding has been reported to the Board of BBC News and discussed with the programme-makers concerned. Appropriate clarifications will be added to the iPlayer version of the programme.

Breakfast, Radio Five Live, 12 January 2022

Complaint

An interviewee in the programme referred to Jeremy Corbyn as an anti-Semite, without challenge or rebuttal at the time. A listener complained that the presenter's attempt to rectify the situation towards the end of the programme was inaccurate and misleading. The ECU considered the complaint in the light of the BBC's editorial standards of accuracy.

Outcome

As the charge of anti-Semitism is one which Mr Corbyn has repeatedly rebutted, and as there had been no challenge or rebuttal on his behalf at the time, it was right for the presenter to return to the matter while the programme was still on the air. However, the ECU shared the listener's concern about the terms in which she did so, which included the statement that there was "absolutely no evidence that...Jeremy Corbyn was or is anti-Semitic". While reluctant to find fault with an attempted correction which was clearly well-intentioned, unscripted and made under some pressure of time, the ECU could not disregard the fact that the statement in question did not take account of instances which many people consider to be evidence of anti-Semitism on Mr Corbyn's part. To that extent, it fell short of the BBC's standards of accuracy.

Upheld

Further action

The finding was reported to the Board of BBC News and discussed with the programme-makers concerned.

BBC News (10pm), BBC One, 1 March 2022

Complaint

The bulletin included a report on a meeting of the United Nations Human Rights Council at which many delegates had walked out when a pre-recorded address by the Russian Foreign Minister, Sergei Lavrov, was about to be played. A viewer complained that the reporter had described the walk-out in terms which were both inaccurate and biased against Russia. The ECU considered the complaint in the light of the BBC's editorial standards of accuracy and impartiality.

Outcome

The reporter's statement that "over a hundred diplomats from 40 countries" had walked out was accurate but, taken with her reference to "Russia's growing isolation as they alone listened to what Sergei Lavrov had to say", may have led viewers to conclude that only the Russian delegation remained for Mr Lavrov's address. As the delegations of several other countries had not joined the walk-out, that conclusion would have been misleading, which the ECU thought inconsistent with the BBC's standards of accuracy. In terms of impartiality, however, the ECU noted that the description of the protest was in support of the reporter's opening point that "Moscow is now looking increasingly friendless". Her subsequent reference to ongoing support for Russia by Belarus guarded against any impression that Russia was entirely friendless, and in the ECU's view the element of inaccuracy in relation to the scale of the particular protest did not affect the tenor of the report or render it less than impartial in the context of a situation where Russia was demonstrably facing increasing diplomatic isolation.

Partly upheld

Further action

The finding was reported to the Board of BBC News and discussed with the programme team responsible.

BBC London News, BBC One, 30 March 2022

Complaint

A viewer complained that a report on the dismantling of the Marble Arch Mound in London portrayed the structure in an entirely negative light. The complainant also questioned the newsworthiness of the broadcast and said it lacked impartiality, particularly as it was shown during a pre-election period.

Outcome

The stories covered by BBC London are a matter for its editors, and decisions will be based on a number of variables. The story's perceived newsworthiness was therefore not a matter for the ECU to consider as it did not raise the prospect of a breach of editorial standards.

However, the manner in which it was done was relevant. The Editorial Guidelines commit the BBC to "due accuracy" and "due impartiality", and the BBC also publishes regular Election Guidelines.

The election period for England began on 28 March 2022 and as the Editorial Guidelines state in relation to providing impartial news: "there is a special responsibility to audiences who are about to vote in elections or referendums". The Mound was undoubtedly a major political issue in the Westminster City Council election.

The ECU did not accept the report was misleading in its overall portrayal, as the overwhelming weight of opinion on this subject appears to have been critical of the attraction, reflected in a critical internal review by the Council. Nevertheless, there was a clear obligation to represent an appropriate range of political opinion. The ECU understood BBC London did approach the Conservative Group, but its members refused to comment. That refusal, quite rightly, did not lead to the item being dropped, as the Election Guidelines allow, and the reporter attempted to add the missing strand of argument by quoting from a Council Official. But whilst referring to the officers of the Council may have been relevant, it remained essential to provide an appropriate range of political opinion or, if a spokesperson from an individual party was unavailable, to state they had refused to comment. This did not happen, leading to a lack of due impartiality in the piece.

The complainant also highlighted the following remarks made at the end of the item:

Reporter: It's fair to say it's not going to be remembered by many particularly fondly, in fact by most as something of a monumental mistake.

Presenter: I think that's fair comment, Luke.

The ECU agreed these comments did cross into personal opinion, breached due impartiality and were not suitable for a report during an election period.

Partly Upheld

Further action

The finding was discussed with the management of BBC England and discussed with the programme-makers responsible.

The Papers, News Channel, various dates

Complaint

A viewer complained that this programme had repeatedly failed to provide an adequate description of the Institute of Economic Affairs (IEA) when its Communications Director appeared as a guest. The ECU considered the complaint in the light of the Editorial Guidelines on accuracy, which include the following provision about the affiliations of contributors to programmes:

We should not automatically assume that contributors from other organisations (such as academics, journalists, researchers and representatives of charities and think-tanks) are unbiased. Appropriate information about their affiliations, funding and particular viewpoints should be made available to the audience, when relevant to the context.

Outcome

The call for “appropriate information” about contributors is not a blanket requirement, as there may be times when little or no additional information is needed, either because it is not directly relevant to their contributions or because their views are apparent from what they say. In the case of *The Papers*, a review of newspapers and websites covering a wide range of topical issues, the ECU agreed some information was necessary for the IEA, in particular reference to its free market orientation. In most cases viewed by the ECU over a six-month period no such information was given, and this fell below the BBC’s standards of accuracy.

Upheld

Further action

The finding was reported to the Board of BBC News and a note was sent to staff reminding them of the need to provide appropriate information about such bodies as the IEA.

Stacey Dooley Investigates: Kids Selling Drugs Online, BBC Three

Complaint

The programme investigated the growing phenomenon of young people trafficking in drugs via mobile phone apps. The father of a 15-year-old boy, filmed in the course of an abortive transaction with Stacey Dooley, complained that the programme had led to his being identified, and that the claim that he had been attempting to sell drugs was untrue (the items in question being mints, not pills).

Outcome

As the 15-year-old had been purporting to sell drugs, little hinged on whether the items he offered were genuine. However, the steps taken by the programme-makers to prevent his being identified were not fully effective, which was inconsistent with the requirements of the BBC’s Editorial Guidelines on safeguarding the interests of people under the age of 18. **Partly upheld**

Further Action

The importance of properly disguising an identity to safeguard the interests of young people has been emphasised to the production team.