

# News-watch submission to the BBC Charter Renewal Consultation

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## Executive summary

This submission by News-watch examines the performance of the BBC complaints and regulatory framework during the current Charter period (2017–2025). It is based on a detailed analysis of BBC and Ofcom complaints data, Executive Complaints Unit (ECU) rulings and regulatory reporting across the Charter period. The full evidential analysis accompanies this submission. It is the biggest survey of its kind ever undertaken.

The evidence reveals a complaints system characterised by opacity, extreme narrowing between the point at which audience concerns enter the process and the point at which independent regulatory adjudication occurs. Across the Charter period:

**2,275,387 complaints** were received by the BBC

**4,944 cases** reached the Executive Complaints Unit (the BBC’s final internal stage)

**200 cases** were upheld or partly upheld by the BBC

**10 cases** were investigated by Ofcom

**3 breaches** of the Broadcasting Code were recorded

This pronounced narrowing — described in the accompanying survey as the “funnelling effect” — is most evident in relation to due impartiality, the BBC’s central Charter

obligation. Independent research indicates that 72.9% of BBC complaints received by Ofcom concern impartiality, yet Ofcom has upheld no Broadcasting Code breaches for due impartiality during the entire Charter period.

Under the “BBC First” model the Corporation acts as both initial adjudicator and gatekeeper to regulatory review. Complaints must pass through internal stages before Ofcom may consider them, and 98.8% conclude at Stage 1, where little information is published about the reasoning applied or the treatment of high-volume complaints. The system is therefore least transparent where the largest number of complaints are handled.

The survey establishes that Ofcom’s role, expanded under the 2017 Charter, has proved limited and largely reactive. It normally considers only complaints that have completed the BBC’s internal process and that meet strict eligibility thresholds. In addition, its impartiality jurisdiction largely applies only to individual programmes or editorially linked series, preventing examination of alleged cumulative patterns of bias across time.

The result is a regulatory structure in which the BBC adjudicates complaints about its own journalism at first instance, Ofcom intervenes rarely, and independent breach findings are statistically exceptional. Ofcom’s own research shows that only 18% of complainants report satisfaction with the complaints process.

The submission therefore concludes that the present complaints architecture cannot convincingly command public confidence in a publicly funded broadcaster sustained by compulsory licence fee. Charter renewal should introduce a robustly independent appellate tier for BBC editorial complaints, through the creation of an Independent BBC Editorial Standards Adjudicator operating at arm’s length from the Corporation while leaving Ofcom’s existing enforcement powers intact.

## **Complaints Handling, Regulatory Architecture and the Case for Structural Independence**

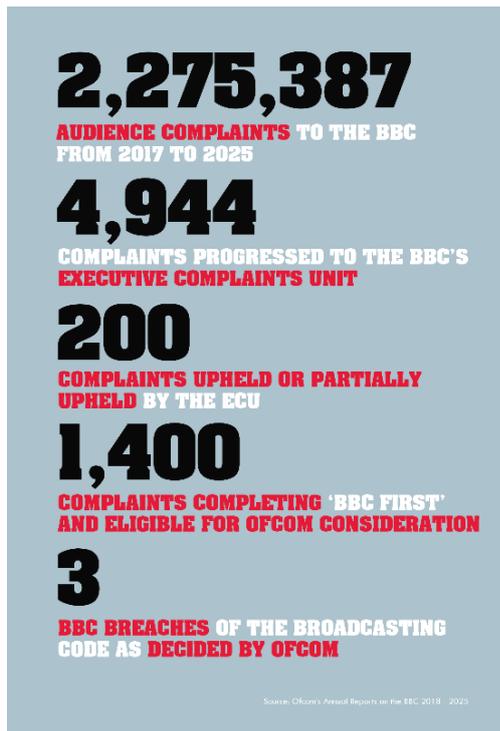
News-watch, established in 1999, undertakes in the public interest systemic analysis of BBC output and regulatory performance. It does so using rigorous academic methodology. Its main aim is to establish whether the BBC Charter obligation of achieving appropriate impartiality is upheld.

The findings in this submission are based on unprecedentedly detailed analysis of BBC and Ofcom complaints handling annual reports and special reports into complaints handling, scrutiny of all the rulings of the BBC Executive Complaints Unit (ECU); the cross-referencing of complaint classifications across reporting years, together with formal correspondence between News-watch and Ofcom about inconsistencies in how complaints are recorded. The full report of this analysis is attached to this submission.

This comprehensive picture only exists because of this work by News-watch. A coordinated, straightforward, easily accessible complaints document is not available from either the BBC or Ofcom. Licence fee payers are entitled to understand how criticism of the BBC on matters of controversy and public debate is handled, filtered and resolved.

The picture which emerges raises huge issues of concern. Is the complaints process designed to handle concerns of the public licence holder or to protect the BBC? Research by Ofcom in 2022 found that only 18 % of complainants were satisfied with the way their concerns were handled.

The diagram below gives the headline totals of complaints received and upheld.



Thus, since the beginning of the current Charter period in 2017, the BBC has received 2,275,387 complaints. Of that total, only 4,944 cases were submitted to the Executive Complaints Unit, the BBC's final internal appeal body within the BBC First complaints system.

Of those ECU cases, only 200 (4%) were upheld or partly upheld. Over the same period, Ofcom formally investigated only 10 cases, of which only three were deemed to be in breach of the Broadcasting Code.

The narrowing – which in our detailed survey is called the ‘funnelling effect’ – is particularly striking in relation to due impartiality, the area most central to the BBC's democratic obligations. Due impartiality complaints are one of the largest categories of audience concern. Research by Cardiff University found that in the period January-August 2025, 72.9% of complaints received by Ofcom centred on bias and breaches of the impartiality obligation. Yet within the nine years of the current BBC Charter, Ofcom has upheld no Broadcasting Code breaches for due impartiality. The BBC itself has upheld only 38.

The low level of successful complaints is cast by the BBC as evidence of editorial robustness. But with the BBC acting as judge and jury, it could also be the result of deliberate or unintended structural filtering. The Charter review must examine thoroughly why an organisation which produces thousands of hours of output each year across all its platforms can claim to be so unbiased.

The BBC First system places the BBC at the centre and in charge of first-instance adjudication. All complaints must be handled internally before Ofcom may consider them.

Progression requires complainant persistence within narrow deadlines. From the outset, the odds are stacked against complainants because the BBC has a well-resourced dedicated expert staff well-versed in deflecting criticism. The complainant must persevere alone. Escalation is at the BBC's discretion.

As a result, 98.8% of complaints conclude at Stage 1, handled by Audience Services. At that stage, neither the topic of complaints, nor the detailed reason for rejection are published; grouping methodologies for high-volume complaints are not transparent; and no consolidated dataset exists enabling the public to see how complaints are classified and resolved at entry level.

The current system is therefore most opaque where it handles the largest number of complaints. Visibility increases only as complaint numbers diminish. This inversion of transparency is not a trivial administrative feature. It shapes public confidence in a compulsory funding model.

Only 4,944 complainants who persisted through Stage 1 and Stage 1b reached determination by the ECU. At this level, the BBC does publish the topics and summaries of its decisions, but even here variabilities in structure and in the amount of detail provided prevents the outside world knowing the full substance of reports. Just 200 complaints were upheld.

The remedial action then prescribed by the ECU in breach cases usually consists only of clarification, correction or internal editorial guidance. The process boils down to discussions with programme makers or circulation of the decision within teams. There are no specific sanctions.

### **Ofcom's role**

When the 2017 Charter was enacted it was claimed that the oversight regulatory powers given for the first time to Ofcom – especially with regard to complaints handling – would ensure better adherence to Charter obligations in areas such as impartiality.

The News-watch survey also starkly reveals that, despite the claims, Ofcom's role since then has been very limited. In practice, it considers only complaints that have completed BBC First and that then are deemed to meet its own eligibility and seriousness criteria.

It does not publish a reconciled, end-to-end account tracing complaints from Stage 1 through to regulatory outcome. It has used different units – “complaints”, “cases”, “programmes”, “investigations” – without consistently restating earlier data to preserve comparability.

Aggregate figures, particularly on sensitive matters such as due impartiality, are not always traceable to identifiable underlying decisions without laborious reconstruction. Meaningful scrutiny therefore depends upon external effort.

Ofcom has also decided that it will – like the BBC – only consider the adjudication of complaints centred on individual programme items or editorially linked series. Allegations of cumulative or systemic bias – repeated framing patterns, sustained omission, consistent narrative emphasis across time – cannot be adjudicated as systemic matters. They must be reduced to discrete broadcasts. This design choice is decisive. It means that if an alleged impartiality failing is cumulative in nature, the architecture is incapable of examining it cumulatively. The panoramic allegation is

fragmented into isolated snapshots, each assessed without reference to the pattern of which it is said to form part.

News-watch sought to test this limitation through judicial review proceedings brought in 2019 and 2025. The argument was that restricting regulatory scrutiny to single programmes renders meaningful examination of cumulative impartiality logically incoherent. The Courts held that the allocation of responsibility between the BBC and Ofcom – including the single-programme restriction – is lawful within the Charter framework. The architecture is therefore constitutionally secure. Reform cannot be achieved through litigation. It lies through the forthcoming new Charter and legislation.

A further development sharpens the structural concern. The BBC has allocated its Stage 1 complaints-handling contract away from Capita to Serco. The new regime will begin in April 2026 and include AI-assisted triage, categorisation and drafting of responses.

Stage 1 is where the overwhelming majority of complaints conclude. Introducing automated systems at this gateway risks reinforcing mechanisation and standardisation at precisely the point where editorial nuance and contextual interpretation are most required. Complaints concerning tone, framing, cumulative emphasis or omission do not lend themselves easily to algorithmic classification. If responses are perceived as formulaic or remote, escalation becomes less likely. The narrowing effect intensifies.

Taken together, these features produce what may fairly be described as a closed institutional loop. The BBC adjudicates first instance complaints about its own journalism. Ofcom intervenes rarely and within a confined remit. The judiciary has confirmed that this allocation of responsibility is lawful. Independent breach findings are statistically exceptional. Transparency is fragmented and requires external reconstruction. The intake stage is becoming more mechanised.

In these circumstances, the question for Charter renewal is not whether the system is lawful. It plainly is. The question is whether it is sufficient for a publicly funded institution sustained by compulsory levy.

The conclusion is thus structural: neither the BBC nor Ofcom can convincingly command public confidence in its complaints handling.

The evidence assembled by News-watch establishes that the current system has become a conduit through which the BBC contains and deflects criticism rather than robustly dealing with editorial failings. The courts have confirmed its lawfulness. Complainants have no access to redress.

If the BBC is to regain the confidence of licence fee payers in the new Charter period, genuinely independent scrutiny must be introduced.

### **Comparative Regulatory Analysis and Recommended Structural Reform**

The evidence gathered above demonstrates that the BBC complaints system is inadequate, unfit for purpose and has alienated audiences. More than 2.27 million complaints have entered the BBC First process since 2017, but only three Broadcasting Code breaches have been recorded by Ofcom across the entire Charter period. The narrowing is systemic.

By contrast, reformed regulation of the Press established following the Leveson Inquiry now is centred on structurally independent oversight. The Royal Charter on Self-Regulation of the Press, dated 30 October 2013, created a framework under which independent regulators may be recognised and overseen by the Press Recognition Panel. Two such regulators now operate: the Independent Press Standards Organisation and Impress.

This comparison shows a major overhaul is required. Leveson concluded that the previous press complaints framework was unfit for purpose precisely because it lacked independence and sufficient teeth. The reformed system introduced three key features absent from the present BBC First process.

First, independence. Press regulators are now institutionally separate from the publishers whose conduct they adjudicate. They are subject to external recognition to ensure independence, proper funding and effectiveness. By contrast, the BBC Executive Complaints Unit is composed of BBC staff, situated within the BBC's corporate structure, and reports to the Director General, who is simultaneously cheerleader for the Corporation, creating a conflict of interest. However professionally conducted, it is not structurally independent.

Second, enforcement capability. Recognised press regulators possess powers to require corrections and apologies and to impose fines of up to one per cent of turnover. An arbitration system exists to provide redress without recourse to expensive court proceedings. The BBC's internal process, by contrast, culminates in advisory remedies – clarification, correction or internal guidance – without independent sanctioning authority prior to Ofcom's limited Code enforcement stage.

Third, systemic oversight. The Press Recognition Panel exists to ensure that regulators themselves remain independent, properly funded and effective in protecting the public. There is no analogous body overseeing the BBC's internal adjudicatory process. Ofcom's role is confined to single programme items and linked series. It does not operate as a full appellate body from ECU determinations. Nor does it conduct systemic review of editorial pattern unless triggered by exceptional cases.

Recent litigation (the judicial reviews brought by News-watch) has clarified that the courts do not provide a general enforcement mechanism for Charter obligations, including impartiality. Judicial review is costly for litigants limited and does not constitute a substitute appellate structure. The result is that the BBC occupies a regulatory position in which it is, at the decisive stage, both subject and adjudicator.

The paradox that emerges is stark. The national press, long criticised for regulatory weakness, now operates under a structurally more independent complaints framework than the publicly funded national broadcaster.

This asymmetry is difficult to justify constitutionally. The BBC occupies a unique position in British public life. It is funded by compulsory levy, holds a central role in democratic discourse and is bound by explicit statutory obligations of due impartiality. The regulatory structure governing such an institution should, at minimum, exhibit visible independence at the stage where complaints of substance are determined.

The data assembled in this report strongly indicates that incremental transparency reform will not be sufficient. The scale of complaint volume, the funnel effect, the near-total attrition of impartiality complaints at Stage 1 and the absence of Ofcom breach findings in that domain collectively suggest that structural independence is urgently required.

Accordingly, News-watch recommends the creation of an Independent BBC Editorial Standards Adjudicator established by Charter or statute, modelled structurally on the post-Leveson press framework.

Such a body would:

- Operate independently of the BBC executive structure.
- Be appointed through a transparent public appointments process, with parliamentary scrutiny.
- Be funded through a ring-fenced allocation not controlled by the BBC.
- Publish fully reasoned determinations under the BBC Editorial Guidelines.
- Maintain a consolidated, stable and auditable dataset of complaint flows and outcomes.
- Possess authority to require corrections, clarifications and apologies. Have power to conduct thematic reviews where patterns of concern arise.

It would not duplicate Ofcom's role. Ofcom would retain statutory enforcement powers under the Broadcasting Code, including investigation and sanction. However, instead of Ofcom acting only after completion of an entirely internal BBC adjudication, complaints would first be determined by a structurally independent body. Ofcom would then operate as a supervisory regulator above that tier, analogous in certain respects to the oversight relationship between the Press Recognition Panel and recognised press regulators.

This layered structure would achieve several objectives simultaneously. It would:

- Preserve editorial autonomy by leaving day-to-day correction and initial handling within the BBC.
- Introduce visible independence at the decisive adjudicatory stage.
- Reduce the perception – now widespread – that the broadcaster is judging itself.
- Provide Parliament and licence fee payers with a transparent, consolidated account of complaint flows and outcomes.
- Align BBC governance with the post-Leveson constitutional principle that credible regulation requires structural separation between subject and adjudicator.
- Increase public confidence in the operation of the BBC

The present complaints architecture was introduced with the intention of strengthening independent oversight through Ofcom. The longitudinal evidence suggests that, in practice, the system has instead concentrated decisive adjudicatory authority within the BBC itself, with Ofcom intervening only in exceptional cases. In contrast, the press – once regarded as inadequately regulated – now operates under a framework that more clearly separates regulated entity and adjudicator.

Charter renewal provides Parliament with the opportunity to correct this imbalance. The evidence gathered by News-watch across eight years, together with the comparative regulatory experience of the press, supports the conclusion that an independent appellate tier for BBC editorial complaints is a proportionate and necessary constitutional reform.

The objective is to strengthen its legitimacy by ensuring that complaints about it are determined by a body visibly independent of its own executive authority.

In a democratic society, the national broadcaster should not be regulated to a lower standard of structural independence than the national press.