

Handling Editorial Complaints – Internal Guidelines

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Introduction

How we handle complaints about our programmes and services is one of the most important benchmarks of the BBC's commitment to serve the public that own us. We want to make it easy for the public to know how to complain and to make sure that everyone is treated fairly and considerately when they do complain. We want to show that we are willing to admit mistakes and, where appropriate, put things right. The BBC's Code of Practice¹ sets out our procedures and promises to the public.

Under the Charter, the BBC Governors have a duty to ensure that comments and complaints made by viewers and listeners of the BBC's UK services are "given due consideration and properly handled." The Governance Unit supports the Governors to ensure delivery of best practice in all areas, including those regulated by Ofcom. The Board of Governors has sole responsibility for regulating issues of impartiality and accuracy.

People are directed to complain to BBC Information – a front-door which is set up to handle volumes of complaints – or to output areas direct. We will respond as speedily as possible, and within ten working days at least.

If we fail to satisfy the complainant at this stage and the complaint is about a specific editorial matter, they have the option of having their complaint investigated by the BBC's independent Editorial Complaints Unit. If the complaint does go to the Editorial Complaints Unit and the complainant is then unhappy with its findings, he or she can appeal to the Governors' Programme Complaints Committee. However, if the unresolved complaint is about a general editorial or a non-editorial matter it should be referred to a Divisional Complaints Co-ordinator who will determine how to proceed.

The dedicated complaints web-site, bbc.co.uk/complaints enables us to provide proper reporting to the public on complaints we have received and on remedial actions we have taken. The information we provide about BBC policy on particular topics and published responses to complaints enable potential complainants to understand why the BBC does the things it does. If they still wish to complain they can do so through a simple webform.

There is a central logging area within BBC Information to track all the written editorial complaints we receive. This is to help us make sure we deliver our promise to give prompt replies, but also enables us to learn from the feedback complainants give us. Each output division is represented by a senior manager – the divisional Complaints Co-ordinator - on the Complaints Management Board, chaired by the Deputy

¹ This will link to the Code of Practice on bbc.co.uk, and be published as an appendix in any written documents.

Director-General, so that improvements to editorial and managerial processes can be identified and implemented.

Step-by-step Procedure

Timetable

- All complainants are promised a reply within ten working days of receipt – you need to send a considered response within that timescale, or explain why that is not possible.
- If the complaint is complex, it may not be feasible to reply within the usual ten day timescale; if so, write to the complainant within ten days explaining that you will give a full response as soon as possible.
- The clock starts ticking as soon as the BBC receives the complaint.
- Are you the right person to answer the complaint? Is it about your area? If not, make sure the relevant person is sent the complaint to answer and inform the complainant of your action. If in doubt contact BBC Information for advice - don't sit on it as that will cause a frustrating delay for the complainant.
- Many complaints will be sent in to BBC Information via the webform on bbc.co.uk/complaints. If the complaint is about an area you are responsible for, you will be contacted by BBC Information to agree the response and who will draft, and the reply will be sent in your name. It is essential that you co-operate speedily with any such requests so that the response can be sent out in good time.
- Usually, the BBC switchboard puts members of the public phoning to complain through to the BBC Information call centre, but if you do receive a telephone complaint and you can't resolve it, ask the caller to put the complaint in writing (e-mail, fax or letter). However, it is obvious that if the complaint concerns something that requires on-air correction or immediate redress it should be dealt with on the spot.
- The same procedure applies to complaints received via SMS i.e. the text messenger should send in a formal complaint by e-mail, fax or letter.

Forwarding a complaint to the Central Logging Area

- You need to make sure that all complaints you handle are forwarded to be logged by the central logging area in BBC Information. You do this by filling in the relevant form on Gateway (add address).
- Each complaint needs to be logged individually because of the possibility that any one of them may be escalated to the Editorial Complaints Unit.
- With email complaints, you need to copy and paste the original email (including date sent) and your reply. When you press the send button, the content is automatically downloaded into the Central Logging Area database.
- With letters, you need to fill in and print off the form on Gateway, then send it with a copy of the original letter and your reply to (add address) by internal post.
- The forms will ask you to note any actions taken as a result of the complaint, other than sending a response e.g. correction posted on complaints website, relevant producer reminded of Producer's Guidelines etc.

- When you decide that it is more effective to reply to a written complaint by phone, simply make a brief note of your response in the further actions box on the form.
- In all cases, aim to forward complaints to the Central Logging Area on the day you make a response. In any case, it must be done within three working days because of the possibility that the complainant will contact the ECU.

Deciding what to log – what is a complaint?

- How is a complaint different from a negative comment?
- An editorial complaint is a specific criticism of BBC editorial judgement or controls that expects a response and, implicitly or explicitly, would like things to be changed.
- It may well be that the BBC wishes to defend itself against the criticism and it is not appropriate to change anything, but see it from the correspondent's point of view – if they think it is a complaint, we should log it as such.

Complaints network

- In every division there are named individuals (Complaints Leads) who take particular responsibility for complaints handling, offering advice to complaints handlers and support to the divisional complaints co-ordinator. See the Gateway site for the Complaints Leads in your area. (add address)
- Likewise BBC Information has advisors dedicated to each division offering support and advice. They work closely with the divisions to ensure shared information, consistent replies and less duplication of effort. If you want to find out who they are go to the Gateway site at (add address).

Red-flagging a complaint

- Some complaints raise immediate concerns, or are of such gravity that they need to be dealt with differently. So called 'red-flagged' complaints must be referred up to your Complaints Lead and sometimes further to the divisional Complaints Co-ordinator.
- Complaints which should be 'red flagged' include all complaints from parties directly concerned; allegations of unfair dealing; legal issues and challenges; allegations of harm to individuals; and charges of major inaccuracies.
- The procedure for logging red-flagged complaints is the same as for any other complaint, but you must inform your divisional Complaints Lead before you respond – see *Escalating Complaints* (below) for more details.
- If the complaint is made prior to broadcast, you may wish to consult Editorial Policy or Programme Legal Advice, as appropriate.

Responding to complaints - accuracy, openness and accountability

- Remember that feedback is valuable to the BBC and that the view being expressed is a genuinely held concern.
- Be objective and try not to take things personally – the complainant may be right.
- Avoid dismissive responses and generalisations.
- Consider how you would feel if you were on the receiving end of your reply.
- Check your facts before responding.
- Be as open as possible but aware of the sensitivity of some information.
- Make sure that justified criticism is fed back to the appropriate party.

- Tell the complainant of any remedial actions you are taking as a result of their complaint.
- It may be appropriate to post a correction or clarification on the complaints website – if so, contact your Complaints Lead.
- You may also be contacted from time to time by the BBC Information Divisional Adviser for help with responses to be posted on the website.

Style and tone

- Try to address all the points – complainants get frustrated if you seem to have avoided answering their points or look as if you are giving a stock response.
- Don't use inappropriate BBC jargon.
- Although emails are often informal, avoid flippancy and sarcasm in emails as this can be misunderstood.
- Don't use emotive language.
- Bear in mind that anything you write may be picked up by the press.
- Be clear and concise and stick to the point.

Lobbies

- All complaints need to be logged but lobby groups can put pressure on resources; you may wish to consult your BBC Information Divisional Advisor for support and advice on how to handle high volumes of complaints.

Escalating editorial complaints

General policy

- The aim is to resolve all complaints when they are first considered, but there is an escalation process for specific unresolved specific editorial complaints.
- If it is clear that the complainant is not satisfied by your response (i.e. the complainant writes in for a second time), inform them that they can pursue the complaint by contacting the Editorial Complaints Unit (ECU).
- Explain that the ECU is independent of programme makers and will conduct their own investigation of the complaint. You may find it helpful to direct complainants to the Code of Practice available on the website.
- If in doubt, consult the ECU to check that the complaint falls within their remit (see below) and that it is appropriate to offer escalation. If it does not fall within the ECU's remit, ask your Complaints Lead or your divisional Complaints Co-ordinator for advice on next steps.
- If the complainant doesn't take up the ECU option (i.e. writes back for a third time) and you feel there is no point in further dialogue, you can explain that the complainant should contact the ECU if they wish to pursue the matter.

Red-flagged complaints

- There is a slightly different procedure for red-flagged complaints.
- Here, you must consult the ECU when the complainant writes for a second time so that the ECU can decide whether to take on the complaint at this stage. If the ECU agrees, inform the complainant that the complaint is now being passed to the ECU internally. However, if the ECU takes the view that the complaint should

remain in your hands, follow the same procedure as usual i.e. offer recourse to the ECU when you respond. You should liaise with your Complaint Lead

- The ECU will use the following criteria in deciding whether to take on a red-flagged complaint:
 - ECU agrees that the Division's decision to red-flag was correct.
 - The complaint raises an editorial, not a legal issue.
 - The substantive points at issue have been dealt with in the initial response and the ECU therefore agrees it is unlikely that the complainant will be satisfied by further exchanges with the Division.
 - It is in the complainant's, the BBC's or the public interest to have an early independent investigation.
- In addition to the ECU deciding to fast-track escalation of a red-flagged complaint, there may be very rare occasions when the divisional Complaints Co-ordinator and the divisional head decide that a complaint should be fast-tracked to the ECU at an early stage.

NB The procedures described above are for internal staff guidance and do not restrict complainants who wish to approach the ECU earlier. Under the Code of Practice complainants may have recourse to the ECU at any stage after the initial response from the BBC, providing the complaint falls within the ECU remit.

ECU remit

- The Editorial Complaints Unit considers complaints about breaches of the BBC's editorial standards on a specific occasion.
- The editorial standards it considers are those set out in the BBC Producers' Guidelines, and other BBC guidelines concerned with content (for example, the Online Guidelines).
- The ECU distinguishes between the material in the Guidelines which bears directly on editorial standards (of accuracy, impartiality, fair dealing, taste, decency and the like) and material which is in the nature of "house rules" for ensuring that those standards are generally observed. For example, it would not investigate a complaint about a conflict of interest unless the complaint gave reason to believe that the conflict had resulted in unfairness or bias.
- The ECU does not investigate matters of legitimate editorial discretion (for example, the news judgement about which stories to cover and what prominence to give them) unless the complaint gave reason to believe that the exercise of discretion had given rise to a breach of editorial standards.

Responding to generic and non-editorial complaints

- If you have a complaint which is not resolved after the second letter, and it is clear that it falls outside the ECU's remit, ask your Complaints Lead or your divisional Complaints Co-ordinator for advice on any further steps.
- The Editorial Complaints Unit's remit only covers complaints about specific editorial matters; it does not examine generic editorial complaints. For example, it does not deal with allegations of general bias but will investigate specific examples of alleged bias.

- Complaints about process - the way in which you have handled the original complaint or about the way the BBC handles complaints in general – can be referred to the Head of Accountability in the Governance Unit. Inform the complainant that this option is available to them.

When not to reply

- Refer correspondence which comes from lawyers or contains a threat to take legal action to the BBC's litigation department.
- If you receive correspondence which is abusive or threatening and causes you concern, see the standard letter on the Complaints site on Gateway. If the problem persists, contact the BBC's Investigators – contact details on the Gateway site.
- If you receive a high volume of correspondence which is clearly from a lobby group, contact BBC Information for advice.
- Complaints about BBC staff or employment issues unrelated to programme making should be referred to BBC People.
- The BBC has a duty to ensure that it has proper procedures in place to deal with complaints, but it also needs to ensure that licence payers money is not abused by vexatious complainants.
- You will generally already have offered persistent complainants recourse to the Editorial Complaints Unit if the complaint is about a specific editorial matter, or consulted your Complaints Lead or the divisional Complaints Co-ordinator about generic and non-editorial complaints.
- However, where a complainant has a history of persistently and/or repeatedly making complaints which you have already answered, or that have no reasonable prospect of success, and it is not appropriate to escalate them to another part of the complaints process, consult the BBC's 'expedited process' on the Complaints site on Gateway for guidance on how to deal with the situation.
- In such a situation you should ensure that further complaints received are nonetheless read, filed and forwarded for logging, so that they can still be investigated if they appear to raise a substantive issue, or disclose a potentially serious case of a breach of the Producers' Guidelines.

Redress and apologies

- Clearly serious established factual inaccuracies should be corrected during transmission if possible. Before doing so, remember to consult the duty lawyer in Programme Legal Advice if there are potential legal issues.
- Contact your division's Complaints Co-ordinator about making any possible post-broadcast apologies on the website or, in rare circumstances, on air.
- Generally speaking we would always express regret if offence or distress has been caused, however inadvertently. But be careful not to imply that our policy will change as a result, unless you know this to be the case.
- For serious issues where there may be legal implications, legal advice should be sought before saying anything – an apology can be used as evidence of culpability.
- Consider what action can be taken as a result of the complaint in order to improve practice.

- It's good practice to inform the complainant of any actions taken so that they know the BBC has listened.

Complaints about content produced by Independents

- The same standards need to apply for the handling of complaints about a programme or content made by an independent producer as elsewhere in the BBC.
- Normal practice is for the commissioning department to respond to the complainant.
- The independent producer should be informed that a complaint has been received, and will typically be consulted about the response.
- When someone complains directly to the independent producer, rather than to the BBC, the producer should inform the commissioning executive in the relevant BBC department about the complaint and provide a copy of the complaint. In most cases it will make sense for the commissioning department to respond to the complaint, rather than the independent producer, since this ensures the complaint is dealt with consistently, including offering the option of appealing to the ECU.
- If you are in doubt about how to handle a complaint about an independently-produced programme, consult with your departmental complaint lead or the BBC's Independent Executive in Television.

Handling complaints sent to feedback programmes

- Feedback programmes which receive complaints about other BBC services may not be sufficiently resourced to reply individually to complainants. It is therefore good practice to send out either an automated or standard email reply or a standard letter which directs potential complainants to information about how to complain should they wish to do so. Such correspondence does not need to be logged centrally and nor do complaints which the feedback programme broadcasts.
- However, if a feedback programme receives a red-flaggable complaint about BBC output, the complaint should be forwarded to the relevant production or output area as soon as possible so that they can deal with the response.
- Complaints about the feedback programme itself should be handled in the usual way i.e. responded to and logged.

Ofcom complaints

- Ofcom complaints are routed through the Editorial Complaints Unit, which coordinates the BBC response.
- If contacted by the ECU, comply with requests as fully and speedily as possible – don't forget, Ofcom has the power to impose sanctions, including fines.
- Don't liaise with Ofcom directly – this is done by the ECU.

Liaising with Compliance Managers and Representatives

- If the BBC or Ofcom agrees with a complainant that a significant error has occurred, this may have an impact on future decisions on whether a programme or item can be repeated.
- It is the responsibility of the Editorial Complaints Unit to ensure that Television and Radio compliance managers and divisional compliance representatives are informed when the ECU or Ofcom decides to entertain a complaint about a programme in their area. The ECU daily log is copied to divisional compliance reps and compliance managers. If a repeat of a such a programme is planned the Compliance Manager in Television and Head of Compliance in Radio is required to consult with Editorial Policy as to whether the repeat can go ahead.
- It is the responsibility of the divisional Complaints Co-ordinator to make sure that systems are in place to inform divisional compliance representatives about red-flagged complaints as soon as possible after the complaint is earmarked in this way. The means by which this is achieved should be at the discretion of each output division but appropriate procedures should be clearly identified.
- The divisional compliance representatives in turn need to inform the Compliance Manager in Television or Head of Compliance in Radio of red-flagged complaints as soon as they have been identified and of their outcome. If a repeat of such a programme is considered, Editorial Policy needs to be consulted.
- Another important reason for keeping divisional compliance representatives informed if a division agrees with a complainant about a red-flag issue, either in whole or part, is there may be an impact on future programme compliance decisions.
- Similar procedures should apply to significant complaints, with which the division agrees, but which do not fall into the "red-flag" category.

APPENDIX

Code of Practice

Your views are important to us.

We hope you will enjoy all the BBC's programmes and services. But if you think the BBC has got it wrong, we want to know about it. Your complaints help us to improve our programmes, and to put mistakes right.

How can I complain to the BBC?

- The easiest thing to do is **contact BBC Information**. Operating seven days a week, 24 hours a day, BBC Information handles one million letters, calls and emails from the public every year. About 80,000 of those are complaints.
- **Ring** 08700 100 222
- **Write** to BBC Complaints, PO Box XXXX, Glasgow G2 3WT
- **Go online** and fill out a complaints form at www.bbc.co.uk/complaints

But we know that our audiences often want to write directly to **programmes or to management**. So we make sure that **all complaints are handled in the same way**, wherever they arrive in the BBC.

I've made a complaint ... what happens next?

- We will provide a **prompt response**, and reply as soon as our research is complete. Our aim is to answer your complaint **within 10 working days** of receipt.
- We will **listen to your concerns** and **learn** from all the complaints, because they help improve our programmes and services.
- When we have made a mistake we will **apologise** to you, and take action to stop the same mistake happening again. Where appropriate – we will also **publish a correction or apology** online at www.bbc.co.uk/complaints.
- We will **report in public** on the range of complaints we have received.

I'm not satisfied with the reply to my complaint ... what can I do?

- If you have made a **specific and serious programme complaint**, you can write to the Editorial Complaints Unit within 12 weeks of receiving your reply.
- The Editorial Complaints Unit will:
 - undertake an **independent investigation** of your complaint
 - decide whether your complaint is justified
 - instruct the programme or division to **take action to correct any errors and prevent the same mistake being made again**
- Write to: Fraser Steel, Head of Editorial Complaints, MC4 C6, Media Centre, 201 Wood Lane, London W12 7TQ

I still think the BBC has got it wrong ... what can I do?

- If you still not satisfied, you can appeal to the **Governors' Programme Complaints Committee**, which is responsible for ensuring complaints are properly handled by the BBC.
- If you make an appeal, the Committee will consider your complaint and the BBC's response – and decide whether you have a justified complaint.
- If the Committee upholds an appeal, it expects management to take account of its findings.
- The GPCC also receives quarterly reporting on complaints. It ensures that the BBC's complaints handling processes reflect **best practice** and **opportunities for learning**.