June 2020

Stage 1b: If I'm not satisfied with the reply, what can I do next?	24
Stage 2: the Executive Complaints Unit (ECU)	25
Referring a Complaint to Ofcom	25

40

Every year the BBC receives over one million comments, appreciations or enquiries about our programmes, some 3,000 a day. Over 250,000 of these can be complaints. We greatly value this feedback about our work and use it to help make our services better.

We aim to resolve complaints about the BBC fairly, quickly and satisfactorily. We are required by the BBC Charter to have a complaints framework that provides "transparent, accessible, effective, timely and proportionate methods" of making sure that the BBC is meeting its obligations and fixing problems¹. We take this requirement very seriously. This document sets out our approach and the procedures for different types of complaints so that everyone who wants to make a complaint (whether as an individual or on behalf of an organisation) knows exactly what to expect.

Sections 2 to 6 of this document explain the procedures for different types of complaint to the BBC – editorial complaints, general complaints, complaints about TV Licensing, complaints about Party Political Broadcasts and regulatory complaints. Each of the procedures is slightly different, but they are all designed with the same important principles in mind. These are explained in more detail in section 1 below. In summary they are:

- In almost all cases, complaints should be made first to the BBC.
- The process should be easy to understand, accessible and take a reasonable time;
- The process should be proportionate, balancing the cost to licence fee payers with the need to give people who complain a proper hearing;
- Where we agree that the BBC is at fault, we will say so and take action to correct it;

¹ 56(3) BBC Charter, 2016, <u>https://www.gov.uk/government/publications/bbc-charter-and-framework-agreement</u>

Everybody who complains should know what they can expect from the BBC and how to appeal if they want to.

Above all, the BBC will try to resolve your complaint satisfactorily. Where we agree that the BBC has got something wrong, this could mean changing the way we do something, issuing an apology, publishing a correction or clarification, or simply providing you with a considered reply. If, after you have gone through all the stages possible within the BBC, you are not satisfied with our response, there may be a right of appeal to our regulator, Ofcom, or, in the case of complaints about TV Licensing, to an independent ombudsman. However, our aim is that such an appeal should not usually be necessary once the BBC has done everything an -9(B)-36(th)3()-16(th)] TE-3(vec r)4(e)- The BBC's Royal Charter and the Agreement with the Secretary of State require the BBC to set and publish a framework for handling and resolving complaints, having consulted Ofcom² and the public. This document sets out that framework. It explains what the BBC regards as being a complaint, states the principles which govern the handling of complaints, and lists the procedures which will apply to different kinds of complaint. It also sets out (in Annex A) which complaints fall outside the scope of this framework and (in Annex B) our response to misuse of the complaints procedures.

The BBC receives comments about many issues but generally considers a complaint to be a criticism which has been made in the expectation of a reply and which looks for an acknowledgement of fault or a change in the way the BBC does things.

Our aim is, in all cases, to resolve complaints about the BBC as satisfactorily and quickly as is reasonably possible. To do that, we have set out 5 different complaints procedures (see page 7) to ensure that complaints are dealt with by the right person in the BBC within an appropriate amount of time. We take complaints seriously and will reply to every relevant complaint, as long as there is no misuse of the system (see Annex A and Annex B). Where we agree that the BBC is at fault, we will admit it and provide a remedy which could include making a change in the way BBC does things, issuing an apology or publishing a correction or clarification. If complainants have gone through every stage of the relevant complaints procedure within the BBC but are still not satisfied with the response, they may be able to appeal to our regulator, Ofcom.

² Consultation with Ofcom is required only on those procedures that related to complaints in the areas where Ofcom regulates the BBC.

framework and the procedures below reflect that requirement by directing most complaints to the BBC first⁴.

Ofcom has set and published its own procedures for the handling and resolution of complaints about the BBC that are referred to it. Ofcom will only consider complaints about those aspects of the BBC's activities that it regulates.

There are 5 procedures, containing the steps to be followed in making and determining each particular kind of complaint. These are:

- i) editorial complaints (see Section 2);
- ii) general complaints (see Section 3);

An editorial complaint is one which suggests that <u>a particular item</u> broadcast or published on the BBC's services has fallen below the standards expressed in the BBC's Editorial Guidelines⁵ - standards such as observing due accuracy and impartiality and avoiding unwarranted offence. Opinions may vary about BBC output, but that does not mean there has been a breach of editorial standards. Complaints which raise issues of editorial standards but are not about particular items are dealt with under the General Complaints Procedure – see section 3. This document sets out the procedure that will normally apply if you make an editorial complaint to the BBC - though the BBC may apply a fast-tracked procedure in appropriate circumstances. Complaints about BBC content before it has been broadcast or published will be dealt with under the General Complaints Procedure.

The Charter and Agreement give Ofcom regulatory responsibility for BBC content standards under the rules of its Broadcasting Code⁶. The Code applies to the BBC's UK public broadcasting services and also applies, as relevant, to BBC's on-demand programme services, such as

An editorial complaint may proceed through the following stages:

- initial response.

- if the complaint progresses further, a response from or on behalf of a BBC manager or a member of the editorial team.

⁵ The Editorial Guidelines can be seen at: <u>www.bbc.co.uk/guidelines/editorialguidelines</u>

⁶ See <u>https://www.ofcom.org.uk/tv-radio-and-on-demand/broadcast-codes/broadcast-code</u>

– if the complaint progresses further, a response from the Executive Complaints Unit $(ECU)^7$.

If you are dissatisfied with the response you have received at a lower stage you can ask for it to be considered at the next stage. Details of how to do this are below.

We will do everything we reasonably can to respond to editorial complaints within the BBC and expect the large majority of them to be resolved satisfactorily at stages 1a or 1b. However, if, having gone through stages 1a and 1b, you are dissatisfied with the BBC's final response at Stage 2, we will tell you how to contact Ofcom, which can investigate editorial complaints in the areas covered by the Ofcom Broadcasting Code⁸. If Ofcom finds that the BBC has failed to comply with the Code in its UK public broadcasting and on demand programme services, they may direct the BBC to take steps to remedy the failure or prevent a recurrence. It is also open to Ofcom to impose a financial sanction on the BBC for serious or repeated breaches of the Code, up to and including a fine of £250,000. Firstparty complaints of unfair treatment and unwarranted infringement of privacy can be put to Ofcom in the first instance, but otherwise Ofcom will not normally consider complaints unless they have been considered by the BBC first.⁹ See Ofcom's procedures for further details.¹⁰

The BBC wants its complaints process to be accessible and will do whatever is reasonably possible to make it open to all. Complaints should be made centrally:

via the BBC website http://www.bbc.co.uk/complaints/ by telephoning BBC Audience Services on 03700 100 222¹¹,

⁷ The ECU is tasked with considering complaints impartially and independently of the interests of the programme makers/content providers.

⁸ https://www.ofcom.org.uk/tv-radio-and-on-demand/broadcast-codes/broadcast-code.

⁹ In exceptional circumstances Ofcom may intervene at an earlier stage to resolve a complaint which has not yet been resolved by the BBC. See Ofcom's complaints procedures (link below) for further details.

¹⁰ https://www.ofcom.org.uk/tv-radio-and-on-demand/information-for-

Sounds should be made within 30 working days of the content ceasing to be available. If you contact the BBC after that time, please explain why your complaint is late. Exceptionally, the BBC may still consider your complaint, but only if it decides there was a good reason for the delay.

If you make a first-party complaint of unfair treatment or infringement of privacy about content currently published on a BBC website there is no time limit, but the BBC may decline to consider it if it is no longer practicable and cost-effective to investigate it and adjudicate upon it fairly.

Otherwise

Your complaint should include:

- the name/title of the broadcast or published item you are complaining about;
- the date and time of the broadcast or (where possible) publication;
- the channel or service on which it was broadcast, or the web address at which it can be accessed;
- the nature of the complaint (giving reasons why you are dissatisfied with the BBC) and (where possible) the particular parts of the programme or publication you are complaining about;
- your name and contact details (anonymous complaints will not normally be considered);
- whether (and if so, when) you have submitted a first-party complaint to an outside authority (e.g. Ofcom).

The inclusion of these details (or as many of them as possible) is very important. A failure to provide them may mean that the BBC is not able to look into your complaint.

If you make your complaint in writing it should not exceed 1,000 words, and it may be necessary to send this by post, not via the web form. In exceptional circumstances, longer complaints may be entertained. In that case, however, you should also identify the reasons why your complaint exceeds 1,000 words and provide a one-page summary of your complaint.

Your complaint should be limited to a single item broadcast or published by the BBC unless it is the same complaint about more than one item. This is because if a complaint is about two unconnected items (for example, offensive language in a comedy programme and bias in a news programme), there would need to be two separate investigations. Your complaint should include all the points about the item that you wish to be considered, as the BBC may not consider new or different points after Stage 1a of the Procedure has concluded.

The BBC aims to reply within 10 working days of receipt of your complaint though some complaints may take longer than others to investigate.¹⁴

If the BBC receives a number of complaints about the same issue, it may:

compile a summary of all the main points raised; consider them together; send the same response to everyone¹⁵ and/or publish it on the BBC's complaints website.

If the BBC believes it has made a mistake, in appropriate circumstances the BBC may:

apologise individually to the complainant; publish a public response, correction or apology online at

www.bbc.co.uk/complaints; and/or

broadcast an on-air correction or apology.

The BBC monitors and reports in public on the complaints it has received and learns from them to improve its programmes and services.¹⁶

¹⁴ If you make your complaint by telephone, the BBC will summarise and notify it to the relevant department but will not normally follow up the telephone conversation with an individual written response.

¹⁵ Such responses may not address points the BBC judges to be minor or insubstantial.

The BBC's response will direct you to information about how to take your complaint further if you are not satisfied with the reply.

If you are dissatisfied with the reply at Stage 1a, please write back to BBC Audience Services, as set out in under 'Where to direct complaints' above, of the date on which you received the response at Stage 1a. If you write after that time, please explain why your complaint is late. Exceptionally, the BBC may still consider your complaint, if it decides there was a good reason for the

outside the BBC, such as independent programme-makers) will usually have the opportunity to see the complaint and respond to the ECU about it.

Having investigated your complaint, the BBC then decides whether there has been a breach of the BBC's editorial standards. If there has, the ECU will uphold your complaint, in whole or in part – or, if it believes that enough was done to address the breach of editorial standards before it received your complaint, it may decide that it has been resolved.

The ECU's finding will normally be the BBC's final response to your complaint, except for first-party complaints of unfair treatment and infringement of privacy, where you will be invited to comment on the finding. In such cases, the ECU will consider your comments so long as they are received within 10 working days of the date on which the finding was sen0 1 10os sen0 1 110m0 g0 G[(f)3(i)4(nd)-2(i)4(ng)-2()13(w)4(as)3()13(s)4(

The BBC wants its complaints process to be accessible and will do whatever is reasonably possible to make it open to all. Complaints can be made:

via the BBC website - http://www.bbc.co.uk/complaints;

by telephoning BBC Audience Services on 03700 100 222²¹;

by text phone on 03700 100 212; or

by writing to the BBC at BBC Complaints, PO Box 1922, Darlington, DL3 OUR.

If you require assistance with any of these methods of contact, the BBC will be happy to help where possible. If you complain in writing in the Welsh language, you will receive a written reply in Welsh. If you do not complain centrally we cannot guarantee that your complaint will reach the right people or that you'll receive a reply when you write in. further appeal within the BBC, but it will be open to you to approach Ofcom if you believe your complaint has identified a breach of Ofcom's code.

General complaints range from matters of editorial standards which do not relate to individual items published or broadcast by the BBC²² to matters concerning those overall obligations of the BBC which fall outside O fcom's scope. These could be:

- a general duty on the BBC as set out in articles 8 to 19 of the Charter;
- a breach of the BBC's Mission or Public Purposes;
- a general obligation on the BBC as set out in articles 61 to 70 of the Framework Agreement;
- any published BBC Policy (for example, in relation to the BBC's policy on the distribution of its services).

Your complaint should contain sufficient information to enable it to be investigated, including details of the incident or issue which you are complaining about, the reasons why you are dissatisfied, and any supporting documentation. For complaints about the BBC's overall obligations, you should specify which obligation you believe has been breached.

The inclusion of these details (or as many of them as possible) is very

complaint by post, not via the web form, identifying the reasons why your complaint exceeds 1,000 words and provide a one page summary of your complaint.

The BBC aims to reply within 10 working days of receipt of your complaint though some complaints may take longer than others to investigate.²³

The BBC monitors and reports in public on the complaints it has received and learns from them to improve its programmes and services. $^{\rm 25}$

The BBC will investigate your complaint and aims to reply within 20 working days of receipt of your complaint though some complaints take longer than others to investigate.

The BBC will tell you how to contact the ECU if you are dissatisfied with the response. The ECU cannot consider general complaints which have not been through stage I of the BBC's process.

The ECU will acknowledge your complaint within 5 working days of

The Charter and Agreement gives the BBC Board responsibility for ensuring that

The Television Licensing (TV Licensing) complaints procedure helps the Board to discharge this responsibility. An independent Ombudsman (through the Ombudsman Services²⁶) is appointed to provide a right of appeal for some types of TV Licensing complaints.

A TV Licensing complaint is one which suggests that the standards of customer service provided by TV Licensing, in the handling and management of specific interactions with TV Licensing, have fallen below reasonable levels of customer expectation and TV Licensing's commitment to customer service – as described on the TV Licensing website:www.tvlicensing.co.uk/about/our-commitment-to-you-AB5

Complaints may also be raised about the legal framework within which licence fee collection operates. Where the BBC has discretion in the operation of this framework (for example, in setting TV Licensing policies) complaints will be dealt with through this TV Licensing complaints procedure. Where the BBC has no discretion in the operation of this framework (for example, in the level of the licence fee), the BBC will endeavour to provide relevant information, but the matter will be treated as an enquiry rather than as a complaint within this complaints procedure. For complaints relating to matters where an alternative regulatory body exists (for example, the Information Commissioner's Office), complaints may be referred there.

The BBC wants the TV Licensing complaints process to be accessible and will do whatever is reasonably possible to make it open to all. Complaints should be made centrally:

via the TV Licensing website, using the Contact Us form -<u>https://www.tvlicensing.co.uk/cs/contact-us/index.app</u> by writing to TV Licensing at Customer Relations, TV Licensing, Darlington, DL98 1TL by telephoning TV Licensing on 0300 790 6165²⁸; by email to <u>customer-relations@tvlicensing.co.uk</u>

If you require assistance with any of these methods of contact, TV Licensing will be happy to help where possible. If you complain in writing in the Welsh language, you will receive a written reply in Welsh.

If you do not complain centrally we cannot guarantee that your complaint will reach the right people or that you'll receive a reply when you write in.

Licensing contact centres or visiting officers, the dates on which these contacts were made;

any reference number you may have been provided with at an earlier stage of the complaint or any related complaint.

You should make your complaint as soon as it is reasonably possible

If you are dissatisfied with TV Licensing's reply at Stage 1a, you may write to the Operations Director for further consideration of your complaint.

There is no time limit within which a referral of a complaint can be made to the Operations Director but any extended delay may mean that it is not proportionate or cost effective for TV Licensing to conduct a further investigation, or TV Licensing may no longer hold the records needed.

Your complaint should clearly and concisely set out why you remain dissatisfied. It should include any reference number previously provided and describe the points that you raised at Stage 1a that you want the Operations Director to reconsider.

The Operations Director will investigate your complaint and aims to reply within 10 working days of receipt of your complaint.

If you are dissatisfied with the reply at Stage1b, the Operations Director will tell you how to take your complaint to the Head of Revenue Management.

You should contact the Head of Revenue Management

of the date on which you received the response at Stage 1b. If you write after that time, please explain in your letter why your complaint is late. Exceptionally, the Head of Revenue Management may still consider your complaint, if there was a good reason for the delay.

Your complaint should clearly and concisely set out why you remain dissatisfied. It should include any reference number previously provided and describe the points that you raised at Stages 1a and 1b that you want the Head of Revenue Management to reconsider.

The Head of Revenue Management will investigate your complaint and aims to reply within 20 working days of receiving it, though some complaints take longer than others to investigate. A target of 35 working days applies to those complaints that require longer or more complex investigation.

If the Head of Revenue Management believes that a mistake has been made, the Head of Revenue Management on behalf of the BBC may:

apologise; rectify matters and/or, where appropriate, direct TV Licensing to rectify matters or make improvements.

The response from the Head of Revenue Management will include information on what to do if you wish to take your concerns further. The next step will vary depending on the nature of the complaint, as described under 'What is a TV Licensing Complaint?' above.

The Ombudsman provides an independent point of appeal for TV Licensing complaints relating to customer service as described under 'What is a TV Licensing Complaint?' above.

The Ombudsman will consider relevant complaints only if the complainant is dissatisfied with the outcome of the BBC process as described under 'How to Complain' above.

The ECU can only consider complaints about BBC policies governing the framework within which TV Licensing operates (which cannot be considered by the Ombudsman). You must contact the ECU

of the date on which you received the response at Stage 2. If you write after that time, please explain in your letter why your complaint is late. Exceptionally, the ECU may still consider your complaint, if it decides there was a good reason for the delay.

Your complaint should clearly and concisely set out why you remain dissatisfied. It should:

not exceed 1,000 words. In exceptional circumstances, longer complaints may be entertained. In that case, however, you should also identify the reasons why your complaint exceeds

1,000 words and provide a one-page summary of your complaint;

include any reference number provided, and the date and details of your final correspondence to and from the BBC;

The BBC is required to include Party Political (including Party Election) Broadcasts and Referendum Campaign Broadcasts - referred to in this document as PPBs, PEBs and RCBs respectively - in some or all of its UK Public Broadcasting Services, as determined by Ofcom, which will also set out the basis on which they should be included³⁰³¹.

Only political parties which have been designated by the Electoral Commission as 'registered political parties' are eligible for PPBs and PEBs³².

Only those permitted participants, which have been designated by the Electoral Commission as 'designated organisations', in relation to a referendum campaign, are eligible for RCBs³³.

The BBC has responsibility for applying Ofcom's Rules on Party

timeframe prior to the close of nominations.³⁷ Once nominations have closed, a short timeframe may apply for submission of complaints.

Similarly, an intention to complain with regard to RCB allocation will need to be notified to the BBC within a reasonable timeframe prior to

We would consider a Regulatory Complaint to be a complaint that the BBC has breached either:

- (i) a competition requirement; or
- (ii) a relevant requirement.

А

Any such complaint should normally³⁹

Your complaint should contain sufficient detail to enable it to be investigated, including:

full details of the complaint (including the reasons why you are dissatisfied with the BBC);

any supporting documentation.

For complaints about a breach of a

please specify each requirement you consider has been breached by the BBC and why you consider the requirement has been breached. In addition, please provide the following details:

- a) an explanation for the reasons for the complaint;
- b) details of relevant BBC products or services involved;
- c) relevant dates and incidents;
- d) a chronology of events;
- e) how you have been affected by the alleged breach; and
- f) the markets affected or potentially affected by the BBC's alleged breach including evidence of actual or potential effect on competition or consumers in those markets.

For complaints about a breach of a provide:

please

and the fact that the BBC is the employer of BBC staff, these complaints are not included within the scope of this Framework.