

Our Ref: TB/JSM



Ms Katherine Humphreys
Room 5045
BBC Broadcasting House
Portland Place
London
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SENT BY EMAIL TO: katherine.humphreys@bbc.co.uk

7 August 2017

Dear Ms Humphreys

Re: Draft BBC Complaints Framework Consultation

The Countryside Alliance works for everyone who loves the countryside and the rural way of life. Our aim is to protect and promote life in the countryside and to help it thrive. With over 100,000 members and supporters we are the only organisation working across a broad range of rural issues.

The Countryside Alliance welcomes the opportunity to respond to this consultation as part of the BBC's work to introduce a new Complaints Framework following the implementation of the new Charter and Agreement on 3 April this year. Making a complaint is an essential part of upholding the BBC Editorial Guidelines and the requirements of the new Charter and Agreement. It is vital that those wishing to make a complaint, which must include people in rural areas, and those who represent them, have a Complaints Framework which is accessible and clearly sets out the procedure for making a complaint.

Considering the scope and basis for this consultation, we will limit our response to the accessibility of the Complaints Framework, and the information provided on the roles and responsibilities of Ofcom and the BBC, in relation to editorial complaints.

Accessibility of the Complaints Framework

The Countryside Alliance welcomed the inclusion in the new Charter of a requirement for the BBC to set out a framework for handling complaints, and the requirement for this framework to be "accessible" to all complainants, which must include people in rural areas.

The online submission form for complaints is relatively easy to use, and similar to other forms used by other organisations. However, the webpage which contains the form is difficult to find with many stages to go through before it is reached. The webpage is not currently easy to reach from the BBC homepage and we suggest that a separate 'Complaints' link is created at the bottom of the page, rather than having to access the complaints pages through the 'Contact the BBC' link. We also found that the BBC webpage has a link directing complainants to Ofcom which, if followed, provides a link back to the BBC website. This is confusing and should either be removed or clarified.

The Complaints Framework must not only be accessible online, but also through other means of communication for those who lack the connectivity or the digital skills to be able to complete the form online. People in rural areas with poor internet access are likely to wish to complain in a letter rather than use the online submission form. There is a lot of information online about how to make a complaint, but much of this is only prompted when completing the online submission form, for example the word limit for the complaint. This information should be clearly available prior to making any complaint. It should also be available to those people who complain in a letter or over the telephone. To assist these people, we suggest that a template letter should be produced to illustrate the information required, together with instructions for people complaining on the telephone to inform them of what information they will require at different stages of the phone call.

Roles and Responsibilities of Ofcom and the BBC

The Countryside Alliance has concerns about the limited nature of Ofcom's role and responsibilities in regulating the BBC, and we expressed these concerns most recently in an Ofcom consultation earlier this year on the proposed amendments to the Broadcasting Code. However, we appreciate that the scope of Ofcom's regulation of the BBC is not the subject of this consultation.

The regulatory framework of the BBC is confusing. Following the implementation of the new Charter, Ofcom has the role of external regulator for the BBC but can only determine complaints against the limited requirements of the Broadcasting Code. The requirements of the Charter, which exceed those of the Broadcasting Code, can only be enforced by the BBC.

It is important that the Complaints Framework makes the distinctions in the regulatory framework as clear as possible and informs complainants of the types of complaint that can be taken to Ofcom and those which cannot. The existing wording in the Complaints Framework recognises that *"the ECU [Executive Complaints Unit] will consider complaints in relation to the standards set out in the BBC's Editorial Guidelines, but Ofcom will consider them in relation to the Ofcom Broadcasting Code. The Guidelines reflect the Ofcom Code but go beyond it in some respects"*. We do not believe this provides enough information to complainants about on the differences in regulatory responsibilities between Ofcom and the BBC. The Complaints Framework should make the limitations of Ofcom's regulatory role clear, for example, by informing complainants that editorial standards can only be enforced by Ofcom in relation to news and public policy. This information is not only required to prevent time being wasted, but also to improve accountability in making clear who has authority for enforcing Editorial Guidelines in which areas. This information could be provided in the form of a comparison table, so that complainants have the information easily available.

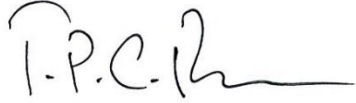
We understand that a 'BBC First' complaints procedure was to apply under the new regulatory framework and the Executive Committee would have the primary task of ensuring that BBC content is in line with BBC Editorial Guidelines. However, we are disappointed that the Complaints Framework requires three stages of complaint to the BBC before a complainant can take the complaint to Ofcom. Given the timescales for responding, it is likely that it could take several months before a complaint could be seen by Ofcom if the complainant was unhappy with the responses received from the BBC. We are not satisfied that this provides the expected level of oversight which Ofcom was intended to have in the new Charter. Complaints about other public broadcasters can be taken to Ofcom at an early stage in the complaints procedure, and ITV direct complainants to the Ofcom website to make initial complaints.

Considering that the majority of the Broadcasting Code now applies to the BBC, we suggest that complainants should be given the option to take editorial complaints to Ofcom at Stage 1b and/or Stage 2 in cases where complaints could be determined against the Code. This suggestion is supported by the BBC Editorial Guidelines which state (19.4.2): *"Any response to a complaint should inform the complainant of the next step in the process for taking the complaint further if applicable and where, if applicable, to pursue the complaint outside the BBC"*. We believe that the BBC should advise complainants on whether their complaint could be taken to Ofcom after Stage 1a and allow the complainant to decide whether to pursue the complaint with Ofcom or the BBC.

The Countryside Alliance has submitted a number of complaints to the BBC and BBC Trust over the past 18 months which have not been upheld. When BBC presenter, Chris Packham, described farmers taking part in the badger cull as *"brutalists, liars, and frauds"*, people who shoot as *"the nasty brigade"* and foxhunters as *"psychopathic"*, there appeared to be a clear infringement of the Editorial Guidelines and yet our complaints were not upheld and no action was taken. We would have welcomed the opportunity to pursue our complaints with Ofcom at the earliest possible opportunity in order for an external regulator to review the complaints independently. We also believe that Ofcom would be better placed than the BBC to make recommendations for improvement in content and coverage, which could include contractual changes to ensure freelance workers are not exempt.

If you require any further information from us, or would like to discuss our consultation response, then please do not hesitate to contact me.

Yours sincerely



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