

"Working for quality
and diversity in
British broadcasting"



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VLV's Response to BBC Trust Editorial Guidelines Consultation Thursday 24th December 2009

Voice of the Listener & Viewer (VLV) is an independent, non-profit-making association, free from political, commercial and sectarian affiliations, working for quality and diversity in British broadcasting. VLV represents the interests of listeners and viewers as citizens and consumers across the full range of broadcasting issues. VLV is concerned with the structures, regulation, funding and institutions that underpin the British Broadcasting system.

Introduction

We consider that the Editorial Guidelines are a manual for staff and independent production companies and as a citizens' organisation we do not have the expertise to comment on all the detail. However we have made observations on some overall principles. We would have difficulty representing the very varied attitudes of our membership to some of the more controversial subjects covered so have not attempted to deal with those areas. We are surprised that this 190 page document has neither a contents page nor an index.

We are responding on two particular topics.

- We have made detailed comments on section 4: *Impartiality and Diversity of Opinion* as we do have members with relevant experience of these subjects and consider this part of the guidelines to be of critical importance for the BBC.
- We have contacts with other European broadcasting organisations and offer an example of procedures in another European country.

The justification for the document

In introducing this consultation the Trust states "*People expect the highest standards from the BBC and the BBC Trust is here to get the best out of the BBC for the public. One of the ways we do this is by approving the BBC Editorial Guidelines*" VLV welcomes the commitment to revise the guidelines. We hope that as a consequence of training and work experience the appropriate standards and content for public service broadcasting would be part of the "culture" of the BBC.

The Document

We accept that some written guidelines are needed. Also many programmes are made by independent producers who are not necessarily familiar with BBC policy. However we question the value of a 190 page document, even fully indexed and with a proper contents page. The guidelines must be more user-friendly both in length and structure.

Impact on Innovation

Listeners and viewers have the right to expect compliance with adequate guidelines and to be assured these will be implemented, so far as is humanly possible, in ways that are disciplined and error proof. However the guidelines must not discourage legitimate risk, creativity, innovation and diversity. At present there is a danger that, in their current form, the guidelines will discourage innovation.

Section 4: Impartiality and Diversity of Opinion

VLV is disappointed with this section of the draft editorial guidelines. Impartiality is of crucial importance to BBC broadcasting. Moreover VLV agrees with the BBC that the principles of impartiality should apply to all of the ways in which the BBC publishes content. This is an area in which the BBC and the BBC Trust – and not Ofcom - are responsible for getting the guidelines right and seeing that they are observed in practice. It is therefore all the more vital that they should be clear, simple and easy for the most junior programme researcher as much as the most senior news correspondent to understand and implement. Yet a lengthy section 4 is none of those things. Instead it is opaque, repetitious and consequently inadequate.

Impartiality is, says the draft (4.1), the BBC's single most compelling and central characteristic, at the heart of public service. Indeed it is, yet nowhere in this section is the concept of 'due impartiality' clearly explained. How exactly is 'due impartiality' different from impartiality? Where is the example that makes the distinction plain and the obligation to observe 'due impartiality' understandable? Does it mean that in some contexts and programme genres the BBC does not need to be as impartial as it is in others? Is this why, for example, the *To-day* programme on Radio 4 must show due impartiality, while the 'Thought for Today' slot within that programme is free to exclude all non-religious 'thoughts for today'? How does that exclusion sit with the commitment in 4.2.4 to reflect 'a wide range of opinion across our output as a whole and over an appropriate timeframe so that no significant strand of thought is knowingly unreflected or under-represented?'

Clearly, while impartiality is vital in news, current affairs and other factual coverage it must not be allowed to prevent opinionated drama, arts or religious programmes. The idea of 'due impartiality' is therefore a useful one. Now however, seems a good opportunity to clarify a concept that is not, so far, adequately defined in this document.

There is unnecessary repetition in the draft code; it shows all the signs of additions tacked on over the years lest something important be left out. If 'due impartiality' applies everywhere in BBC broadcasting, why is it necessary to single out particular areas – 'controversial subjects', for example? And, under '4.2 Principles', what exactly is the difference - in principle - between paragraphs 4.2.2 and 4.2.3? As to the last sentence in 4.4.3 suggesting that advice on whether a subject is controversial or not should be sought from Editorial Policy, VLV wonders what has happened to the general intelligence of BBC production staff.

Overall, VLV finds the Impartiality section of the draft editorial guidelines unsatisfactory. The guidelines are over-long, sometimes unclear, and still appear to be too much a collection of well-intentioned rules overlaid by a great many bits of sticking plaster added over the years to take account of the latest specific problem to emerge.

Viewers Ombudsman

VLV suggests that the BBC Trust seriously explores, as an addition to, not a replacement of, established procedures, the Viewers' Editor/Ombudsman role as it has existed successfully for several years in Denmark's public service broadcasting system. The incumbent is a senior professional appointed by and accountable to the supervisory board of the Danish Broadcasting Company (DR) and through this board to the public at large. However his/her practical reporting line is to the Director-General of DR and the Ombudsman's effectiveness depends simultaneously on the seniority and security of the position and on a collaborative relationship with senior programme people inside DR. VLV suggests that such a role – with half-yearly reports naming programmes and cases and a website recording the Editor-Ombudsman's interface with critics and complainants – could add substantial value in the context of the BBC's accountability obligations.

Whilst the existing complaints-handling procedures – as operated by the BBC Trust and by Ofcom - are reasonably well-trying and tested, they function in a somewhat bureaucratic manner and this can have the effect of presenting relationships between complainants and broadcasters in terms of "us or them", "win or lose". It seems to VLV that, given the evidence from the Danish example, an Editor-Ombudsman could play a valuable bridging role, explaining to programme-makers why audiences might take offence at some aspect of a programme and to audiences the ways in which editorial decisions are more complex and nuanced than they may sometimes appear to be.

An approach to the Editor-Ombudsman would not preclude taking a case to the BBC Complaints Unit, the BBC Trust or, in appropriate cases, to Ofcom. However the Editor-Ombudsman, in handling many comments and criticisms where complainants did not have the level of involvement to trigger a formal regulatory jurisdiction, could substantially and cumulatively increase the levels of trust and understanding in the relationship between the BBC and its audiences.

Conclusion

VLV commends the Trust for its review of the BBC editorial guidelines but we recommend a much more radical attempt to make them shorter, simpler and clearer. These are after all meant to be guidelines - outlining principles and not detailed rules on how to handle each individual situation.

VLV believes that the 'tick-box' approach to compliance - with the rules being used as a means of 'getting it right' - is in fact more likely to result in 'getting it wrong'. We urge the Trust to produce revised guidelines that reinforce clear guiding principles and encourage editorial responsibility and commonsense in their application.

Confidentiality statement

No part of this response is confidential.

Contact details

Robert Clark (Board Member) is the contact at VLV for this response.