

*Championing
excellence and diversity
in broadcasting*

Founded in 1983 by Jocelyn Hay CBE



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RESPONSE BY THE VOICE OF THE LISTENER & VIEWER TO THE BBC COMPLAINTS FRAMEWORK AND PROCEDURES CONSULTATION

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INFORMATION ABOUT THE VLV

Voice of the Listener & Viewer Limited (VLV) represents the citizen and consumer interests in broadcasting and speaks for listeners and viewers on the full range of broadcasting issues. It uses its independent expertise to champion quality and diversity in public service broadcasting, to respond to consultations, to produce policy briefings and to conduct research. VLV has no political, commercial or sectarian affiliations and is concerned with the issues, structures, institutions and regulations that underpin the British broadcasting system. VLV supports the principles of public service in broadcasting. It is a charitable company limited by guarantee (registered in England No 4407712 - Charity No 1152136).

INTRODUCTION

1. VLV welcomes the opportunity to respond to the consultation on the draft BBC complaints framework.
2. VLV notes that under the new regulatory and governance model as set out in the 2016 Charter, a 'broadcaster first' approach will be followed whereby complaints should be made first to the BBC before they can be considered by Ofcom, except in the case of fairness and privacy issues which can be considered by Ofcom in the first instance.
3. The Charter requires that the framework should provide 'transparent, accessible, timely and proportionate methods of securing that the BBC complies with its obligations and that remedies are provided which are proportionate and related to any alleged non-compliance'.¹
4. Additionally the Agreement states that the procedures 'must give information on how complainants can be expected to be treated', that 'the public must know about their right to complain and how; making a complaint must be straightforward and accessible'.²
5. We also note that Ofcom will judge complaints according the provisions laid out in the Broadcasting Code whereas the BBC will judge them according to BBC Editorial Guidelines which VLV considers to be more detailed and rigorous than the Broadcasting Code.

¹ 56 (3), BBC Charter, 2016

² 56 (4), BBC Charter, 2016

6. VLV welcomed the changes instituted by the BBC Trust in 2012 following its Review of the BBC Complaints Framework, notably to make the complaints process simpler to understand and faster through a more centralised approach.

Comments on the Draft Complaints Framework

7. VLV generally welcomes the provisions in the draft framework for complaints which are grouped under editorial complaints, general complaints, television licensing complaints, complaints about party election, party political and referendum campaign broadcasts and regulatory complaints.
8. VLV believes that the processes set out are clear and provide sufficient information on what complainants should expect and how to appeal any decisions. They appear proportionate, balancing the cost to licence fee payers in handling complaints with the need to give complainants a proper hearing.
9. VLV considers it is clear which complaints can be referred to Ofcom.
10. VLV's primary concerns about the framework consultation are related to accessibility, transparency and accountability. VLV considers it essential that the transparency and accountability of the BBC should be maintained under the new governance and regulation model.
11. VLV does not believe that currently the BBC complaints site is well signposted enough on the BBC homepage. VLV would recommend that there is a tab on the BBC homepage, bbc.co.uk, to help direct those with comments or complaints. Currently it is only possible to find the complaints page by entering 'complaint' in the 'search' engine on the site.
12. VLV is also concerned that information about complaints should be available for those who lack digital skills or internet connectivity. This information should be available in print and over the telephone. It should include details of how to make a complaint, what your complaint should include and the other parameters which determine whether a complaint will be considered.
13. We note that there is no detail in the consultation document about how the BBC will report and publish complaints.
14. We note that the Charter requires that the BBC Annual Report should include details on *how the BBC has set, reviewed and met high editorial standards, how complaints have been handled and what the BBC has learned*³.
15. And we note that the Agreement states that *the BBC must provide reports to Ofcom in relation to relevant complaints it has received in such form and at such intervals as Ofcom may determine. And that the BBC must publish information about the*

³ 37 (f) BBC Charter, 2016

*operation and effectiveness of the procedures in relation to relevant complaints in such form and at such intervals as Ofcom may determine.*⁴

16. VLV understands that the BBC and Ofcom are in the process of agreeing the method by which the BBC will publish complaints. VLV would welcome further information in the framework regarding how the BBC will ensure it is accountable and transparent in reporting complaints.
17. VLV would encourage the BBC to publish regular updates on complaints received and the outcomes reached. VLV does not consider the current reports which are posted online at <http://www.bbc.co.uk/complaints/comp-reports/reports-archive> provide adequate detail. We would welcome more detailed reports under the new system which is being developed including details on the number of complainants for each issue and the outcomes reached. VLV would want these reports to be easily discoverable in order to ensure transparency is maintained.
18. The consultation document states that *the Board will be routinely briefed about the performance of the complaints framework and any serious editorial breaches*⁵. VLV is concerned that there is not enough detail in the draft framework on how complaints will be reported to the BBC Board. VLV would welcome greater detail in the framework on the process whereby BBC board members will be informed of complaints in order to ensure that they are able to fulfil their responsibility to *ensure the proper, effective and independent exercise of all the functions of the BBC*⁶ as set out in the Charter.

⁴ 56 (7) and (8) BBC Agreement, 2016

⁵ *BBC Complaints Framework and Procedures Consultation Document*, July 2017, page 5

⁶ 19 (1), BBC Charter, 2016