
Determinations by Ofcom in relation to BBC complaints handling

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Ofcom hereby revokes the complaints handling determinations of 3 July 2020 and makes the following determinations under clauses 56(6), (7) and (8) of the BBC Agreement: -

(1) Retention of records on BBC complaints handling

In accordance with clause 56(6) of the Agreement, having consulted the BBC, Ofcom determines that the BBC must retain all records of its handling of relevant complaints for a minimum of five years from when the BBC resolves the complaint under its own procedures.

Where a breach of a specified requirement has been identified by the BBC or, if the complainant subsequently refers the complaint to Ofcom, a breach is recorded by Ofcom, the records relating to that complaint must be retained indefinitely.

Personal information relating to complaints should be disposed of in line with the BBC's personal data retention policy.

For the avoidance of doubt, this determination applies to records currently held by the BBC.

(2) BBC complaints reporting to Ofcom

In accordance with clause 56(7) of the Agreement, Ofcom determines that the BBC must provide reports to Ofcom in relation to relevant complaints it has received which are editorial complaints¹ in the form set out at Annex A1.

Data under each category of information set out in Annex A1 must be provided to Ofcom, preferably in Excel format, by the tenth working day of the succeeding month. All reports should be provided to BBCComplaintsReporting@ofcom.org.uk.

This requirement is in addition to the BBC's more frequent and informal dialogue with Ofcom about complaints received.

(3) Publication of information about the operation and effectiveness of the BBC complaints procedures

In accordance with clause 56(8) of the Agreement, Ofcom determines that the BBC must publish information about the operation and effectiveness of its procedures in relation to relevant complaints which are editorial complaints² in the form set out at Annex A2, in a prominent position on the BBC website, and on a fortnightly basis.

(4) Effective Date

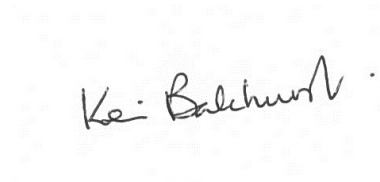
The determinations have effect on the day they are notified to the BBC. For the purposes of the BBC's publication of information about the operation and effectiveness of the BBC complaints

¹ i.e. complaints relating to the observance of standards set in the Ofcom Broadcasting Code and/or the allocation of party election, party political and referendum campaign broadcasts.

² As above.

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procedures, the new requirements for the publication of Stage 2 ECU Findings, as set out in Annex A2, p.6, will take effect for all BBC's Fortnightly complaints reports going forwards commencing with the BBC Fortnightly complaints report for the period 4 to 17 July 2022 inclusive.

A handwritten signature in black ink that reads "Ke: Bakhurst". The signature is written in a cursive style and is positioned above a faint, light-colored circular stamp or watermark.

Kevin Bakhurst,

Group Director, Content and Media Policy

22 June 2022

A1. BBC complaints reporting to Ofcom

Monthly reporting to Ofcom on editorial complaints³

Data for the month under each category of information set out in this annex should be provided to Ofcom, preferably in Excel format, by the tenth working day of the succeeding month. A template spreadsheet has been provided for illustrative purposes.

Stage 1a

- Total complaints received at Stage 1a
- Where more than 100 complaints have been received about a programme, information on the service, programme (with date and time of transmission or when content accessed) and issue of editorial standards raised by the complaints (and the numbers of those complaints)
- Percentage of complaints which received a response within 10 working days
- Percentage of complaints which received a response within 21 working days⁴

Stage 1b

- Total complaints received at Stage 1b
- Where more than 100 complaints have been received about a programme, information on the service, programme (with date and time of transmission or when content accessed) and issue of editorial standards raised by the complaints (and the numbers of those complaints)
- Percentage of complaints which received a response within 20 working days (where 20 is the target, 35 working days otherwise)
- Percentage of complaints which received a response within 36 working days⁵

Stage 2

Information on total number of findings reached at Stage 2:

- By service and programme (with date and time of transmission or when content accessed);
- By issue of editorial standards raised by the complaint(s);
- By outcome (upheld, partially upheld, not upheld, resolved);

³ Those relevant complaints (as defined in clause 56(9) of the BBC Agreement) which are editorial complaints i.e. which relate to the observance of standards set in the Ofcom Broadcasting Code and/or the allocation of party election, party political and referendum campaign broadcasts. If the data also include complaints about online material as defined under clause 60 of the Agreement, or about the observance of editorial guidelines which go beyond the Ofcom Broadcasting Code, the BBC must make this clear.

⁴ The number of days after which it has been agreed with the BBC Executive that a complainant will be informed of their right to take their complaint to Ofcom.

⁵ As above.

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- Percentage of complaints dealt with within 20 working days (where 20 is the target, 35 working days otherwise); and
- Percentage of complaints which received a response within 36 working days⁶

Information on editorial complaint investigations open at Stage 2 on first of each month:

- By service and programme (with date and time of transmission or when content accessed);
- By issue of editorial standards raised by the complaint(s); and
- The number of days the case has been open.

⁶ As above.

A2. Publication of information about the operation and effectiveness of the BBC complaints procedures

[The examples of complaints in the tables are for illustrative purposes only]

BBC editorial complaints procedures

[Explanation of the information provided, including:

- what is meant by an ‘editorial complaint’;
- whether complaints about (a) online material as defined under clause 60 of the BBC Agreement and (b) the observance of editorial guidelines going beyond the Ofcom Broadcasting Code are included, in addition to relevant complaints⁷ which are editorial complaints⁸.]

Stage 1 complaints

Between [preceding two weeks], BBC Audience Services (Stage 1) received [total] editorial complaints. BBC programmes which received more than **100 complaints** are included in the table below.

Programme	Service	Date of transmission or when content accessed	Number of complaints
Programme A	BBC 1	12/09/2017	105
Programme B	BBC iPlayer	17/09/2017	223
Programme C	BBC 2	18/09/2017	117
Programme D	CBBC	19/09/2017	112
Programme E	BBC 1	21/09/2017	546

[X]% of complaints dealt with between [preceding two weeks] received an initial response within the target 10 working days.

Recent BBC public responses to significant complaints at Stage 1 are available on the [BBC website](#).

⁷ As defined in clause 56(9) of the BBC Agreement.

⁸ i.e. which relate to the observance of standards set in the Ofcom Broadcasting Code and/or the allocation of party election, party political and referendum campaign broadcasts.

Stage 2 complaints – Executive Complaints Unit (ECU)

The ECU made [number] findings between [preceding two weeks]. Further information on the findings is available on the [BBC website](#).

[ECU findings on relevant complaints which are editorial complaints must be published, on a regular fortnightly basis, within 14 days of a final decision being made.⁹

The BBC are required to publish the following ECU findings:

- all upheld, partially upheld and resolved findings;
- all not upheld findings related to:
 - any complaint about due accuracy or due impartiality (including election-related and referendum-related complaints);
 - any stage 2 case where the BBC received more than 100 complaints about the item at stage 1a; and
- any other not upheld finding which, taking into account any of the following factors, would merit publication:
 - the level of public interest attaching to the issue(s) of complaint;
 - the number of complaints escalated to the ECU;
 - the profile of the programme (or other item of output) complained of;
 - the nature of the complainant (eg first or third party, corporate body, person in public life);
 - the significance of the potential breach of standards identified;
 - potential reputation damage; and/or
 - where complaints about the same item have been upheld, and the reasons for not upholding others are important for an understanding of the ECU’s reasoning.

Those published findings must include details of the complaint, relevant BBC Editorial Guidelines and an explanation of the ECU’s reasons for its finding that is appropriate to the nature of the complaint. The BBC may withhold information that a complainant considers confidential or that it is otherwise under a legal obligation not to disclose.]

Programme	Service	Date of transmission or when content accessed	Issue	Outcome
Programme A	BBC 1	20/07/2017	Impartiality	Not upheld
Programme B	BBC iPlayer	21/05/2017	Harm and offence – language	Resolved

⁹ Where the ECU is handling linked complaints about the same programme, it may publish the findings together, and must do so within 14 days of its final decision on the last linked complaint it is handling.

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Programme C	BBC News Channel	24/06/2017	Impartiality; Accuracy	Partially upheld
Programme D	BBC Radio 1	30/07/2017	Scheduling – sexual references	Upheld

[X]% of complaints dealt with between [preceding 2 weeks] received a response within the target 20 working days. A further [X]% of cases considered more complex received a response within the target 35 working days.