

David Jordan
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BBC

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2 July 2020

Dear David,

BBC complaints handling

I write further to recent correspondence between Alison Marsden, Director of Content Standards, Licensing and Enforcement, and yourself regarding the above matter.

Background

As you know, last Autumn Ofcom received 18 complaints about an episode of *BBC Breakfast* broadcast on 17 July 2019. The majority of complainants objected to the fact that the BBC Executive Complaints Unit (“ECU”) had, at that time, partially upheld a complaint about the programme under the BBC’s Editorial Guidelines on the grounds that it breached the BBC’s impartiality requirements. Following public criticism, the BBC’s Director-General had overturned the ECU’s finding on 30 September 2019.

Ofcom assessed the programme under the due impartiality rules in our [Broadcasting Code](#) and did not consider that it raised issues warranting investigation by Ofcom. We stated in our [decision](#) that it had highlighted the need for the BBC to provide more transparency on the reasons for its decisions on compliance with the BBC’s Editorial Guidelines that reflect the Broadcasting Code. We therefore said we intended to address the BBC’s lack of transparency in this area as a matter of urgency.

The BBC’s revised Complaints Framework

Further to this, we contacted you in October 2019 to inform you that we were minded to revise our [complaints determination](#) made under clause 56(8) of the BBC Agreement regarding the publication of information about the operation and effectiveness of the BBC’s complaints procedures. We considered that revising this determination would be appropriate, taking into account the significant concerns raised by the *BBC Breakfast* case, and that this would be a proportionate means of improving public confidence in the operation and effectiveness of the BBC’s procedures. We sought your comments on the proposed revisions.

At the same time, the BBC decided to review and consult on changes to the BBC’s Complaints Framework. The aims of the BBC’s consultation, which we welcomed, included providing greater

transparency around the way in which it explained and communicated its decisions on editorial standards complaints, in particular those decisions made by the ECU. The BBC consulted on the proposed changes between 24 February and 3 April 2020 and published its [conclusions](#) and a revised [BBC complaints framework](#) on 8 June.

Ofcom's revised complaints determination

Following finalisation of the BBC's revised Complaints Framework, we consulted with you on our proposed revised determination on the publication of information about the operation and effectiveness of the BBC's complaints procedures, taking into account our earlier discussions. You indicated on 19 June that the BBC had no material changes to propose.

I am therefore writing to inform you that Ofcom has finalised its revised complaints determination. I have attached at **Appendix A** the complete revised set of determinations made under clauses 56(6), (7) and (8) of the BBC Agreement.

Please note only Annex 2 of the determinations ("publication of information about the operation and effectiveness of the BBC's complaints procedures") has been revised. The other parts of the determinations are unchanged.

As you know, footnote 3 of the revised Annex 2 states that "some not upheld findings must be published in accordance with criteria specified by the BBC and agreed by Ofcom". We would appreciate sight of your draft criteria for publishing not upheld findings by close of play on **Friday 17 July 2020**.

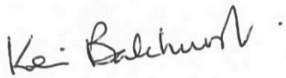
Implementation and review

The revised determination comes into effect immediately. It will be published, along with this letter, on our website. As indicated by you in your letter of 19 June, we anticipate the first BBC complaints report compiled under the revised Annex 2 of the determinations will have been published on your website on 26 June.

We intend to review the revised complaints reporting framework at least annually to determine whether any further changes should be made.

I hope that you and your family are all keeping well.

Yours sincerely,



Kevin Bakhurst