

Editorial Standards Findings Appeals to the Trust and other editorial issues **considered** by the Editorial Standards Committee

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In order to provide clarity for the BBC and licence fee payers it is the Trust's policy to describe fully the content that is subject to complaints and appeals. Some of the language and descriptions used in this bulletin may therefore cause offence.

Remit of the Editorial Standards Committee

The Editorial Standards Committee (ESC) is responsible for assisting the Trust in **securing** editorial standards. It has a number of responsibilities, set out in its Terms of Reference at http://downloads.bbc.co.uk/bbctrust/assets/files/pdf/about/how_we_operate/committees/2015/esc_tor.pdf

The Committee comprises five Trustees: Richard Ayre (Chairman), Sonita Alleyne, Mark Damazer, Bill Matthews and Nicholas Prettejohn. The Committee is advised and supported by the Trust Unit.

In line with the ESC's responsibility for **monitoring** the effectiveness of handling editorial complaints by BBC management, the Committee considers appeals against the decisions and actions of the BBC's Editorial Complaints Unit (ECU) or of a BBC Director with responsibility for the BBC's output (if the editorial complaint falls outside the remit of the ECU).

The Committee may consider appeals concerning complaints which allege that:

- the complainant has suffered unfair treatment in a transmitted programme, item or piece of online content, or in the process of making the programme, item or online content
- the complainant's privacy has been unjustifiably infringed, either in a transmitted programme or item, or in the process of making the programme or item or online content
- there has otherwise been a failure to observe **required** editorial **standards**.

However, not all requests for appeal qualify for consideration by the ESC. The Editorial Complaints and Appeals procedure¹ explains that:

5.10 **The Trust will only consider an appeal if it raises "a matter of substance"**.² This will ordinarily mean that in the opinion of the Trust there is a **reasonable prospect** that the appeal will be upheld as amounting to a breach of the Editorial Guidelines. In deciding whether an appeal raises a matter of substance, the Trust may consider (in fairness to the interests of all licence fee payers in general) whether it is appropriate, proportionate and cost-effective to consider the appeal.³ The Trust may not consider an appeal that is trivial, misconceived, hypothetical, repetitious or otherwise vexatious. The Trust may also decline to consider an appeal which includes gratuitously abusive or offensive language if the complainant refuses to reword it after being invited to do so.

¹ http://downloads.bbc.co.uk/bbctrust/assets/files/pdf/regulatory_framework/protocols/2014/complaints_fr_work_ed_complaints.pdf

² Under the Charter and Agreement, the Trust has a role as final arbiter in appropriate cases, and **must provide a right of appeal in cases that raise a matter of substance**.

³ For example, if an appeal raises a relatively minor issue that would be complicated, time-consuming or expensive to resolve, the Trust may decide that the appeal does not raise a matter of substance, and decline to consider it.

In deciding whether an appeal qualifies for **consideration**, the Committee may also decide to take only part of the appeal, and consider only some of the issues raised.

Where an appeal or part of an appeal qualifies for consideration, the Committee will aim to provide the complainant with its final decision within 80 working days of accepting the request for an appeal.

The findings for all appeals accepted by the Committee are normally reported in this bulletin, Editorial Standards Findings: Appeals to the Trust and other editorial issues considered by the Editorial Standards Committee.

Where it is considered that an appeal does not qualify for consideration, the Trust Unit will normally write to the complainant within 40 working days of receipt of the request for an appeal, declining to put the matter before the Committee and explaining the reasons. If the complainant disagrees with this view then they may, within 10 working days, ask the Editorial Standards Committee to review the decision, and the matter will be reviewed at the next available meeting of the Committee.

The Committee will then decide whether it agrees with the decision not to proceed with the appeal, and again will aim to provide the complainant with its decision within 80 working days of receipt of the request for review. Any appeals that the Committee has declined to consider under the above criteria are reported in the bulletin under the heading Rejected Appeals.

If the Committee disagrees with the decision not to proceed with the appeal, the complainant will be informed following the meeting and the appeal will be considered, following investigation, at a later meeting. In this case the 80 working day time period will start again from the date the Committee informs the complainant it will hear the appeal.

Achievement against these target response times is reported in the BBC's Annual Report and Accounts: <http://www.bbc.co.uk/annualreport/>. In line with its **duty to consider topics of editorial concern** to the Committee, **whether or not such concern arises from a formal complaint**, and to commission information requests from the Trust Unit or Executive to support such consideration, the Committee also from time to time requests the Executive to report to the Committee regarding breaches which have been accepted by the Executive and are therefore not subject to appeal to the Committee. The bulletin also may contain findings relating to such cases.

The bulletin also includes any remedial action/s directed by the Committee.

It is published at bbc.co.uk/bbctrust and is available from:

The Secretary, Editorial Standards Committee
BBC Trust Unit
180 Great Portland Street
London W1W 5QZ

Decision of BBC Audience Services not to respond further to a complaint about This World: Don't Panic – How to End Poverty in 15 Years, BBC Two, 11 October 2015

The complaint concerned accuracy and impartiality in a BBC Two documentary which was described on the BBC iPlayer as follows:

"The legendary statistical showman Professor Hans Rosling returns with a feast of facts and figures as he examines the extraordinary target the world commits to this week – to eradicate extreme poverty worldwide. In the week the United Nations presents its new goals for global development, Don't Panic – How to End Poverty in 15 Years looks at the number one goal for the world: eradicating, for the first time in human history, what is called extreme poverty – the condition of almost a billion people, currently measured as those living on less than \$1.25 a day."

The complainant said that the programme used statistics to measure levels of poverty; these figures were sourced from the World Bank and were not challenged during the programme. The complainant raised the following specific points to support his complaint:

- the programme said that the world's median daily income was \$10 but World Bank estimates from spending/income surveys in 2010 gave a PPP [Purchasing Power Parity] figure of \$3.40; saying that results depended on the value of the dollar may mislead the audience; the presenter seemed to "conflate GDP \$10 and Bank household survey '\$/day'"
- the programme used a "poverty tracker" which was unreliable in that it reflected "opinion, assumptions and value judgements about food quality, housing quality etc"
- the programme referred to the "importance" of Goal 1.1 and this required a "balance of views"; it used a chart which referred to "extreme poverty" but this figure was also unreliable in that it took no account of "changing needs, or inflation faced"; the presenter acknowledged "uncertainty" about these figures but this was not enough to mitigate the prominence given to the chart
- the programme may have created a misleading impression in failing to mention the "1996 hunger pledge and the actual pledge of 2000 with 2000 baseline".

The complainant said that these issues formed part of a general BBC pattern in under-representing criticism of the "official statistics".

The BBC made the following points:

- this was a BBC production in partnership with The Open University, based on expert opinion and scientific facts
- it drew on widely available public data, much of it from the Millennium Development Goals and Sustainable Development Goals UN processes
- the BBC was sorry if the complainant did not agree with the facts presented in the programme. The data sources and methodologies used could be found on Gapminder's Educational Material site : <http://www.gapminder.org/news/data-sources-dont-panic-end-poverty/>

If the statistics are "complicated" and need to be "simplified" to "aid comprehension", then how can Capita staff, the Trust Adviser or Trustees - none of whom claim to be familiar with the statistics, sources or methodology, be so "confident" the programme was accurate that they can dismiss the need to investigate?

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- the statistics in this area were **complicated** and were necessarily simplified in order to aid comprehension. However, the BBC was **confident** that this process was carried out in such a way as **not to mislead** the audience and was in accordance with BBC Editorial Guidelines.

Audience Services said they had nothing further to add and that they did not believe the complaint had raised an issue that justified further investigation.

Appeal to the BBC Trust

The complainant appealed to the BBC Trust on the substance of his complaint.

In his appeal the complainant raised a number of **new** points relating to the programme, and the Adviser noted that these points could not be considered by the Trust as the complainant had not raised them at Stage 1.

Misleading. At Stage 1 I referred the BBC to the existing unanswered complaints about "Population".

The complainant also said that the BBC had repeated an earlier programme in this occasional *This World* series (*Don't Panic – The Truth about Population*) despite the complainant **not having received a Stage 2 response** to his complaint about this programme. **Misleading. That was not part of this appeal; I requested a Stage 2 response to that complaint.**

Decision of the Trust Adviser

The Trust Adviser (the Adviser) decided that the point she should consider was whether the complainant's appeal against the decision of Audience Services not to correspond further had a reasonable prospect of success. She decided it did not.

The Adviser noted that all BBC output was required to meet the standard of "due" accuracy and impartiality which, under the Editorial Guidelines, was defined as follows:

"The term **'due'** means that the accuracy" [and impartiality] "must be adequate and appropriate to the output, taking account of the subject and nature of the content, the likely audience expectation and any signposting that may influence that expectation."

The Adviser noted that *Don't Panic – How to End Poverty in 15 Years* was aimed at a general audience. She noted that it attempted to convey **complex information** in a **straightforward** way – for example, it used graphics to plot a period of more than 200 years, showing how countries had become richer as their child mortality rates had fallen. She noted the programme had sought to understand and illustrate in a practical way how the lives of people who lived in extreme poverty differed from those who remained poor but were no longer among the poorest in society. For example, it had noted that people in extreme poverty would tend not to have electricity in their homes and their homes would be made of material that was not durable – while people who were very poor, but outside extreme poverty, were likely to have electricity and live in houses that might, for example, have roofs made of plastic sheeting or corrugated iron. In terms of the specific points made by the complainant, she noted the following:

- the programme had created a "yardstick" of **poverty** which ranked the average **income** per person of the world's population from lowest to highest income. The values had been expressed in terms of PPP. GDP per capita in PPP was adjusted for the value of US dollars and **corrected for inflation**

"Inflation" is liable to mislead.

- the programme had defined "extreme poverty" as being \$1.85 per day. This differed from the recent official Poverty Line of the World Bank and the UN which was \$1.25 per day **adjusted for international prices** in 2005. The programme had adjusted the figure for 2011 because prices had changed in the intervening six years. The team had used the World Bank's recently published global price comparisons called PPP2011 to calculate the new figure
 - the programme said the exact position of the extreme poverty line varied **depending on the value of the dollar**, but although the value was not fixed, **the meaning was clear and did not change**, it was "about the daily struggle to get enough to eat"
- Of dubious relevance. The "dollars a day" are not about living conditions, but look better if the poor are forced to spend more.
- The Adviser here makes a claim that the chart is on poverty. On what basis?
- the programme included a film which showed what daily life was like for those living in extreme poverty in Malawi. After the film Professor Rosling said, "So now you've got a glimpse of how life is in extreme poverty, I hope you agree on the **importance of United Nations Goal 1.1**". The Adviser considered that Professor Rosling was suggesting it was a worthwhile aim to improve **living conditions** for those people featured in the film, and she decided that Trustees would be likely to consider that this **would not require a "balancing view" in order to achieve due impartiality**
 - **the programme tracked over time the declining proportion** of the global population who were in **extreme poverty**, and Professor Rosling said, "This year is not the first time the United Nations put a target, a goal for extreme poverty. **The former goal** was to halve extreme poverty from **1990** up to 2015." The Adviser considered that Trustees would be likely to consider there was **no requirement** under the guidelines for **the programme to mention other measures and goals** such as the "1996 hunger pledge" mentioned by the complainant.

Misleading. The Adviser and BBC distract from the 15-year Millennium pledges - nothing to do with "1990". The Adviser noted that the programme had made its sources publicly available and she decided that Trustees would be **likely** to consider the information to be **"well sourced"** and **"based on sound evidence"** as set out in the guidelines. She considered that, given that **this programme** was aimed at a non-specialist audience, Trustees would be likely to consider there was **no requirement** for **the programme to have given weight to any criticism** of the World Bank's figures.

Misleading. In reality I complained that Rosling had contradicted, on the BBC, his OWN previous criticism. The Adviser considered that Trustees would be likely to conclude that ~~some of the complainant's requests for further detail~~ involved a level of complexity which would not be appropriate for a general audience and which would have reduced the clarity of the presenter's argument whilst not being required under the BBC's guidelines. She therefore decided Trustees would be likely to consider the programme duly accurate and impartial for a general audience.

BBC (as before in case of More or Less) wrongly claims complainant wanted more "detail" rather than accuracy.

The Adviser noted that the complainant believed that his points of complaint formed part of a **general BBC pattern** in **under-representing criticism of the official statistics**. She noted that in a previous appeal to the BBC Trust (about the BBC Radio 4 programme *More or Less*, and associated programmes²⁰) the complainant had stated that there was "an accumulation of problems causing a lack of due accuracy" and **"cumulative error and/or omission causing a lack of impartiality"**. She noted that ~~the Trustees had decided that this previous appeal did not raise a matter of substance and it could not therefore be brought into consideration in this appeal.~~ **Where is the answer to the 2012 complaint of BBC failure "since 2000"?**

Misleading. This 2015 complaint was on an overall pattern to 2015, not just the material in the 2012 complaint.

The Adviser also noted that the complainant had stated that the BBC had repeated an earlier programme in this occasional series (*Don't Panic – The Truth about Population*)

Has she accurately listed the complaints?

²⁰ http://downloads.bbc.co.uk/bbctrust/assets/files/pdf/appeals/esc_bulletins/2016/esc_bulletin_dec_jan_2.pdf

despite the complainant **not** having **received** a Stage 2 **response** to a complaint about this programme. The Adviser noted that ~~the ECU had chosen not to respond further to this complaint~~ but the BBC Trust had considered the complaint and had concluded that the appeal did not have a reasonable prospect of success.

Misleading. As I told the Trust, there had been no such response from the ECU to my knowledge.

Taking this into account the Adviser considered Trustees would be **likely** to conclude that BBC Audience Services had given a reasoned and reasonable response to the complaint and had acted appropriately in declining to enter into further correspondence. She therefore did not consider it was appropriate, proportionate or cost-effective to proceed with the appeal as it did not have a reasonable prospect of success. The Adviser did not propose to put it before Trustees.

Request for review by Trustees

The complainant requested that the Trustees review the decision not to proceed with his appeal. He said that the adequacy of BBC information on the **"world's number one goal" and leaders' pledges** were **not** a **trivial** matter.

The Panel's decision

A panel of the Committee considered the points made by the complainant, the BBC and the Adviser.

So why did they choose not to describe the complaints to the public accurately?

The Trustees noted that the issue in front of them was whether the decision by BBC Audience Services to decline to enter into further correspondence was correct on the basis that the Editorial Guidelines **had not been breached**.

Trustees agreed that if they took this matter on appeal they would not be likely to uphold the matter given that:

- the programme was aimed at a **general** non-specialist **audience**
- the statistics used in the programme were based upon publicly available **data from reputable sources**
- the programme was produced in partnership with The Open University, involving **expert opinion**
- the reference in the programme to "the importance of United Nations Goal 1.1" did not require a balancing view in order to achieve due impartiality
- the presenter's reference to current – and past – United Nations' targets to reduce global poverty **did not require any reference to** other **past pledges** in order to achieve due accuracy
- given the context of the programme and the likely understanding of the audience the complainant had raised **no** evidence of a breach of the Editorial Guidelines.

Trustees also agreed that the complainant had received a reasonable and reasoned reply from Audience Services.

Trustees agreed that the BBC's obligations to be duly accurate and impartial on these matters were not "trivial" but they decided not to take the appeal, on the basis that it would **not** be **appropriate, proportionate** or **cost-effective** since there was no reasonable prospect of the appeal succeeding.

The Panel therefore decided that this appeal did not qualify to proceed for consideration.

Thoroughly misleading. The complaint was that the BBC had NOT mentioned current UN pledges.