

Appeal against the application of the Expedited Complaints Procedure at Stage 3

Summary of finding

The complaint concerned the BBC Trust's decision to apply the Expedited Complaints Procedure to complaints by the complainant at Stage 3.

The Committee concluded that:

- it agreed with the Head of Editorial Standards that 22 separate communications with the Trust Unit during the relevant period was a large number of contacts and that whilst some alleged breaches of the Editorial Guidelines, none raised issues that had a reasonable prospect of success and – viewed in totality – they demonstrated vexatious behaviour.
- the complainant's communications **principally** concerned allegations of bias and/or inaccuracy in the **BBC's coverage** of issues relating to development and global poverty. It agreed with the Head of Editorial Standards that the complaints were repetitious.
- none of the complainant's challenges to the Trust Unit's decisions not to proceed with his appeals had been successful; the Editorial Standards Committee **had not agreed that the complainant had raised a matter of substance, i.e. that there had been a breach** of Editorial Guidelines or Policies.
- having regard to the volume of correspondence comprised in his complaints and their failure to raise a matter of substance, these complaints were also vexatious.
- the volume of correspondence comprised in his complaints and the consequent administrative burden they placed on the Trust Unit merited the application of the Expedited Complaints Procedure, in order to protect licence fee resources and licence fee payers' interests.
- it was satisfied that the conditions for applying the Expedited Complaints Procedure were met

The complaint was not upheld

The Head of Editorial Standards said on 16 October 2015 "we will revert to you" on Trustees' own error in their published ruling of July 2015.

The inaccuracy was about a supposed UN 2001 "commitment" to the MDGs. In reality nations recommitted to the more ambitious Millennium Declaration pledges in 2001, 2005, 2013 and 2015.

Evidence: ungoals.org

Omits queries, reminders, complaints about:

Trust staff/ Trustees' false statements;

and responses which, like the BBC Executive responses, largely misdescribed the complaints.

For example, they repeatedly omitted impartiality complaints, despite reminders, until it was too late to clarify their latest misdescription.

They never answered complaints I described as "important" or "major", or repeated falsehoods from the main statistics programme More or Less.

Wrong test.

"Matter of substance" must mean "worth investigating", not that it was already established there was a breach!

Point is that they declined to investigate.

Finding

The appeal concerned the BBC Trust Unit's decision to apply the expedited complaints procedure¹ to complaints by the complainant at Stage 3.

Informing the complainant of this decision, the Trust's Head of Editorial Standards made the following points:

- Conditions (a) and (b) of paragraph 2 of Annex B to the BBC's Complaints Framework had been met, in that the complainant had a history of persistently and/or repeatedly making complaints which:
 - were repetitious and (by reason of the number and frequency of his communications) vexatious; and
 - failed to raise an issue of breach of any relevant Guidelines or Policies.
- Between 20 April 2015 and 25 February 2016, the complainant had sent a large number of communications to the BBC Trust. These concerned various complaints and appeals, in which the complainant made allegations of bias and/or inaccuracy in the BBC's coverage of issues relating to development and global poverty, [and raised other issues].
- None of the complainant's challenges to the Trust's decisions not to proceed with his appeals had been successful.
- In fairness to licence fee payers and other complainants, the Head of Editorial Standards had decided that the expedited procedure should be applied to certain future complaints by the complainant.
- For the period of two years from the date of her decision (i.e. until 2 June 2018), any future appeal by the complainant that met any of the conditions set out in paragraph 2 of Annex B would not be acknowledged, and may be rejected without notifying the complainant or providing any reasons.

Appeal to the BBC Trust

The complainant appealed against this decision on 30 June 2016. He made the following points:

- The BBC had repeatedly given the impression that world leaders' Millennium Declaration pledges were no more ambitious than the Millennium Development Goals ('MDG') targets. This impression was false, since some MDG targets had 1990 baselines. Even after receiving the complainant's complaints, the BBC persisted in mis-stating the baseline. The BBC had repeatedly failed to give a specific answer to this point of complaint. A view that this was not a matter of substance would not be reasonable.
- As the BBC Executive had never replied to the complainant's points about cumulative or explicit errors, Trustees had no right to dismiss those complaints. Trustees were

¹ The expedited complaints procedure is set out in Annex B to the BBC's Complaints Framework. See:

http://downloads.bbc.co.uk/bbctrust/assets/files/pdf/regulatory_framework/protocols/2014/e3_complaints_framework.pdf

incorrect if they considered this had been dealt with in the complainant's appeal about *Woman's Hour* content. In that appeal, Trustees had in fact specifically excluded the allegations of cumulative or explicit error.

- The National Audit Office, *The Financial Times* and *The Guardian* had all made amendments to their output following complaints on this particular matter. The BBC had not.
- The BBC had not replied to the allegation that it had failed to tell the public the correct version of what world leaders had pledged.
- The BBC had not replied to the complaint of a pattern in its output of under-representing criticism of official statistics on global poverty. The Trust Unit had incorrectly implied that that complaint was dealt with in the appeal about *More or Less*.

The Committee's decision

The Editorial Standards Committee (ESC) considered the points made by the Trust Unit and the complainant.

For the following reasons, the Trustees decided that the Trust Unit had correctly applied the expedited complaints procedure at Stage 3:

- Trustees noted that attached to the Head of Editorial Standards' decision were brief summaries of the complainant's 22 separate communications with the Trust Unit during the relevant period. From the summary it was apparent that these communications were detailed. The Committee agreed with the Head of Editorial Standards that this was a large number of contacts and that whilst some alleged breaches of the Editorial Guidelines, none raised issues that had a reasonable prospect of success and – viewed in totality – they demonstrated vexatious behaviour.
- The Committee noted that ~~all of the complainant's communications concerned allegations of bias and/or inaccuracy in the BBC's coverage~~ of issues relating to development and global poverty. Trustees agreed with the Head of Editorial Standards that these complaints were repetitious.
- Trustees noted that none of the complainant's challenges to the Trust Unit's decisions not to proceed with his appeals had been successful. Whilst the complainant alleged that the BBC and the Trust had failed to consider matters of substance, the ESC had not agreed that the complainant had raised a matter of substance, i.e. that there had been a breach of Editorial Guidelines or Policies.
- Having regard to the volume of correspondence comprised in his complaints and their failure to raise any issue of breach of any relevant Guidelines or Policies, the Committee took the view that these complaints were also vexatious.
- The Committee considered that the volume of the complainant's correspondence comprised in his complaints and the consequent administrative burden they placed on the Trust Unit merited the application of the expedited complaints procedure, in

Misleading - as I told the committee, including the BBC's transparency trustee, before publication.

Not just "allegations" on "BBC coverage", but emails on unanswered queries; false statements by Trust staff and Trustees, and violations of published complaints procedure.

The complaints are on a very large amount of BBC output, Executive and Trust failures to answer, and Trustees' veracity. The BBC and Trust repeatedly answered as if some of the more serious complaints did not exist.
poornews.org/BBCpoverty.pdf

order to protect licence fee resources and licence fee payers' interests.

- The Committee was satisfied that the conditions for applying the expedited complaints procedure were met, in that the complainant had a history of persistently and/or repeatedly making complaints which:
 - a. were repetitious and vexatious; and
 - b. failed to raise an issue of breach of any relevant Guidelines or Policies.

Accordingly, the Trustees decided not to uphold the complainant's appeal against the Trust Unit's decision.

Finding: Not upheld