

RADIOCENTRE RESPONSE TO BBC TRUST PROPOSED CHANGES TO THE BBC'S COMPLAINTS FRAMEWORK AND ASSOCIATED PROCEDURES

1. Introduction

- 1.1 RadioCentre is the industry body for commercial radio. Formed in July 2006 from the merger of the Radio Advertising Bureau (RAB) and the Commercial Radio Companies Association (CRCA), RadioCentre's membership comprises the vast majority of UK commercial radio stations, who fund the organisation. RadioCentre is governed by a board of directors, representing a cross section of the industry and including all the major commercial radio groups.
- 1.2 The role of RadioCentre is to maintain and build a strong and successful commercial radio industry – in terms of both listening hours and revenues. RadioCentre operates in a number of areas including working with advertisers and their agencies, as well as representing commercial radio companies to Government, Ofcom, copyright societies and other organisations concerned with radio.
- 1.3 RadioCentre also provides a forum for industry discussion, is a source of advice to members on all aspects of radio, jointly owns Radio Joint Audience Research Ltd (RAJAR) with the BBC, and includes copy clearance services for the industry through the Radio Advertising Clearance Centre (RACC).

2. Summary

- 2.1 RadioCentre welcomes the opportunity to comment on the BBC Trust public consultation of proposed changes to the BBC's complaints process. We have submitted several complaints in the past and generally consider the current process to offer a satisfactory and thorough means of resolution. The Trust should be commended for continuing to strive to deal with complaints even more swiftly and transparently.
- 2.2 However, it is worth noting that all of RadioCentre's upheld complaints were initially rejected by the BBC Executive and none were picked up initially by the BBC Trust independently. This is disappointing; we believe it should not fall to a third-party, and competitor to the BBC, to submit such a succession of complaints.
- 2.3 As far as the detail of the complaint process is concerned, the experiences we have had suggests that there is scope for a simplified and more straightforward process. We therefore welcome the changes being proposed, specifically the greater clarity and standardisation of complaints process being given by the Trust.
- 2.4 We understand that the appointment of a new Complaints Editor role is a staffing issue for the BBC and therefore not strictly a matter for this consultation. However, we would still emphasise our belief that someone with over-arching responsibility for complaints is an important measure in improving the current process, as noted in the Trust's own review of BBC governance arrangements¹.

¹ http://www.bbc.co.uk/bbctrust/assets/files/pdf/about/how_we_govern/bbc_governance.pdf, P. 13

3. Background

- 3.1 On four separate occasions since the formation of the BBC Trust in 2007 RadioCentre has successfully used the complaints process to highlight errors in BBC editorial practice. These complaints varied in nature, and accordingly there were added complications with different parts of the complaints process which possibly extended the investigations to a longer time frame than they required.
- In 2007 RadioCentre suggested commercial involvement with the television broadcast of BBC Sports Personality of the Year was in breach of Fair Trading guidelines. The initial complaint regarding this was rejected by BBC Management and required an escalation to the Head of Finance, Economics and Strategy, who upheld it².
 - In December 2008 RadioCentre submitted an editorial complaint to the BBC complaints department, which alleged that Radio 1's promotion of Coldplay's tour, including a website with direct links to the websites of ticket agents, breached both the BBC's Editorial Guidelines and Online Services Guidelines. This complaint was investigated and upheld in March 2009.
 - In May 2009 initial complaints about Radio 1's excessive promotion of a band U2 were rejected by Tim Davie, Director of BBC Audio and Music and required RadioCentre to escalate the matter to the Editorial Policy and Standards Director. In February 2010, the Director upheld the complaint that Fair Trading Guidelines had been breached.
 - Similarly, in July 2009, RadioCentre wrote to BBC Audio and Music in October 2009 regarding the excessive publication of a *Harry Potter* film breached the guidelines which seek to mitigate BBC endorsement of commercial products and undue product prominence. The subsequent rejection and complaint escalation to the Trust that November resulted in the complaint being upheld as a breach of BBC Editorial Guidelines in June 2010; nearly a year after this process initially began.
- 3.2 Therefore, while we have been concerned at the breaches of editorial and fair trading policy that these complaints have revealed, the evidence of our experience would suggest that complaints are taken seriously and investigated thoroughly. However, that is not to say that we would not welcome some further improvements to enable complaints to be dealt with more swiftly and transparently.
- 3.3 The amendments in the editorial and fair trading guidelines that have followed our complaints have been important and should help strengthen BBC output. However, ultimately it should not have fallen to RadioCentre to submit these complaints. Indeed when the BBC broadcasts output that potentially breaches the editorial or fair trading guidelines in future, we would hope that the Trust would be able to adopt a proactive approach, rather than relying on third parties to bring such instances to its attention.

4. Proposed changes

- 4.1 RadioCentre's experience of the complaints process suggests that when complaining about BBC output a greater investment of time and resource than necessary is often required (by all parties). We believe that the delays in complaint resolution may be created by unnecessary stages of communication and a complaints process, and a lack of understanding or clarity regarding the separate stages of the process.

² <http://www.bbc.co.uk/bbctrust/assets/files/pdf/appeals/sp07/itv.pdf>
http://www.bbc.co.uk/bbctrust/assets/files/pdf/appeals/sp07/editorial_standards.pdf

- 4.2 Introducing clearer guidelines with regards to expected time periods on receiving the second response from the BBC in the Editorial or General Complaints procedures (stage 1B) is therefore a welcome introduction of further clarity to the process. RadioCentre recommends that the guidelines should be made explicit that this does not include ‘holding responses’ or ‘recognition of receipt’; as these distort these timeframes.
- 4.3 We also welcome the addition of further clarification on the role of the Executive Editorial Complaints Unit (ECU) in the guidelines³. RadioCentre has previously identified our concerns regarding the remit of the ECU being confined to considering breaches of editorial standards only within specific items⁴. Whilst we still believe there is remit for a more standardised role for this department, the proposed guidelines outline the limits of its powers more clearly.
- 4.4 A standardised point of referral for complaints is of primary importance in the complaints process. Therefore creating a clearer route for editorial and general complaints via BBC Audience Services should simplify the process and maximise efficiency. Similarly, a clarified procedure for complaints about the Trust and the creation of a Complaints Editor will improve the coordination of complaints handling activity across the BBC.
- 4.5 The requirement to always seek two responses from the BBC Executive before escalating a complaint is unwieldy and can unnecessarily delay the complaints process. We are therefore encouraged that the BBC has recognised remedying these delays through a fast tracked procedure which may involve the BBC’s Chief Complaints Editor intervening to assist in complaint resolution⁵.
- 4.6 As the above pragmatic change recognises, the BBC still has a unique responsibility to be flexible in matters of complaints. We appreciate that management may receive complaints which do not raise substantive issues or issues of breach of the relevant guidelines. Vexatious complaints should be rightfully ignored, but the BBC has an obligation to assist the public with their concerns wherever possible.
- 4.7 We are still concerned that greater transparency is required regarding how to make a complaint to the BBC about a specific service. Online via bbc.co.uk the process is still not straightforward⁶ and as the BBC is advocating the concentration of complaints be directed to BBC Audience Services as part of this consultation, we feel that it should consider how these changes will be made more transparent in the public space once they are implemented.
- 4.8 It is insufficient for the BBC to not guarantee a response to a complaint simply because a complainant did not address it to the correct department, and this should be changed in the guidelines⁷. The BBC should continue to pass complaints to BBC Audience Services as a matter of practice, and only when a complaint reaches this department should the official process and relevant time restrictions be applied.

³ http://www.bbc.co.uk/bbctrust/assets/files/pdf/our_work/complaints_framework/annex_2.pdf, p. 2.

⁴ http://www.radiocentre.org/files/rc_response_to_trust_review_of_editorial_guidelines_24_12_09.pdf, p.4.

⁵ We have recently been contacted by the Complaints Editor at Stage 2 of an editorial complaint, and found his response to be measured and encouraging in its co-operation.

⁶ <https://ssl.bbc.co.uk/complaints/forms/?reset=#anchor> For example, attempting to complain about BBC Local Radio using the drop down complaints process is not clear because it falls under its relevant division ‘BBC News’, rather than its ‘radio’ medium.

⁷ http://www.bbc.co.uk/bbctrust/assets/files/pdf/our_work/complaints_framework/annex_2.pdf

5. Conclusion

- 5.1 It is important that there is due process for BBC management to respond to editorial concerns from the public and commercial organisations and that the Trust perform the role of sovereign body of the BBC to check and balance management in this process. This has been a role RadioCentre believe the Trust has undertaken reasonably effectively to this point.

- 5.2 It has been clear to RadioCentre that in the past there may have been unnecessary protocols which were causing inefficiencies in the complaints process. We are therefore pleased to note that the Trust is attempting to make complaints process simpler and fairer for all users. We expect that a more standardised framework should allow complaints to be handled more efficiently in the future.

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