

# **The BBC in Theory & Practice**

## **CASE STUDY 2**

### ***BBC News at Six Complaint***

Lack of due impartiality in reporting increases in the budget deficit in the year leading up to the 2015 General Election

08 June 2015

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## **Viewer Complaint: Lack of Due Prominence**

**Friday 25 July 2014**

**BBC Webform**

(1,500 Character limit)

### **Complaint Summary:**

Lack of due accuracy, impartiality and prominence

*News at Six*, 22 & 24 July 2014

### **Full Complaint:**

The 4th item on the *News at Six* on Thursday 24 July was the announcement that the *IMF* had raised its UK growth forecast "by almost half a percentage point".

In contrast, the *ONS* announcement 2 days earlier on Tuesday 22 July, that the June deficit was 50% higher than last year, was not given equivalent due prominence and weight on that evening's *News at Six*.

The *ONS* statistic is many times more significant than the *IMF*'s for reasons which the 1,500 character limit of the BBC's Complaint's Webform prevents me from listing here.

If a focus group were to view Tuesday's and Thursday's *News at Six* programmes side-by-side and asked which of the two statistics was given the most prominence I suspect most would choose the *IMF*.

If they were asked what impression the two bulletins gave: either that

- a) austerity was working as planned, or
- b) that it was doing the opposite of what it was supposed to do

I suspect most would choose a).

If those predictions were correct it would prove that the *BBC* has breached both the spirit and letter of the following Editorial Guidelines on accuracy, impartiality and due prominence: 3.4.21, 4.4.12, 4.4.13, 14.4.4

To test this please supply either the video, audio or transcripts of the two programmes.

**Please note:** I wish all correspondence on this issue to be open and transparent to public scrutiny and hereby give notice that any correspondence from the BBC must be subject to that understanding.

**Stage 1a: BBC Response 1: Prominence**

**Subject:** BBC Complaints - Case number CAS-2832936-Y1CMD4  
**Date:** Fri, 25 Jul 2014 10:47:03 +0100  
**From:** <bbc\_complaints\_website@bbc.co.uk>  
**To:** Ian McNulty

Dear Mr McNulty

Thanks for contacting the BBC. This is an automated email confirming we have received the complaint below and submitted in this name via [www.bbc.co.uk/complaints](http://www.bbc.co.uk/complaints). Please do not reply to this email since it is generated from an unmonitored address. If you believe you have received this in error please contact us using our webform at [www.bbc.co.uk/complaints](http://www.bbc.co.uk/complaints).

We attach the text of the complaint for your records and will normally include it in our overnight report of all today's audience reaction. This is circulated to BBC staff tomorrow (with your personal details removed) and ensures your points will reach the right people quickly. We aim normally to reply within 10 working days (around 2 weeks) depending on the nature of your complaint.

To make sure we use the licence fee efficiently we may not investigate every issue in detail, and for consistency may send the same reply if others have also complained about the same issue. For our full complaints procedures and how we consider the issues raised in feedback please read [www.bbc.co.uk/complaints/handle-complaint/](http://www.bbc.co.uk/complaints/handle-complaint/)

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YOUR COMPLAINT:

Complaint Summary: Lack of due accuracy, impartiality & prominence

Full Complaint: News at Six, 22 & 24 July 1014 The 4th item on the News at Six on Thursday (24/07) was the announcement that the IMF had raised its UK growth forecast "by almost half a percentage point". In contrast, the ONS announcement on Tuesday (22/07) that the June deficit was 50% higher than last year was not given equivalent due prominence and weight on that evening's News at Six. The ONS statistic is many times more significant than the IMF's for reasons which the 1,500 character limit prevents me from listing here. If a focus group were to view Tuesday's and Thursday's News at Six programmes side-by-side and asked which of the two statistics was given the most prominence I suspect most would choose the IMF. If they were asked what impression the two bulletins gave: that austerity was working or that it was doing the opposite of what it's supposed to do, I suspect the would choose the first. If those predictions were correct it would prove that the BBC has breached both the spirit and letter of the following Editorial Guidelines on accuracy, impartiality and due prominence: 3.4.21, 4.4.12, 4.4.13, 14.4.4 To test this please supply either the video, audio or transcripts of the two programmes. For the avoidance of doubt I would like all correspondence on this issue to be open and transparent to public scrutiny and give notice that any correspondence from the BBC must be subject to that understanding.

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Thank you again for contacting us.

BBC Complaints

NB This is sent from an outgoing account only which is not monitored. You cannot reply to this email address but if necessary please contact us via our webform quoting any case number we provided.

## **Stage 1a: BBC Response 2: Prominence**

**Subject:** BBC Complaints - CAS-2832936-Y1CMD4  
**Date:** Sat, 2 Aug 2014 10:14:39 +0100  
**From:** <bbc\_complaints\_website@bbc.co.uk>  
**To:** Ian McNulty

### **Your Reference CAS-2832936-Y1CMD4**

Thanks for recently contacting the BBC. We aim to reply to complaints within 10 working days (around 2 weeks) and do so for most of them but cannot for all. The time taken depends on the nature of your complaint, how many others we are dealing with and can also be affected by practical issues such as whether a production team is available or away on location.

This is to let you know that we have referred your complaint to the relevant staff but that it may take longer than 10 working days to reply. We therefore ask you not to contact us further in the meantime. If it does prove necessary however, please use our webform, quoting any reference number we provided. This is an automatic email sent from an account which is not monitored so you cannot reply to this email address.

In order to use the licence fee efficiently we may not investigate every issue if it does not suggest a substantive breach of guidelines, or may send the same reply to everyone if others have complained about the same issue. You can read full details of our complaints procedures and how we consider the issues raised in feedback at [www.bbc.co.uk/complaints/handle-complaint/](http://www.bbc.co.uk/complaints/handle-complaint/). In the meantime we'd like to thank you for contacting us with your concerns. We appreciate your patience in awaiting a response.

Kind regards,

BBC Complaints.  
[www.bbc.co.uk/complaints](http://www.bbc.co.uk/complaints)

NB This is sent from an outgoing account only which is not monitored. You cannot reply to this email address but if necessary please contact us via our webform quoting any case number we provided.

## **Stage 1a: BBC Response 3: Prominence**

**Subject:** BBC Complaints - Case number CAS-2832936-Y1CMD4

**Date:** Wed, 6 Aug 2014 12:43:59 +0100

**From:** bbc\_complaints\_website@bbc.co.uk <bbc\_complaints\_website@bbc.co.uk>

**To:** Ian McNulty

Dear Mr McNulty

### **Reference CAS-2832936-Y1CMD4**

Thanks for contacting us regarding 'BBC News at Six' on BBC One.

We note you felt we didn't give equivalent due prominence and weight to two reports on our 22 July and 24 July programmes.

You of course kindly provided the transmission dates of 22 and 24 July. However, having reviewed both programmes only the 24 July programme contains the report you refer to. The fourth story on 22 July's programme was the London summit on Female Genital Mutilation. There is no report on ONS figures in this edition of the programme. We'd therefore seek your clarification on the date you saw the initial report you refer to.

We'd add that due to the prohibitive costs of providing such a service, video, audio and transcripts for 'BBC News at Six' are not available.

Thanks again for contacting us.

Kind Regards

Lucia Fortucci

BBC Complaints

[www.bbc.co.uk/complaints](http://www.bbc.co.uk/complaints)

NB This is sent from an outgoing account only which is not monitored. You cannot reply to this email address but if necessary please contact us via our webform quoting any case number we provided.

## **Stage 1b: Viewer Response 2: Prominence**

**Wednesday 6 August 2014**

**BBC Webform**

(1,500 Character limit)

### **Your Complaint**

Type of complaint: BBC News (TV Radio and website)

What is your complaint about: TV News

Choose channel: BBC One

Programme title: News at Six

Transmission date: 22/07/2014

Broadcast type: Live

Incident time: 18:00

Complaint category: Not enough coverage

Contacted us before: Yes

Reason for contacting us again: Unhappy with previous response

Reference: CAS-2832936-Y1CMD4

Complaint title: Lack of due accuracy, impartiality & prominence

### **Complaint description:**

Dear Lucia Fortucci,

Thank you for your email of 06/08/2014. Video, audio or transcripts are no longer necessary as your email confirms the ONS statistics were given zero prominence or weight on the 'News at Six' on the day of their announcement (22 July 2014).

I would argue that the ONS announcement is due greater prominence than the IMF's for the following reasons:

1. The ONS statistic is a statement of hard scientific fact. The IMF's forecast is an estimate, opinion or guess.
2. The IMF's forecast SUGGESTS the economy MAY BE moving marginal faster in an already predicted direction. The ONS statistic PROVES the deficit has moved significantly in the opposite direction to the one predicted.

Therefore, the ONS statistic has much greater information, news and public interest value than the IMF forecast and is therefore due greater prominence, proving that the 'News at Six' on 22 July 2014 was in direct breach of Editorial Guidelines 3.4.21, 4.4.12, 4.4.13 and 14.4.4.

I look forward to receiving the BBC's opinion on why this is not the case.

**Please Note:** I wish any discussion on this matter to be open and transparent to public scrutiny and therefore require all correspondence between the BBC and myself to be subject to that understanding.

## Stage 1b: BBC Response 4: Prominence

**Subject:** BBC Complaints - Case number CAS-2854164-81M5MF  
**Date:** Wed, 6 Aug 2014 17:19:37 +0100  
**From:** <bbc\_complaints\_website@bbc.co.uk>  
**To:** Ian McNulty

Dear Mr McNulty

We are sorry that you were not satisfied with our earlier response to your complaint and appreciate that you felt strongly enough to contact us again about the matter.

This is an automated email to confirm we received your complaint. Please do not reply to this email since it is generated from an unmonitored address. If you believe you have received this in error please contact us using our webform at [www.bbc.co.uk/complaints](http://www.bbc.co.uk/complaints) and quoting any reference number we have provided.

In these circumstances we aim to investigate and reply to you normally within 20 working days (around four weeks) but we will contact you if we believe it may take longer. The time taken to reply at this stage depends on the detailed nature of the issues needing investigation, how many others need to be investigated and practical issues such as whether a production team is available or away on location.

In order to use the licence fee efficiently we may not investigate every issue if it does not suggest a substantive breach of guidelines, and may send the same reply to everyone if others have also complained about the same issues. This is in line with the full complaints procedure which you can read at:

[http://downloads.bbc.co.uk/bbctrust/assets/files/pdf/regulatory\\_framework/protocols/2012/complaints\\_fr\\_work\\_ed\\_complaints.pdf](http://downloads.bbc.co.uk/bbctrust/assets/files/pdf/regulatory_framework/protocols/2012/complaints_fr_work_ed_complaints.pdf)

We attach the text and reference number of your complaint below for your records:

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### YOUR COMPLAINT:

Complaint Summary: Lack of due accuracy, impartiality & prominence

Full Complaint: Dear Lucia Fortucci, Thank you for your email of 06/08/2014. Video, audio or transcripts are no longer necessary as your email confirms the ONS statistics were given zero prominence or weight on the 'News at Six' on the day of their announcement (22 July 2014). I would argue that the ONS announcement is due greater prominence than the IMF's for the following reasons: 1) The ONS statistic is a statement of hard scientific fact. The IMF's forecast is an estimate, opinion, or guess. 2) The IMF's forecast SUGGESTS the economy MAY BE moving marginal faster in an already predicted direction. The ONS statistic PROVES the deficit has moved significantly in the opposite direction to the one predicted. Therefore, the ONS statistic has much greater information, news and public interest value than the IMF forecast and is therefore due greater prominence, proving that the 'News at Six' on 22 July 2014 was in direct breach of Editorial Guidelines 3.4.21, 4.4.12, 4.4.13 and 14.4.4. I look forward to receiving the BBC's opinion on why this is not the case. Please Note: I wish any discussion on this matter to be open and transparent to public scrutiny and therefore require all correspondence between the BBC and myself to be subject to that understanding.

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Thank you again for contacting us.

BBC Complaints

NB This is sent from an outgoing account only which is not monitored. You cannot reply to this email address but if necessary please contact us via our webform quoting any case number we provided.



## **Viewer Complaint: Transcripts**

**Thursday 7 August 2014**

**BBC Webform**

(1,500 Character limit)

### **Complaint Summary:**

#### **Availability of News at Six transcripts**

#### **Full Complaint:**

Further to your email of 06/08/2014 re. complaint CAS-2832936-Y1CMD4 I wish to make a separate complaint re. the statement that transcripts for 'BBC News at Six' are not available "due to the prohibitive costs".

As a TV producer I know all news programmes routinely produce computer transcripts of running orders, P-as-Cs, gallery and Autocue scripts. As an ICT consultant I know the cost of making such computer text available is minimal, not prohibitive.

If privately owned newspapers can make archives of past editions available to the public then the BBC must explain why a publicly funded body, whose primary purpose is to serve the public interest, cannot do the same.

The archive of existing transcripts of the 'News at Six' is an invaluable historical record of the news reported by the public's most trusted news source: the early evening News on BBC1. For the avoidance of doubt, the archive of news available on the BBC website is a record of news reported on a website, not on broadcast television.

Of all the ways the BBC could serve the public interest, allowing access to its archive of existing transcripts of the 'News at Six' ought to be high on the list.

As a member of the public I look forward to receiving the BBC's reasons why the cost of making such transcripts available is more than the licence fee can bear.

**Please Note:** I wish discussion on this matter to be open to public scrutiny and therefore require all correspondence from the BBC to be subject to that understanding.

## Stage 1a: BBC Response 5: Transcripts

**Subject:** BBC Complaints - Case number CAS-2854731-7TXWGG

**Date:** Thu, 7 Aug 2014 07:16:29 +0100

**From:** <bbc\_complaints\_website@bbc.co.uk>

**To:** Ian McNulty

Dear Mr McNulty

We are sorry that you were not satisfied with our earlier response to your complaint and appreciate that you felt strongly enough to contact us again about the matter.

This is an automated email to confirm we received your complaint. Please do not reply to this email since it is generated from an unmonitored address. If you believe you have received this in error please contact us using our webform at [www.bbc.co.uk/complaints](http://www.bbc.co.uk/complaints) and quoting any reference number we have provided.

In these circumstances we aim to investigate and reply to you normally within 20 working days (around four weeks) but we will contact you if we believe it may take longer. The time taken to reply at this stage depends on the detailed nature of the issues needing investigation, how many others need to be investigated and practical issues such as whether a production team is available or away on location.

In order to use the licence fee efficiently we may not investigate every issue if it does not suggest a substantive breach of guidelines, and may send the same reply to everyone if others have also complained about the same issues. This is in line with the full complaints procedure which you can read at:  
[http://downloads.bbc.co.uk/bbctrust/assets/files/pdf/regulatory\\_framework/protocols/2012/complaints\\_fr\\_work\\_ed\\_complaints.pdf](http://downloads.bbc.co.uk/bbctrust/assets/files/pdf/regulatory_framework/protocols/2012/complaints_fr_work_ed_complaints.pdf)

We attach the text and reference number of your complaint below for your records:

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### YOUR COMPLAINT:

Complaint Summary: Availability of News at Six transcripts

Full Complaint: Further to your email of 06/08/2014 re. complaint CAS-2832936-Y1CMD4 I wish to make a separate complaint re. the statement that transcripts for 'BBC News at Six' are not available "due to the prohibitive costs". As a TV producer I know all news programmes routinely produce computer transcripts of running orders, P-as-Cs, gallery and Autocue scripts. As an ICT consultant I know the cost of making such computer text available is minimal, not prohibitive. If privately owned newspapers can make archives of past editions available to the public then the BBC must explain why a publicly funded body, whose primary purpose is to serve the public interest, cannot do the same. The archive of existing transcripts of the 'News at Six' is an invaluable historical record of the news reported by the public's most trusted news source: the early evening News on BBC1. For the avoidance of doubt, the archive of news available on the BBC website is a record of news reported on a website, not on broadcast television. Of all the ways the BBC could serve the public interest, allowing access to its archive of existing transcripts of the 'News at Six' ought to be high on the list. As a member of the public I look forward to receiving the BBC's reasons why the cost of making such transcripts available is more than the licence fee can bear. Please Note: I wish discussion on this matter to be open to public scrutiny and therefore require all correspondence from the BBC to be subject to that understanding.

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Thank you again for contacting us.

BBC Complaints

NB This is sent from an outgoing account only which is not monitored. You cannot reply to this email address but if necessary please contact us via our webform quoting any case number we provided.

## **Stage 1b: BBC Response 6: Transcripts**

**Subject:** BBC Complaints - CAS-2854731-7TXWGG  
**Date:** Fri, 15 Aug 2014 07:04:08 +0100  
**From:** <bbc\_complaints\_website@bbc.co.uk>  
**To:** Ian McNulty

### **Your Reference CAS-2854731-7TXWGG**

Thank you for taking the time to contact us again recently. We had referred your complaint to the relevant staff and are normally able to investigate and reply to most complaints at this stage (which is stage 1b of the complaints process) within 20 working days of receipt, or around four weeks. However this is to inform you that we believe it may now take longer than 20 working days before you receive our reply.

We apologise for this and have brought the matter to the attention of the relevant staff again. The delay in answering may be due to their unavailability or other production commitments. We therefore ask you not to contact us further in the meantime. If it does prove necessary to do so please use our webform at [www.bbc.co.uk/complaints](http://www.bbc.co.uk/complaints), or write to us, and quote the reference number we have provided.

More information about the complaints process and how we act on complaints is available at [www.bbc.co.uk/complaints](http://www.bbc.co.uk/complaints). We appreciate your continuing patience in waiting for a response and will reply as soon as possible.

Kind regards

BBC Complaints  
[www.bbc.co.uk/complaints](http://www.bbc.co.uk/complaints)

NB This is sent from an outgoing account only which is not monitored. You cannot reply to this email address but if necessary please contact us via our webform quoting any case number we provided.

## **Stage 1b: BBC Response 7: Prominence**

**Subject:** BBC Complaints - CAS-2854164-81M5MF  
**Date:** Fri, 22 Aug 2014 17:18:59 +0100  
**From:** <bbc\_complaints\_website@bbc.co.uk>  
**To:** Ian McNulty

### **Your Reference CAS-2854164-81M5MF**

Thank you for taking the time to contact us again recently. We had referred your complaint to the relevant staff and are normally able to investigate and reply to most complaints at this stage (which is stage 1b of the complaints process) within 20 working days of receipt, or around four weeks. However this is to inform you that we believe it may now take longer than 20 working days before you receive our reply.

We apologise for this and have brought the matter to the attention of the relevant staff again. The delay in answering may be due to their unavailability or other production commitments. We therefore ask you not to contact us further in the meantime. If it does prove necessary to do so please use our webform at [www.bbc.co.uk/complaints](http://www.bbc.co.uk/complaints), or write to us, and quote the reference number we have provided.

More information about the complaints process and how we act on complaints is available at [www.bbc.co.uk/complaints](http://www.bbc.co.uk/complaints). We appreciate your continuing patience in waiting for a response and will reply as soon as possible.

Kind regards

BBC Complaints  
[www.bbc.co.uk/complaints](http://www.bbc.co.uk/complaints)

NB This is sent from an outgoing account only which is not monitored. You cannot reply to this email address but if necessary please contact us via our webform quoting any case number we provided.

## Stage 1b: BBC Response 8: Transcripts

**Subject:** BBC Complaints - Case number CAS-2854731-7TXWGG

**Date:** Tue, 9 Sep 2014 11:40:47 +0100

**From:** <bbc\_complaints\_website@bbc.co.uk>

**To:** Ian McNulty

Dear Mr McNulty

*Reference CAS-2854731-7TXWGG*

Thank you for taking the time to contact us and we appreciate that you felt strongly enough to write to us again. We have noted your points and are sorry to learn you were not satisfied with our earlier response, regarding the BBC providing transcripts for the News at Six. We regret this is not a service that we provide.

We are sorry to tell you that we have nothing to add to our previous reply. We do not believe your complaint has raised a significant issue of general importance that might justify further investigation. We will not therefore correspond further in response to additional points, or further comments or questions, made about this issue or our responses to it.

We realise you will be disappointed to hear this but hope this explains why we are not able to take your complaint further. If you remain dissatisfied about our decision you can appeal to the BBC Trust, the body which represents licence fee payers. The Trust has asked that we should explain to complainants that the BBC's Royal Charter draws a clear distinction between the role of the Trust - which determines the overall scope of the BBC's services and sets its standards - and that of the BBC Executive - which runs the Corporation and decides what to broadcast and publish.

The Trust does not entertain every appeal submitted to it. It will normally hear appeals about the Executive's decisions only if a complainant can show that they involved a potential breach of the BBC's published standards, or that an operational decision has raised significant issues of general importance. The Trust is the final arbiter of which appeals it should consider. For the full information about the BBC Trust's appeals procedures please visit [www.bbc.co.uk/bbctrust/governance/complaints\\_framework/](http://www.bbc.co.uk/bbctrust/governance/complaints_framework/).

If you wish to submit an appeal you must write within 20 working days of receiving this reply, explaining why you wish to appeal. You can contact the BBC Trust at 180 Great Portland Street, London W1W 5QZ, or by emailing [trust.editorial@bbc.co.uk](mailto:trust.editorial@bbc.co.uk). Please would you include for them the relevant case reference which you may have been given.

Thank you again for contacting us.

Kind Regards

Nicola Maguire

BBC Complaints

[www.bbc.co.uk/complaints](http://www.bbc.co.uk/complaints)

NB This is sent from an outgoing account only which is not monitored. You cannot reply to this email address but if necessary please contact us via our webform quoting any case number we provided.

## **Stage 1b: BBC Response 9: Prominence**

**Subject:** BBC Complaints - Case number CAS-2854164-81M5MF  
**Date:** Tue, 9 Sep 2014 14:38:29 +0100  
**From:** <bbc\_complaints\_website@bbc.co.uk>  
**To:** Ian McNulty

Dear Mr McNulty

### **Reference CAS-2854164-81M5MF**

Thanks for your further contact.

Your complaint regarding coverage of the ONS figures is being investigated and we will send you a considered response in due course.

This is separate to your complaint regarding 'News at Six' transcripts where a response on this issue has been sent.

Thanks again for taking the time to contact us.

Kind Regards

Nicola Maguire

BBC Complaints

[www.bbc.co.uk/complaints](http://www.bbc.co.uk/complaints)

NB This is sent from an outgoing account only which is not monitored. You cannot reply to this email address but if necessary please contact us via our webform quoting any case number we provided.

## Stage 1b: BBC Response 10: Prominence

**Subject:** BBC Complaints - Case number CAS-2854164-81M5MF  
**Date:** Mon, 24 Nov 2014 16:24:03 +0000  
**From:** <bbc\_complaints\_website@bbc.co.uk>  
**To:** Ian McNulty

Dear Mr McNulty

### Reference CAS-2854164-81M5MF

Thanks for contacting us again regarding 'BBC News at Six' on 22 July.

Please accept our apologies for the long delay in replying. We know our correspondents appreciate a quick response and are sorry you've had to wait on this occasion.

We raised your complaint with the relevant editorial team in our newsroom, who have given us the below response.

"We very often cover ONS figures, and IMF ones , and whether they get on on a particular day will be down to a range of factors including the news agenda that day. Over time, we take care to report trends in both the deficit and in growth."

We hope this addresses your concerns; however, if you would like to take your complaint further, you can contact Stage 2 of the complaints process, the BBC's Editorial Complaints Unit, within 20 working days and they will carry out an independent investigation. You can email them at: [ecu@bbc.co.uk](mailto:ecu@bbc.co.uk) , or alternatively write to them at the following address:

Editorial Complaints Unit

Media Centre

MC3 D3

201 Wood Lane

London

W12 7TP

Should you choose to escalate your complaint we would ask that you include the reference number provided above in your correspondence.

Kind regards

Stuart Webb

BBC Complaints

[www.bbc.co.uk/complaints](http://www.bbc.co.uk/complaints)

NB This is sent from an outgoing account only which is not monitored. You cannot reply to this email address but if necessary please contact us via our webform quoting any case number we provided.

## Viewer Response 4: Request to escalate to Stage 2

**Subject:** Request to Escalate Complaint CAS-2854164-81M5MF

**Date:** Thu, 11 Dec 2014 13:05:09 +0000

**From:** Ian McNulty

**To:** [ecu@bbc.co.uk](mailto:ecu@bbc.co.uk)

Dear Sirs,

### Case number CAS-2854164-81M5MF

I wish to escalate this complaint to Stage 2 of the Complaints Process.

The essence of the complaint is:

1) On the afternoon of Tuesday 22 July 2004 the *Business News* segment on the *BBC News Channel* featured an interview between a *BBC Business/Economics* Correspondent and a representative of a City brokerage firm on the subject of the Royal Mail IPO. At the end of the interview the *BBC* correspondent said something like:

*I suppose we can't end without mentioning that rather boring number released by the Office for National Statistics today: the government deficit for June.*

2) As reducing the deficit and debt is the primary goal of the present government's economic policy and the primary justification for its austerity programme, the announcement that this year's June deficit was 50% higher than last year is key to enabling the public to make an informed judgement about whether the present government's economic policy is working or not. In the year running up to a general election, the prominence and weight given to this critical economic information could be crucial in determining the outcome.

For a *BBC Business/Economics* correspondent to describe any economic statistic as a rather boring number displays either that he thinks that statistics in general are 'boring', or that he is verbally labelling this specific statistic as 'boring' in order to reduce its weight, thereby knowingly and materially misleading the audience into thinking it has no value. If so, this would be in direct contravention of [BBC Editorial Guideline 3.4.11](#) and [Guideline 4.2.2](#).

Whatever the reason, when a news and current affairs presenter labels any piece of news as 'boring' the audience can clearly tell that the "public voice of the *BBC*" is prejudiced against giving much prominence or weight to that particular piece of information, in direct contravention of [Guideline 4.4.13](#).

3) The question is: Was this a one-off, accidental incidence of prejudice and lack of due impartiality by just one *BBC* news and current affairs presenter on just one occasion, or is it institutionalized across the whole of the *BBC News* and *Current Affairs* output?

The answer can be found in the prominence given to the announcement of the *ONS* statistic on that evening's *BBC1* flagship news programme, *News at Six*.

4) The *BBC* refuses to allow complainants access to transcripts or running orders of previous news broadcasts (see email from Nicola Maguire, Tue, 9 Sep 2014), but, in response to the initial complaint, *BBC* representative Lucia Fortucci did confirm in her email of Wed 6 Aug 2014 that:

*"The fourth story on 22 July's programme was the London summit on Female Genital Mutilation. There is no report on ONS figures in this edition of the programme."*

This confirms that, in the opinion of the *BBC News at Six* editorial team, a conference on Female Genital Mutilation deserved 4th place on the day's news agenda but the *ONS* announcement that the June deficit was 50% higher than last year deserved none.

5) The question then becomes: Was this prejudice and lack of due impartiality towards a hard fact that reflected badly on government economic policy specific to just one edition of the *BBC News Channel's Business News* and just one edition of *News at Six*, or is it institutionalized across the whole of the *BBC's* news output?



The answer can be found by comparing the news agendas of *News at Six* on 22 July and 24 July.

6) The fourth story on *News at Six* on 24 July 2014 was the announcement that the *IMF* had raised its UK growth forecast "by almost half a percentage point". If *BBC News* editors felt the very bad news from the *ONS* had too little weight to deserve a place on the *News at Six* they clearly felt exactly the opposite about the slightly good news from the *IMF*.

7) There can be no doubt which statistic has the most news value or weight and therefore deserves the most prominence:

i) In numerical terms, 50% has 100 times more weight than 0.5%.

ii) The *ONS* statistic is a hard physical fact about something that has happened in reality. The *IMF* forecast is a statistical projection, opinion or guess about something that might happen. In the calculation of both information content and news values, hard physical facts carry considerably more weight than opinion, no matter how 'expert' that opinion may be.

The key difference between the two statistics is that the *ONS* figure is hard evidence that government economic policy isn't working, whereas the *IMF* statistic suggests it might be. To give the *IMF* statistic fourth place on the *News at Six* agenda and the *ONS* figure no place at all shows a clear bias in favour of news that supports government economic policy and against news that doesn't, in direct contravention of both the spirit and the letter of almost every *BBC* Editorial Guideline there is.

8) After a delay of more than four months in replying to this complaint, the *BBC's* final Stage 1b response is nothing short of risible and an insult to the intelligence of its audience:

*"We very often cover ONS figures, and IMF ones , and whether they get on on a particular day will be down to a range of factors including the news agenda that day. Over time, we take care to report trends in both the deficit and in growth."*

A comparison of *News at Six* running orders for 22 and 24 July would show the specious and disingenuous nature of this statement. No surprise then that the *BBC's* response to a request for licence payer access to the archive of *News at Six* running orders was:

*"We do not believe your complaint has raised a significant issue of general importance that might justify further investigation. We will not therefore correspond further in response to additional points, or further comments or questions, made about this issue or our responses to it."*

9) A judgement from the *BBC's Editorial Complaints Unit* can never be anything more than the opinion of the *BBC*. The only way to reach a truly evidence-based judgement would be to gather the necessary evidence through a randomly controlled and independent trial or focus group, as proposed in the initial complaint on 25 Jul 2014.

Only if, after watching the 22 and 24 July episodes of the *News at Six* side-by-side, the focus group showed that the audience were left with the impression that austerity wasn't doing what it was supposed to do and the deficit was increasing, would the *BBC* be justified in rejecting this complaint.

I look forward to the *BBC's* invitation to witness the necessary test.

For convenience, the final Stage 1b response and chain of correspondence in this complaint to date is attached.

**Please Note:** I wish discussion on this matter to be open to public scrutiny and therefore require all correspondence from the *BBC* to be subject to that understanding.

Yours faithfully,

Ian McNulty

## Stage 2: BBC Response 11

**Subject:** Editorial Complaints Unit Email (12 Dec)  
**Date:** Fri, 12 Dec 2014 12:20:05 +0000  
**From:** Colin Tregear <colin.tregear.01@bbc.co.uk>  
**To:** Ian McNulty

Dear Mr McNulty

Thank you for your email of 11 December.

I have read all the previous correspondence and before the ECU considers whether it can investigate your complaint I would be grateful if you could clarify a point.

My understanding is that you have raised a concern about the language used by a BBC Correspondent on a BBC News Channel report on 22 July. So far as I can ascertain, this is the first time that you have raised this particular issue and so unless you can point me towards evidence to the contrary, I have to tell you that the ECU cannot look into this point of complaint. This is because the ECU is the second stage of the complaints process and can only consider complaints which have received a substantive response from the relevant programme-makers. You would have to make a new complaint and it may be that BBC Complaints would consider that the complaint does not meet the condition set out in Section 2.1 of the BBC's published complaints handling process:

### **2.1 You should make your complaint within 30 working days of the date on which the content was broadcast...**

[http://downloads.bbc.co.uk/bbctrust/assets/files/pdf/regulatory\\_framework/protocols/2014/complaints\\_fr\\_work\\_ed\\_complaints.pdf](http://downloads.bbc.co.uk/bbctrust/assets/files/pdf/regulatory_framework/protocols/2014/complaints_fr_work_ed_complaints.pdf)

I should also explain that the choice of which news events, stories and announcements etc. are included in a particular news bulletin or programme is a matter of editorial discretion for the relevant editor and/or producers and as such does not raise a potential breach of the BBC's editorial standards. This is not, therefore, an issue which falls within the remit of the ECU. I appreciate that you were referred to the ECU by Stuart Webb in an email of 24 November but you were incorrectly advised. If you wish to take this aspect of your complaint further, you will have to contact BBC News management. I can provide a contact email address if you wish.

I look forward to hearing from you.

Yours sincerely

**Colin Tregear**

Complaints Director

BBC Editorial Complaints Unit

Room MC3 D3 Media Centre

**Email: [colin.tregear.01@bbc.co.uk](mailto:colin.tregear.01@bbc.co.uk)**

## Stage 2: Viewer Response 5

**Subject:** Re: Editorial Complaints Unit Email (12 Dec)  
**Date:** Fri, 12 Dec 2014 16:00:09 +0000  
**From:** Ian McNulty  
**To:** Colin Tregear <colin.tregear.01@bbc.co.uk>

Dear Mr Tregear,

Thank you for your email of 12 December. I am happy to clarify your point. You are correct, this is the first time that I have raised the issue of the language used by a *BBC Correspondent* on a *BBC News Channel* report on 22 July.

I did not raise it before because it was not directly relevant to my complaint, which is the lack of prominence given to the *ONS* deficit figure on that evening's *BBC News at Six* in comparison to the prominence given to the *IMF* growth forecast on the same programme two days later.

I would have included the issue of the *BBC News Channel* report along with several others as part of my initial complaint of 25 July but, as noted in that complaint, the 1,500 character limit of the *BBC's* web form made it impossible.

I have only raised the issue at this juncture because the *BBC's* final Stage 1b response deals with the lack of prominence of the *ONS* deficit figure on that evening's *News at Six* in terms of total *BBC News* output over time, making it necessary for any counterarguments to do the same.

However, if *BBC* rules require me to submit this part of the complaint as a new complaint through the Stage 1 process before moving on to Stage 2 then I am happy to comply. The condition set out in Section 2.1 of the *BBC's* published complaints handling process should not be a problem. If the *BBC* had responded to my initial Stage 1 complaint within 10 days, as their email of 25 July said they should, we would have reached where we are now with plenty of time to spare. If I am allowed the same proportionate extension on the 30 days limit as the *BBC* allowed itself on the 10 day limit (x12.2) then I have until December 2015.

I understand that "the choice of which news events, stories and announcements etc. are included in a particular news bulletin or programme is a matter of editorial discretion for the relevant editor and/or producers". Indeed I cannot imagine how it would be possible to run a news programme any other way. However I do not accept that editorial discretion can never "raise a potential breach of the *BBC's* editorial standards." If that were true it would make a mockery of the Editorial Standards and Guidelines and the whole complaints process would be nothing more than a sham.

I sincerely hope this is not the case, but if it is then my initial complaint would be irrelevant and this would now be the main focus of my complaint and concern.

I would be grateful therefore if you could confirm that *matters of editorial discretion do not and can not raise a potential breach of editorial guidelines*, and that this view is supported by the *BBC* Legal Department, Executive and Trust.

I await your confirmation of the above statement before proceeding further.

Yours sincerely,

Ian McNulty

## Stage 2: BBC Response 12

**Subject:** Editorial Complaints Unit Email (12 Dec)#2  
**Date:** Fri, 12 Dec 2014 16:27:46 +0000  
**From:** Colin Tregear <colin.tregear.01@bbc.co.uk>  
**To:** Ian McNulty

Dear Mr McNulty

Thank you for your email. I fear I may not have expressed myself as clearly as I could have done on the issue of editorial discretion.

There are clearly occasions when an editorial decision could lead to a breach of the BBC's editorial standards. The point I was trying to make was that the Editorial Complaints Unit does not have the authority to consider the choice of which news stories or events are reported on any particular day. Our role is limited to considering whether specific items broadcast or published by the BBC's meet its editorial standards. So to put it in very simple terms, we can assess whether the manner in which a news story was reported met the BBC's Editorial Guidelines but the decision to report or not to report a particular news story would fall outside the scope of the unit.

The question of whether the BBC achieves due impartiality over time in the way it reports a particular topic is one which should be addressed by BBC News management rather than the ECU. The ECU cannot consider whether it was legitimate to report one item on a particular day (the IMF forecast) but not to report another item (the ONS statistics) on a separate day.

I hope that helps to clarify matters.

If I have understood your complaint correctly, it may be that the most effective and efficient step to take next would be to ask BBC News management to consider your complaint about the editorial discretion exercised by its staff in relation to the IMF and ONS publications. If you agree, I can pass your complaint to the relevant person.

Please let me know how you would like to proceed.

Yours sincerely

**Colin Tregear**

Complaints Director

BBC Editorial Complaints Unit

Room MC3 D3 Media Centre

**Email: [colin.tregear.01@bbc.co.uk](mailto:colin.tregear.01@bbc.co.uk)**

## Stage 2: Viewer Response 6

**Subject:** Re: Editorial Complaints Unit Email (12 Dec)#2  
**Date:** Fri, 12 Dec 2014 17:01:13 +0000  
**From:** Ian McNulty  
**To:** Colin Tregear <colin.tregear.01@bbc.co.uk>

Dear Mr Tregear,

Thank you for clarifying the editorial discretion issue and explaining the limitations of the terms of reference of the *ECU*.

It's interesting that all the Stage 1 responses I've received on this and other issues seek to redefine any specific issue in terms of the total *BBC* output over time, which is exactly what the *ECU*'s terms of reference prevent it from dealing with at *Stage 2*. This would appear to be a clear-cut case of two stools deliberately engineered for complaints to fall between, but that's the subject for another complaint at another time.

My original complaint from the outset dealt with more than one specific broadcast item. If the *ECU* is unable to deal with more than one item at a time then clearly the complaint would need to be addressed elsewhere. Where exactly that should be is a matter for the *BBC* to decide, not me. Whoever the *BBC* wants to address it is OK with me, just as long as it gets addressed.

Yours sincerely,

Ian McNulty

## Stage 2: BBC Response 13

**Subject:** Editorial Complaints Unit Email (16 Dec)  
**Date:** Tue, 16 Dec 2014 09:50:43 +0000  
**From:** Colin Tregear <colin.tregear.01@bbc.co.uk>  
**To:** Ian McNulty

Dear Mr McNulty

I have passed your complaint to Malcolm Balen, who is the Head of Editorial Standards for BBC News. He has assured me that he will be in touch in due course.

I am sorry for the delay in dealing with your complaint.

Yours sincerely

**Colin Tregear**

Complaints Director

BBC Editorial Complaints Unit

Room MC3 D3 Media Centre

**Email:** [colin.tregear.01@bbc.co.uk](mailto:colin.tregear.01@bbc.co.uk)

## Stage 2: Viewer Response 7

**Subject:** Re: Editorial Complaints Unit Email (16 Dec)  
**Date:** Tue, 16 Dec 2014 11:35:40 +0000  
**From:** Ian McNulty  
**To:** Colin Tregear <colin.tregear.01@bbc.co.uk>

Dear Mr Tregear,

Thank you for your email and apology for the delay in dealing with my complaint.

I look forward to hearing from Malcolm Balen in due course.

Yours sincerely,

Ian McNulty

## Stage 2: BBC Response 14

**Subject:** News at Six, 22 & 24 July 2014  
**Date:** Tue, 16 Dec 2014 17:11:12 +0000  
**From:** <JamesHardingComplaints@bbc.co.uk>  
**To:** 'Ian McNultyh

Dear Mr McNulty,

### **News at Six, 22 & 24 July 2014**

Thank you for your correspondence with the Editorial Complaints Unit about the above programmes which, as I think you know, has been referred to me.

Your complaint, if I might summarise it, is that the fourth item on the News at Six on 24 July was the announcement that the IMF had raised its UK growth forecast "by almost half a percentage point" whereas, you say, two days earlier the ONS announcement that the June deficit was "50% higher than last year" "was not given equivalent due prominence and weight."

You further state that the ONS statistic "is many times more significant than the IMF's" and that the ONS statistic "is a statement of hard scientific fact. The IMF's forecast is an estimate, opinion, or guess. The IMF's forecast SUGGESTS the economy MAY BE moving marginal faster in an already predicted direction. The ONS statistic PROVES the deficit has moved significantly in the opposite direction to the one predicted" (your emphasis).

In previous correspondence, you were told by the BBC that "we very often cover ONS figures, and IMF ones, and whether they get on on a particular day will be down to a range of factors including the news agenda that day. Over time, we take care to report trends in both the deficit and in growth."

I am not sure I can add much to this reply, but perhaps I can elaborate. News judgments are relative to the material that is available on any given day, not absolute, and not every event will find a place within a busy news agenda, however passionately some observers feel that it should have been covered. You will have seen, for example, that the *Six* on 22 July was an exceptionally busy news programme, with the shooting down of the Malaysian airliner and war in Gaza taking up the entire first half.

This is why it is the BBC's aim to paint an accurate and balanced picture over time and why you have been referred to the BBC's wider coverage. So it is not the case, as you suggest, that two sets of statistics should simply be given equivalent prominence and weight within the space of two days, but I would certainly expect the programme fairly to represent different information about the economy over a period of time.

I will turn to that issue later but let me first examine the detail that lies within these two sets of statistics that you have paired together.

You are certainly right that the ONS reported a widening deficit in June, though the details I have found are somewhat at variance with yours when you say "this year's June deficit was 50% higher than last year." I have checked the ONS website for 22 July and it states:

- Public sector net borrowing excluding financial interventions (PSNB ex) was £11.4 billion in June 2014. **This was £3.8 billion higher than last June.** There was no transfer from the Bank of England Asset Purchase Facility Fund (APF) in June 2014; however there was a £3.9 billion APF transfer in June 2013. When APF transfers are excluded from net borrowing, last June was £11.5 billion (similar to June 2014).

- For the financial year 2013/14, PSNB ex was £93.7 billion. **This was £13.0 billion higher than the same period in 2012/13.**

*(My emphasis)*

The BBC in fact reported these figures in its wider output on 22 July.

For example:

<http://www.bbc.co.uk/news/business-28417128>

An excerpt reads:

*The government borrowed more than expected in June, and has failed to reduce public sector borrowing since the start of the fiscal year, official figures have shown. Public sector net borrowing stood at £11.4bn last month, the Office for National Statistics (ONS).*

*The figure was above economists' forecasts of £10.65bn. For the financial year to date, the public deficit stands at £36.1bn, up 7.3% from a year earlier.*

*If the current deficit trend continues, this will put public sector borrowing at about £113bn in this year, missing the government target of £95.5bn, said Howard Archer, chief UK economist for IHS Global Insight.*

These are, of course, monthly figures, rather than a one-off target (and the BBC reported them again a month later) so the Six did not miss out on reporting a set of 'once and for all' figures. I would also point out that the deficit, while large, only marginally exceeded the anticipated figure. It is more important to compare the year-on-year figure, I think, which you have not done, rather than a single month's figure a year apart. Indeed many economists would themselves counsel against simply looking at one month's figures.

In terms of the IMF forecast two days later, the Six ran the following brief story. You will note that in contrast to the ONS figures, which are entirely domestic, the IMF figures place the country's economy in a global context, and were reported as such:

*The UK is on course to outpace the world's major advanced economies this year after the International Monetary Fund raised its growth forecast for the UK for the fourth time in a row. The IMF forecast has been upgraded by almost half a percentage point to 3.2%, driven by consumer spending and a tentative boost in manufacturing. The forecast this year for the United States is 1.7% and Germany 1.9%.*

I stated earlier that it is the BBC's aim to paint an accurate and balanced picture over time, so the question I have to ask is whether the Six has subsequently and fairly reported the overall picture in the economy, and I find it has. On 21 November, for example, the programme ran a studio interview with its economics correspondent Andrew Verity about the size of the government's public sector borrowing requirement:

*Two weeks before the Chancellor's Autumn Statement, new figures on borrowing look set to give George Osborne food for thought. They show total borrowing for the financial year so far is up by 6% on the same time last year.*

You will also have seen the attention paid to the deficit in the wake of the Autumn statement, and the political divisions which have again opened up over how it should be paid down after the General Election and which we have reported.

I believe that viewers of the programme's output would as a consequence be properly in a position to gauge the impact of government policy, informed by the BBC's reporting. For these reasons, I do not believe that the Six breached the BBC's editorial guidelines as you have suggested.

You have separately suggested in subsequent correspondence with the ECU that on 22 July in the business news segment on the BBC News Channel a BBC correspondent "said something like: I suppose we can't end without mentioning that rather boring number released by the Office for National Statistics today: the government deficit for June."

I am not sure that this indicates that he thought statistics in general are 'boring' but I certainly do not think he was 'knowingly and materially misleading the audience into thinking it has no value' as you put it. I imagine he was placing rather too much emphasis on the final part of the BBC's mission to inform, educate and entertain, while nonetheless fulfilling the first two parts.

I hope this explanation of our approach has addressed your concerns. If you wish to pursue this complaint you can appeal to the BBC Trust, the body which represents licence fee payers. The Trust has asked that we should explain to complainants that the BBC's Royal Charter draws a clear distinction between the role of the Trust - which determines the overall scope of the BBC's services and sets its standards - and that of the BBC Executive - which



runs the Corporation and decides what to broadcast and publish.

The Trust does not entertain every appeal submitted to it. It will normally hear appeals about the Executive's decisions only if a complainant can show that they involved a potential breach of the BBC's published standards, or that an operational decision has raised significant issues of general importance. The Trust is the final arbiter of which appeals it should consider. For the full information about the BBC Trust's appeals procedures please visit

[http://www.bbca.co.uk/bbctrust/governance/complaints\\_framework/](http://www.bbca.co.uk/bbctrust/governance/complaints_framework/)

If you want to submit an appeal you must write within 20 working days from receiving this reply. Correspondence for the Trust should be addressed to the Complaints Adviser, BBC Trust Unit, 180 Great Portland Street, London W1W 5QZ or to [trust.editorial@bbc.co.uk](mailto:trust.editorial@bbc.co.uk). If you have any access issues please contact the BBC Trust for assistance on 03700 100 212.103 100 or textphone 03700.

Yours sincerely,

**Malcolm Balen**

**Head of Editorial Standards, BBC News**

## Stage 2: Viewer Response 8

**Subject:** Re: News at Six, 22 & 24 July 2014

**Date:** Mon, 22 Dec 2014 10:25:55 +0000

**From:** Ian McNulty

**To:** James Harding Complaints <JamesHardingComplaints@bbc.co.uk>

Dear Mr Balen and/or Mr Harding,

Thank you for your email of 16 December. Please find below answers to the points you raised on a point-by-point basis.

I'd rather you didn't summarise my complaint. The *BBC* webform already limited it to 242 words. If I had wished it to be summarised any further I would have done it myself. Please address the complaint as I presented it, not as you misrepresent it.

Your own summary begins by labelling *facts* I quoted as merely things I "say", conveying the impression these are nothing more than my own personal views or opinions. This is a misrepresentation. The *ONS* figures themselves confirm the June deficit was 50% higher than last year (see below). The *BBC's* Stage 1a response on 6 August confirmed that the *ONS* announcement was given *no* prominence or weight on the *News at Six*.

Misrepresenting established facts in this manner raises the suspicion that the reason you wish to summarise my complaint is to provide you with the opportunity to cherry-pick only those aspects that support the *BBC's* case and either ignore or misrepresent all those that don't. A suspicion reinforced by your reference three paragraphs later to "*however passionately some observers feel*". This is insidious innuendo, implying, in a gradual and stealthy manner, that my complaint might be motivated by passions and feelings rather than facts and reason.

This is the exact opposite of the truth. My complaint rests on the calibration of current *BBC* news values, judgements or weights relative to the benchmark of the position of the *IMF* announcement on the *News at Six* agenda in the same week. This is a rational, impartial, factual measurement, as far removed from feelings and passions as it gets.

It's true that in previous correspondence I was "told" (my emphasis) that news coverage "*will be down to range of factors including the news agenda that day*" and that "*over time we take care to report trends in both the deficit and growth.*"

There are three significant things wrong with those statements:

1) They are abstract generalizations that do not refer to any of the specific issues raised in my complaint. They say nothing the average viewer couldn't have gleaned for themselves in less than five minutes on the *BBC's* website.

2) They breach *Editorial Guideline 4.4.19* which states:

*"BBC output should avoid reinforcing generalisations which lack relevant evidence, especially when applying them to specific circumstances. ... These can present some of the most difficult challenges to asserting that the BBC does not hold its own opinion."*

3) They also breach *Editorial Guideline 4.4.26 on Impartiality Over Time* which states:

*"When dealing with 'major matters', due impartiality cannot normally be achieved over time"*

Unless you wish to claim that *ONS* deficit figures are not "*major matters*", you cannot claim that impartiality can be achieved over time.

I understand very well that news judgements are relative to the material available on the day. However, the *News at Six* on 22nd July was not significantly busier than on the 24th.

Both the War in Gaza and shooting down of the Malaysian airliner had already been topping the headlines for several days. If they took up the entire first half of the *Six* on the 22nd they also took up the entire first third on the 24th, which is not significantly different.

Despite being what you say was "*an exceptionally busy news programme*", the *Six* still found space to give 4th place on its July 22nd agenda to a conference on Female Genital Mutilation, demonstrating it gave considerably more value, prominence and weight to that news than to the *ONS* announcement of the June deficit.

*Editorial Guideline 4.4.12 on Impartiality: News, Current Affairs and Factual Output* states:

*"News in whatever form must be treated with due impartiality, giving due weight to events, opinion and main strands of argument."*

If the *BBC* has evidence to prove that a conference on FGM is due more weight than the official announcement of the June deficit then please supply it. If not then it needs to admit its mistakes and correct them, as *Editorial Guideline 3.4.26* says it should:

*We should normally acknowledge serious factual errors and correct such mistakes quickly, clearly and appropriately. Inaccuracy may lead to a complaint of unfairness. An effective way of correcting a mistake is saying what was wrong as well as putting it right.*

If the *BBC's* aim was to paint "*an accurate and balanced picture over time*" this could easily have been achieved by balancing an *ONS* announcement showing the government's austerity programme wasn't working with an *IMF* announcement two days later suggesting that it might be. All that was required was to give the *ONS* announcement equal weight to a conference on FGM. Not only did the *Six* fail to do that on 22 July, five months later the *Head of Editorial Standards, BBC News* continues to support that decision, demonstrating that the lack of impartiality is systemic and institutionalized up to the highest level.

Your statement that the details you have found are "*somewhat at variance*" with my statement that "*this year's June deficit was 50% higher than last year*" isn't just misrepresentation, it's demonstrably false.

According to the statistics you quote from the *ONS* website:

"(PSNB ex) was £11.4 billion in June 2014. **This was £3.8 billion higher than last June.**" (**Your emphasis**)

Therefore PSNB ex for June 2013 = 11.4 - 3.8 = £7.6 billion

Therefore the increase in June 2014 over June 2013 as a percentage =  $3.8/7.6 \times 100 = 50$  **percent exactly.** (**My emphasis**)

Therefore there is no variance between the *ONS* statement and mine. If you doubt my calculations please refer to the interview your Business/Economics correspondent conducted with a City broker on the *BBC News Channel* that afternoon. In response to his labelling of the *ONS* deficit figure as a "*rather boring number*" the broker replied that she didn't think it was boring but quite ironic, considering the financial crash of 2008 was caused by *too much* government borrowing, that last months public sector borrowing was *50 percent higher* than last year. When they finally decide we have to balance the books "some future generation is really going to feel the pinch".

For anyone who thought that the pinch this generation was feeling was because we needed to balance the books, the news from a City broker that we hadn't started balancing them yet and future generations would feel the pinch much worse would have come as something of a surprise. The interviewer might have been expected to react in a number of ways: from disagreement to disbelief, confusion to curiosity or even outrage to shock. What he wouldn't be expected to do is laugh out loud like he'd just heard a really good joke. But that's exactly what he did.

If that correspondent was the only *public face* of the *BBC* in the studio that afternoon who

thought it was a joke, then the news anchor he handed back to might have been expected to raise an eyebrow at least. Instead she joined in with the hilarity, showing the audience that *all the public faces of the BBC* in the studio were unanimous in thinking it was a joke.

If the *Head of Editorial Standards, BBC News* is "not sure" whether a BBC Economics/Business/Financial Correspondent thinks statistics in general are boring, then perhaps you ought to find out? Merely thinking the correspondent was not materially misleading the audience is not enough, no matter how emphatically that thinking may be expressed.

Imagining the correspondent was merely trying too hard to entertain in the interests of informing and educating is a stretch of the imagination too far. Since when did labelling something as "boring" encourage anybody to want to listen and learn?

If thinking, imagining and believing are to be taken as professional judgements they must be supported by evidence. If not they are personal views or opinions which, according to *Guideline 4.4.13, BBC news personnel may not be express in BBC output*:

*[Presenters, reporters and correspondents] may provide professional judgements, rooted in evidence, but may not express personal views in BBC output, including online, on such matters.*

If that applies to *BBC* presenters, reporters and correspondents it ought to apply equally to the *Head of Editorial Standards, BBC News*. Unless of course it's *BBC* policy to demand their employees do as their executives say, not as they do.

The only way to establish impartially what message the correspondent actually conveyed would be to test it out on a focus group, as I requested in my original complaint of 25 July.

Your quoting of the APF transfer is a misdirection with no relevance to this case. The role of *BBC News* is to report economic statistics accurately and impartially as they are, not as the *BBC* thinks they should be. If the *Six* had done that then how that figure was calculated would be relevant. But it didn't, so its not.

By quoting the *BBC's* reporting of these figures in a *BBC* website article you have flagrantly disregarded the point I made in my complaint of 7 August 2014:

*"For the avoidance of doubt, the archive of news available on the BBC website is a record of news reported on a website, NOT on broadcast television."*

You have also breached *Editorial Guideline 4.4.26 on Impartiality* for the second time:

*"When dealing with 'major matters', due impartiality cannot normally be achieved over time **or by a breadth of views available across our online services.**"*  
**(My emphasis).**

Your claim that the *News at Six* did not miss out on reporting "once and for all" figures because it reported them a month later is nonsense. The release of a key official economic statistic is as much a once-and-for-all news event as the release of a statement by the Prime Minister. Waiting a month before reporting it might be acceptable within the ivory towers of Portland Place, but it's not what most people would call news.

You may think it is more important to compare the year-on-year figure rather than a single month's figures a year apart, but that's only your personal view, which *Editorial Guideline 4.4.12* says must not be reflected in *BBC* news stories:

*The approach and tone of news stories must always reflect our editorial values, **including our commitment to impartiality.*** (My emphasis)

Many economists might counsel against simply looking at one month's figures but there are plenty of others that don't, including the City broker your economics correspondent interviewed on the *BBC News Channel* that afternoon. Even if this were not the case, *Editorial Guideline 4.4.19 on Consensus* states:

*"our reporting should resist the temptation to use language and tone which appear to accept consensus or received wisdom as fact or self-evident."*

It is not the *BBC's* aim to paint an accurate and balanced picture of major matters over time. *BBC Guideline 4.4.25* specifically states that:

*"when dealing with 'major matters', due impartiality cannot normally be achieved over time."*

It is stunning that the *Head of Editorial Standards, BBC News* should appear to be so completely unaware of what the *BBC's Editorial Standards* actually say.

According to *Guideline 4.4.25* the question you have to ask yourself is not "*whether the Six has subsequently and fairly reported the overall picture in the economy*", but whether it gave due weight and prominence to the *ONS* figure on the day it was announced.

Your reference to a studio interview with *BBC* economics correspondent, Andrew Verity, four months later breaches *Guideline 4.4.26* which states:

*"there is an appropriate timeframe for assessing that due impartiality has been achieved. Particular care is required approaching elections"*

Two days is an appropriate timeframe. A full third of the year approaching a general election is not. Yes, I have seen the attention paid to the deficit in the wake of the Autumn Statement and the political divisions which have opened up. This goes to the very core of my complaint. Up until the time the government was finally in position to spin news of the increasing deficit and debt on its own terms, the *BBC* had spent the previous four months suppressing it. Thereby having a significant impact on public perception of the effectiveness of government economic policy and delaying the opening up of political divisions on the issue for the first half of the year leading up to a general election. If the *BBC* wishes to claim that this is a professional judgement which neither constitutes a substantial breach of the *BBC's* published standards, nor raises significant issues of general importance, then it must offer evidence to support that claim.

You may believe what you like about what viewers of the *Six* would be "*properly in a position to gauge*", but that is only your personal view. The impartial test would be to show a focus group the 22 and 24 July editions of the *Six* side-by-side and ask them what they gauge for themselves, as I said in my initial complaint of 25 July.

I have provided evidence to show exactly how, where and when *BBC Editorial Guidelines* were breached. If you have evidence to the contrary then please supply it. If not, then any beliefs, thoughts or imaginings you may have on the subject are personal views which may not be expressed in the *BBC's* output.

Returning to my opening point about how your summary insidiously misrepresents my complaint, I have not "*suggested*" what a *BBC* correspondent said, I have quoted him as accurately as memory will allow. The *BBC* could easily prove me wrong by supplying audio, video or transcripts of what was actually said. In the absence of such evidence we must assume my eye-witness testimony is correct.

I'm sorry your explanation has not addressed any of my concerns. As a licence payer I do not appreciate the *BBC* wasting my money and time on this kind of bureaucratic gerrymandering. Unless you can provide evidence refuting the points I have raised in this email I will be appealing to the *BBC Trust*.

If the *Trust* chooses to dismiss that appeal on the grounds that it doesn't show either a substantial breach of the *BBC's* published standards or that an operational decision has raised significant issues of general importance, then this will tell the licence payers all they need to know.

Yours sincerely,

Ian McNulty

## Stage 2: BBC Response 15

**Subject:** RE: News at Six, 22 & 24 July 2014

**Date:** Mon, 22 Dec 2014 11:41:36 +0000

**From:** James Harding Complaints <JamesHardingComplaints@bbc.co.uk>

**To:** 'Ian McNulty'

Dear Mr McNulty,

Thank you for your further email.

I see that on re-reading our correspondence it appears that the wrong sentence has appeared in bold in the ONS data:

*Public sector net borrowing excluding financial interventions (PSNB ex) was £11.4 billion in June 2014. This was £3.8 billion higher than last June. There was no transfer from the Bank of England Asset Purchase Facility Fund (APF) in June 2014; however there was a £3.9 billion APF transfer in June 2013. **When APF transfers are excluded from net borrowing, last June was £11.5 billion (similar to June 2014).***

I am sorry about this mistake, which explains your justifiable confusion about my introduction to this paragraph.

More importantly, however, as I stated, it is the BBC's aim to paint an accurate and balanced picture over time, and I believe it has. If you disagree, as appears to be the case, you are of course at liberty to appeal to the BBC Trust.

Yours sincerely,

**Malcolm Balen**

**Head of Editorial Standards, BBC News**

## Stage 2: Viewer Response 9

**Subject:** Re: News at Six, 22 & 24 July 2014  
**Date:** Mon, 22 Dec 2014 12:34:43 +0000  
**From:** Ian McNulty  
**To:** James Harding Complaints <JamesHardingComplaints@bbc.co.uk>

Dear Mr Balen,

Thank you for your further reply.

Funny how the wrong sentence can mysteriously appear in bold without anyone being responsible. No matter. This is the least of the things I complained about.

More importantly, Editorial Guideline 4.4.26 on Impartiality Over Time clearly states that:

***"When dealing with 'major matters', due impartiality cannot normally be achieved over time"***

As *Head of Editorial Standards, BBC News* you can no doubt explain why this BBC Guideline does not apply to the announcement of official monthly deficit figures in a period of austerity in the year running up to a general election, where economic policy for dealing with the deficit and debt is likely to be a major issue.

I await your judgement on this matter before proceeding with a request for appeal to the BBC Trust.

Yours sincerely

Ian McNulty

## Stage 2: BBC Response 16

**Subject:** RE: News at Six, 22 & 24 July 2014  
**Date:** Mon, 22 Dec 2014 15:11:51 +0000  
**From:** James Harding Complaints <JamesHardingComplaints@bbc.co.uk>  
**To:** 'Ian McNulty'

Dear Mr McNulty,

As I have previously referred you to the Trust, I am afraid I am unable to comment further on the substance of your appeal.

For the sake of clarity, however, I would refer you to the first part of guideline 4.4.26:

*On long-running or continuous output (such as general daily magazine programmes, the News Channel, Online, etc.) due impartiality may be achieved over time by the consistent application of editorial judgement in relevant subject areas.*

It follows that BBC News would not regard this single month's borrowing figure as a 'major matter.'

Yours sincerely

**Malcolm Balen**  
**Head of Editorial Standards, BBC News**

## Stage 2: Viewer Response 10

**Subject:** Re: News at Six, 22 & 24 July 2014

**Date:** Tue, 23 Dec 2014 09:57:00 +0000

**From:** Ian McNulty

**To:** James Harding Complaints <JamesHardingComplaints@bbc.co.uk>

Dear Mr Balen and/or Mr Harding,

Thank you for confirming that *BBC News* does not regard the official announcement of the June deficit as a 'major matter'.

I suspected as much when I saw your economics/business correspondent describe it as a "*rather boring number*". A suspicion reinforced when the *Six* made no mention of it and regarded a conference on FGM to be due much greater prominence and weight. Now you have confirmed this to be the professional editorial judgement of *BBC News* it is no longer a matter of suspicion but of established fact.

The question now is: Was that professional judgement rooted in evidence or not?

In support of my case I submit the hard factual evidence that:

1. Many people are suffering from austerity and spending cuts
2. The only justification for those cuts is the need to balance the books and reduce the deficit
3. The economy is one of the key issues at the heart of the election and spending cuts to reduce the deficit will be a central argument of that election.

News of how the deficit is progressing on a monthly basis is therefore a matter of major public concern, a major issue at the heart of the election and central to enabling the electorate to reach a properly informed decision. Therefore the announcement of the monthly deficit figures is a major matter that can not be balanced over time.

In support of your case you offer the circular argument that, because major matters can not be balanced over time, *BBC News* does not regard the announcement of the monthly deficit figures as a major matter.

If civil engineers failed to report cracks in bridges until they collapsed, plumbers failed to report faults in boilers until people were gassed, or social workers failed to report problems in families until children died, *BBC News* would have no problem understanding what was wrong with that.

If they then attempted to justify their lack of reporting in terms of balancing their reports over time, *BBC News* would be asking the hard questions.

If it is the professional judgement of *BBC News* that what's good for the gander is not good for the goose, then that judgement must be rooted in evidence. If it is, then there ought to be no problem making that evidence available for public scrutiny. If it isn't then it's a biased view, lacking in due impartiality, and may not be expressed in *BBC* output.

I do not accept that referring me to another body absolves you of the responsibility of commenting further on the substance of my appeal. The *BBC*, like any news organisation, makes mistakes. When they do they should try to get to the bottom of them quickly and correct them. More than ever there is a need for accountability. It is only when people in power are asked **directly** to account for what they have done that the public can judge the choices they have made.

Don't take my word for it. Read what the *Director of BBC News and Current Affairs*, James Harding, wrote two weeks ago [in his blogpost](#) and in [The Telegraph](#).

Yours sincerely

Ian McNulty



## Viewer Response 11, Request to escalate to Stage 3

**Subject:** Request for Appeal

**Date:** Thu, 08 Jan 2015 09:32:47 +0000

**To:** trust.editorial@bbc.co.uk

Dear Sir/Madam

### **Request for Appeal to the BBC Trust: News at Six, 22 & 24 July 2014**

**Case numbers: CAS-2832936-Y1CMD4, CAS-2854164-81M5MF**

This complaint concerns the lack of due impartiality in the BBC's reporting of two key economic indicators in the period 22 to 24 July 2014. The BBC's Stage 1 and Stage 2 responses clearly demonstrate that this was not a one-off incident but the result of BBC editorial policy which continues to be supported by the BBC Executive up to the present time.

The two indicators in question, the ONS monthly deficit figure released on 22 July and the IMF revised UK growth forecast released two days later, are key evidence in the determination of the effectiveness of current government policy in balancing the books by increasing growth and decreasing the deficit. Lack of due impartiality on this issue is of particular significance in the year leading up to a general election, where the economy is one of the key issues, and the effectiveness of spending cuts to reduce the deficit will be a major factor in determining the outcome.

Rational judgement, as personified in the [Scales of Justice](#), is the process of weighing evidence on either side of an issue impartially. Impartiality is the process of apportioning each piece of evidence the prominence or weight it is due. The balance can be manipulated, biased or skewed by attaching more weight to evidence on one side than the other. The degree and direction of bias can be measured by the difference in weights given to two equivalent pieces of evidence on either side of the debate.

The ONS' announcement, that the June 2014 deficit was 50% higher than last year, is evidence suggesting government economic policy isn't working. The IMF's announcement, that the growth forecast had been increased by almost half a percent, is evidence suggesting it is.

An impartial judgement on the relative weights properly due to these two announcements is not difficult to make. The ONS announcement tells us what happened in reality. The IMF forecast tells us what might happen in the future. The ONS announcement is a material fact. The IMF announcement is an expert estimate or guess. The ONS figure of 50% is 100 times greater than the IMF figure of 0.5%. Therefore the ONS announcement is due significantly greater prominence and weight than the IMF's.

The prominence of fourth item on the News at Six agenda given to the IMF announcement provides a benchmark, datum or calibration point against which the prominence given to the ONS announcement can be measured.

Stage 1a of the Complaints Framework established that, on the day of the ONS announcement, the BBC gave fourth place on the News at Six to a conference on FGM whereas the ONS announcement was given no place at all. Comparison of the placings of the ONS and IMF announcements therefore clearly demonstrates that the BBC gave significantly more prominence to evidence suggesting the government's economic policy was working to evidence suggesting it wasn't.

After a delay of more than three-and-a-half months, the BBC's final Stage 1b response justified this lack of due impartiality in terms of a) the busyness of the day's news agendas and b) the balance of reporting trends in the deficit and growth over time.

The relative busyness of the two agendas can easily be determined by comparison of the programmes, running orders or transcripts but this is something the BBC will not allow due to "prohibitive costs". This is a nonsense on several counts (see Complaint No: CAS-2854731-7TXWGG) but will not be discussed here as it is not the subject of this complaint.

Even without access to the necessary documentation it can be shown that the busyness of

the two programmes was not significantly different. The three items preceding the IMF announcement on Thursday 24 July were:

1. Gaza Conflict (6 min)
2. MH17 investigation (3 min 15 sec) and
3. missing Air Algerie flight AH5017 (1 min 30 sec).

By 22 July the MH17 story had already been running for five days and the Gaza Conflict for more than 2 weeks. They occupied the first half of the Six on the day of the ONS announcement and the first third on the day of the IMF announcement, which is not significantly different. And no matter how busy the agenda on the day of the ONS announcement there was enough space to include a conference on FGM at fourth place.

BBC Guideline 4.4.25 states that:

*"when dealing with 'major matters', due impartiality cannot normally be achieved over time."*

The defence that reporting of trends in the deficit can be balanced over time implies that BBC News does not regard monthly trends in the deficit to be a *"major matter"*. This was confirmed by the Head of Editorial Standards, BBC News, in his final stage 2 response of 22 December.

This complaint therefore boils down to two questions:

- 1) Is the reporting of the monthly deficit in the year running up to a general election, where the effectiveness of government policy for reducing the deficit will be a major issue, a "major matter" or not?
- 2) Would giving fourth place on the News at Six agenda to a report suggesting government policy was working, and no place to a report suggesting it wasn't, be likely to unduly influence the electorate's perceptions and decisions?

The Head of Editorial Standards' argument, that monthly reports of the deficit weren't necessary because it was reported when it became a major issue, is equivalent to Social Services claiming that regular reports of problem families aren't necessary because they report them when someone gets hurt.

Any opinions the BBC or I may have on any of the above are irrelevant. If audiences are at the heart of everything the BBC does, then the effect on the audience is what matters. The only impartial test of that is to show a cross section of the audience the two editions of News at Six end-to-end and ask them what opinions they formed.

**Please Note:** I wish this complaint to be fully accessible and open to all public scrutiny and therefore require all correspondence from the *BBC* regarding this case to be subject to that understanding.

Yours faithfully

Ian McNulty

(983 words excluding title and footer)

### Stage 3: BBC Response 17

**Subject:** Trust Editorial (Auto Reply Message)

**Date:** Thu, 8 Jan 2015 09:33:20 +0000

**From:** trust.editorial@bbc.co.uk <trust.editorial@bbc.co.uk>

Thank you for your e-mail. We check this e-mail address regularly throughout the day and will respond to e-mails requiring a reply as soon as possible.

### Stage 3: BBC Response 18

**Subject:** RE: Request for Appeal  
**Date:** Wed, 28 Jan 2015 12:55:01 +0000  
**From:** Trust Editorial <TrustEditorial@bbc.co.uk>  
**To:** 'Ian McNulty'

Dear Mr McNulty,

Thank you for your email of 8 January 2015 to the BBC Trust.

We note that BBC Audience Services have informed you that they are not going to respond to you further on your complaint as they do not believe that it raised a significant issue of general importance that might justify further investigation.

The BBC's Editorial complaints procedure explains that the BBC may not investigate your complaint if it fails to raise an issue of breach of the BBC's Editorial Guidelines or is trivial, misconceived, hypothetical, repetitious or otherwise vexatious, or if you use gratuitously abusive or offensive language. You can find details of BBC's Editorial complaints procedure here:

[http://www.bbc.co.uk/bbctrust/governance/complaints\\_framework/editorial.html](http://www.bbc.co.uk/bbctrust/governance/complaints_framework/editorial.html).

The Trust does not adjudicate on every appeal that is brought to it, and we will now review your correspondence with BBC Audience Services to check that your appeal against their decision not to investigate your complaint further raises a matter of substance, in accordance with its usual complaints admissibility procedure, details of which can be found in the BBC's Editorial complaints procedure.

The Trust's Editorial complaints procedure explains that we will write to you with our decision on admissibility within 40 working days of the receipt of your appeal (i.e. by 5 March 2015), but we are usually able to do this sooner. We will also keep you informed if for any reason we meet with delay during this process.

If we decide that your appeal qualifies to be considered by the Trust, we will write explaining the process and setting out the timescale for taking your appeal. In considering whether or not an appeal qualifies for consideration, we may decide to take only part of the appeal, and consider only some of the issues raised.

If our conclusion is that your appeal, or any part of your appeal, does not qualify for consideration by the Trust, we will write and explain the reasons for that. If you disagree with our view then you may ask the Trust to review the decision by writing to us within 10 working days of the date on which you received our response.

If we decide your appeal qualifies for consideration, or if you challenge the decision of the Trust Unit not to proceed with some or all aspects of your appeal, the matter will be considered at the Trust's Editorial Standards Committee's next monthly meeting. We aim to provide you with their final decision within 80 working days of our decision to accept your appeal or challenge.

Please note that if the Trust agrees with you that your complaint should be investigated further, it will ask the Executive to address your complaint again at stage 1 and provide you with a further response. If the Trust does not agree with you, its decision on this matter is final and your complaint will be closed.

Yours sincerely,

Kirsty

**Kirsty Clarke**  
Complaints Adviser

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**BBC Trust**

180 Great Portland Street, London W1W 5QZ

### Stage 3: Viewer Response 12

**Subject: Re: Request for Appeal**

**Date: Thu, 29 Jan 2015 10:30:55 +0000**

**From: Ian McNulty**

**To: Trust Editorial <TrustEditorial@bbc.co.uk>**

Dear Kirsty

Thank you for your email of 28 January 2015.

I do not understand why you need to begin your investigations by reviewing my correspondence with BBC Audience Services to check that my appeal against their decision not to investigate further raises a matter of substance.

According to your Complaints Framework, BBC Audience Services are not the final arbiters in the Procedure that applies to editorial complaints before a Request for Appeal can be considered. Audience Services can only decide whether they can deal with it, 250 miles away from Broadcasting House in Darlington, or whether it has to be referred upwards to the Editorial Complaints Unit (ECU) in Wood Lane for Stage 2 investigation.

In this case, Audience Services did refer it upwards to the ECU, who were unable to deal with it, for reasons they explained in their correspondence, and referred it upwards again to the Head of Editorial Standards, BBC News, at Broadcasting House.

The Head of Editorial Standards, BBC News, who referred the complaint upwards again to the BBC Trust, was therefore the final arbiter in the first two Stages of the Complaints Procedure. Therefore the correspondence you need to check, to determine whether my appeal against his decision not to respond further raises a matter of substance or not, would be my correspondence with him, not with Audience Services.

I look forward to your reply.

Yours sincerely

Ian

### Stage 3: BBC Response 19

**Subject: RE: Request for Appeal**

**Date: Fri, 30 Jan 2015 17:47:59 +0000**

**From: Trust Editorial**

**<TrustEditorial@bbc.co.uk>**

**To: 'Ian McNulty'**

Dear Mr McNulty,

Thank you for your email – we have noted its contents. We will be in touch with a substantive response in due course.

Yours sincerely,

Kirsty

**Kirsty Clarke**

Complaints Adviser

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**BBC Trust**

180 Great Portland Street, London W1W 5QZ

### Stage 3: BBC Response 20

BBC Trust  
British Broadcasting Corporation  
180 Great Portland Street  
London W1W 5QZ

T. 020 3214 4994  
bbc.co.uk/bbctrust



Mr Ian McNulty  
By email: [ian@mcnultymedia.co.uk](mailto:ian@mcnultymedia.co.uk)

Your Ref: 3122674

23 February 2015

Dear Mr McNulty

#### **Reporting of economic stories, 22 and 24 July 2014, Six O'Clock News, BBC1 and the News Channel**

Thank you for writing to the BBC Trust. I am responding to your appeal of 8 January 2015 about the BBC's coverage of two economic stories on 22 and 24 July 2014. I am sorry that you were unhappy about these elements of BBC output and that you feel the BBC has not given you a proper response to your complaints.

The Trust is the last stage of the complaints process and everyone who works within the Trust Unit is outside the day-to-day operations of the BBC. We review the complaints that come to us to assess whether they should be put before the BBC's Trustees for them to reach a final decision. If you want to find out more about how the complaints system works – and in particular about how the BBC Trust fits in – this is the web link:

[http://www.bbc.co.uk/bbctrust/governance/complaints\\_framework/](http://www.bbc.co.uk/bbctrust/governance/complaints_framework/)

In deciding which ones should be considered by the Trustees, we look at the merits of the complaint and only those which stand a reasonable chance of success are passed to Trustees. The Trust acts in the interests of all licence fee payers and it would not be proportionate to spend a good deal of time and money on cases that do not stand a realistic prospect of success. The link that I have given above gives more information about this.

I am sorry to send a disappointing response, but I do not believe your appeal should be put in front of Trustees. The BBC's journalists and programme-makers are expected to work to a high standard; those standards are set out in the BBC's Editorial Guidelines<sup>1</sup> which underpin all BBC output. I have looked at your appeal in relation to those Guidelines. This means I have assessed if the points you have raised can be judged against the standards set down in the Guidelines. I have attached with this letter a summary of your appeal as well as the reasons behind my decision. As this Annex may be published, the writing style is formal: your name does not appear, and you are described as the complainant. While I regret the

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<sup>1</sup> <http://www.bbc.co.uk/guidelines/editorialguidelines/guidelines/>

impersonal feel of this, I hope you will appreciate that it protects your own privacy as well as helping the Trust to work efficiently.

If you disagree with my decision, you can ask the Trustees to review it by contacting the Complaints Advisor, at [trust.editorial@bbc.co.uk](mailto:trust.editorial@bbc.co.uk) or at the above address, by **10 March 2015**. Please send your reasons by this deadline in one document if possible.

We may not consider any correspondence received after that, so if, exceptionally, you need more time please write giving your reasons as soon as possible.

If you do ask the Trustees to review this decision, I will place that letter as well as your original letter of appeal and this letter before Trustees. Your previous correspondence will also be available to them. They will look at that request in their March or April meeting. Their decision is likely to be finalised at the following meeting and will be given to you shortly afterwards.

If the Trustees agree that your case has no reasonable prospect of success then it will close. If the Trustees disagree with my decision, then your complaint will be passed to an Independent Editorial Adviser to prepare appeal paperwork and we will notify you of the updated timeline.

Yours sincerely



**Leanne Buckle**  
**Senior Editorial Complaints Adviser**

## **Annex - Reporting of economic stories, 22 and 24 July 2014, Six O'Clock News, BBC1 and the News Channel**

The Trust's Editorial Appeals procedure states that:

***The Trust will only consider an appeal if it raises "a matter of substance".<sup>2</sup> 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.<sup>3</sup>***

### **Complaint**

The complainant contacted the BBC on 25 July regarding coverage of two economic stories on 22 and 24 July. He considered the BBC had given too much coverage to figures released by the IMF - which had raised its estimate of the UK's growth rate and, in comparison, too little coverage of figures released by the ONS which showed that government borrowing in June 2014 had risen considerably compared to the previous year. He considered the ONS figures were more significant and more accurate as they were not predictions. He considered the output was in breach of the Editorial Guidelines relating to Accuracy, Impartiality and due prominence. He also called for the two stories to be considered by focus groups to assess how they would judge their relative prominence and he called for transcripts and output from previous news bulletins to be made available as part of an ongoing archive.

Audience Services noted that the BBC1 6pm news had not covered the ONS figures on the date given by the complainant. The complainant renewed his complaint. Audience Services closed down at 1b his complaint about making news transcripts available and that decision was not appealed to the Trust. In terms of the relative coverage of the different stories, Audience Services stated:

*We very often cover ONS figures, and IMF ones, and whether they get on on a particular day will be down to a range of factors including the news agenda that day. Over time, we take care to report trends in both the deficit and in growth.*

The complainant escalated his complaint to stage two, while he was not able to give a time for the report, he noted that the News Channel had covered the ONS story – and that the presenter had described the figure as 'rather boring'. He considered this was indicative of bias. He received a response from the Head of Editorial

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<sup>2</sup> 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.

<sup>3</sup> 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.

Standards, BBC News, at stage two which gave a detailed response in terms of how the BBC reported economic news and also in terms of the other stories that were on the news agenda during the time in question. It did not uphold the complaint.

## Appeal

The complainant appealed to the Trust on the substance of his complaint, that he considered the BBC had not met the required standard for due impartiality in terms of its coverage of these two economic stories. He referred to other stories that were in the news during this period (the Gaza conflict, the recovery of bodies from flight MH17 and a missing Air Algerie flight) and provided his own assessment of their relative newsworthiness.

## Decision of the Senior Editorial Complaints Adviser

The Senior Editorial Complaints Adviser (the Adviser) carefully read the correspondence that had passed between the complainant and the BBC. She decided that the appeal did not have a reasonable prospect of success.

She noted that all BBC output was required to meet the standard of "due impartiality" which was defined as follows:

*The term 'due' means that the 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.*

She noted that the complainant considered the BBC had not adequately covered the ONS figures compared to the coverage it had given to the IMF figures. She considered the report of the IMF figure that the complainant had referred to. It was a read from the newscaster that lasted for less than twenty seconds:

*The UK's on course to outpace the world's major advanced economies this year after the International Monetary Fund raised its growth forecast for the UK for the fourth time in a row. The IMF forecast has been upgraded by almost half a percentage point to 3.2% - driven by consumer spending and a tentative boost in manufacturing. The forecast this year for the United States is 1.7% and Germany 1.9%.*

She reviewed the coverage on the BBC News Channel of the ONS figures, in which the business reporter had referred to the figures as 'boring':

*Business reporter, Ben Thompson: On the economic front, Britain's public finances showed a bigger than expected deficit in June continuing a weak start to the tax year and that leaves the chancellor of course with a lot of catching up to do – more on that for you in a moment – but that's why the footsie is where it is today. (On screen, FTSE100 up 0.99% at 6795.34).*



[Covers other subjects – impact on the market of the increased likelihood of sanctions against Russia and discussion about Royal Mail shares. He is joined in a down the line interview by Holly Cook, from investment website Morning Star]

*BT: Now there's a number that we always have to talk about and it frankly is a bit of a boring number but it's our public finances and our public deficit – once again not good reading for the chancellor.*

*HC: Not good reading, I actually don't find it boring I find it quite interesting and I'll tell you why. So, public sector borrowing for June came in at £11.4bn and that's almost a 50% increase on the same month a year ago. And the reason I find that so interesting is because it's almost ironic, one of the key causes of global economic crisis was so many of the western economies having high debt to GDP ratios and today's number shows that the UK debt to GDP ratio is now above 77%. If you look back before 2008, before the crisis hit, it was consistently under 50%. So we know this is one of the causes of crisis and yet six or seven years later, we're looking at the numbers and it's actually a much bigger problem. So there's perhaps a little bit of a head in the sand issue here and I think for future generations, we're going to see that they're really going to feel the pinch when the government – whichever government that may be – decides to start reining in on public spending.*

*BT: Ok Holly, a very interesting number, I apologise, that's me told.*

The Adviser noted that at the end of the exchange, the business correspondent had concluded that in fact the number was not 'boring', but was actually 'a very interesting number' and had apologised. She considered this was a light hearted exchange in what was a detailed and considered response and would have been understood as such by the audience. She did not consider this was evidence of bias.

She noted that assessing impartiality was not a stop-watch exercise because there were many factors which could influence the length of any particular report, however in this instance, the report about the ONS figures was significantly longer than the report about the IMF figures.

The Adviser noted that the Royal Charter and the accompanying Agreement between the Secretary of State and the BBC drew a distinction between the role of the BBC Trust and that of the BBC Executive Board, led by the Director-General. "The direction of the BBC's editorial and creative output" was specifically defined in the Charter (article 38, (1) (b)) as a duty that was the responsibility of the Executive Board, and one in which the Trust did not get involved unless, for example, it related to a breach of the BBC's editorial standards which did not apply in this case. It meant that decisions such as which stories to cover in news bulletins and how to cover them were editorial decisions which rested with the BBC.

She considered Trustees would be likely to conclude that the output met the standards set out in the Editorial Guidelines. It did not therefore have a reasonable prospect of success and she did not propose to put it before Trustees.

### Stage 3: Viewer Response 13

**Ian McNulty**

60 Birkdale Gardens  
Durham DH1 2UL

Ms Leanne Buckle  
By email: trust.editorial@bbc.co.uk

t: 0191 384 4736  
e: ian@mcnultymedia.co.uk

Your Ref: 3122674

9 March 2015

Dear Ms Buckle

#### **Reporting of economic stories, 22 and 24 July 2014, Six O'Clock News, BBC1 and the News Channel**

Thank you for your response of 23 February 2015. I am sorry to disagree with your decision to block this complaint from due oversight by the Trustees. My reasons are included in the Annex attached with this letter.

As a licence fee payer I support the Trust's policy of not spending a good deal of time and money on cases that do not stand a realistic prospect of success. If such cases were not rejected along with the other 99.9% of complaints that fail to get past the second tier of the complaints process, then the entire *Complaints Framework* would be unfit for purpose and a hugely expensive waste of time.

I propose maximising the cost-effectiveness further by only asking the Trustees to vote on the simple question distilled out at the conclusion of the second tier of the process:

*In the year leading up to a general election, when spending cuts to reduce the deficit will be central to the debate, do the Trustees consider the release of the official monthly deficit figure to be a "major matter"? Yes or No?*

If the vote is a unanimous no, then the appeal has been judged by the full jury of Trustees and dismissed in less than 5 minutes. Only if any of the Trustees voted yes would they then need to consider why the *Head of Editorial Standards, BBC News*, does not agree.

In order to do that fairly and impartially they would need to examine the evidence presented by the respondents in their own words, not in the words of any third party intermediary, no matter how independent they may claim to be.

The key *Editorial Guideline* the Trustees need to refer to in this case is [4.4.26, Impartiality in Series and Over Time](#), which concludes:

*"When dealing with 'major matters', due impartiality cannot normally be achieved over time or by a breadth of views available across our online services."*

To aid the Trust in keeping the costs to a minimum I am willing to compile the entire chain of correspondence in this complaint in PDF form free of charge.

Yours sincerely

**Ian McNulty**  
**Licence Fee Payer**



## Annex - Point-By-Point Response to the Adviser's Decision

The definition of "*a matter of substance*" is confounded by so many disparate factors it is impossible to determine what it means. In the absence of a clear, unambiguous and explicit definition it cannot be considered a proper standard for judging complaints against.

### Complaint

The *Senior Editorial Complaints Adviser (the Adviser)* has cherry picked the 12,000 words of written evidence in the first 3 stages of the complaints process to produce a 360 word summary which: a) misrepresents the complaint from the outset and b) expunges all evidence of the key matters of substance raised.

The Complainant **did not** consider the BBC had given too much coverage to figures released by the IMF. To the contrary, he **accepted** coverage of the IMF release as the **standard** against which coverage of all other economic figures should be judged.

The Complainant **did not** consider that measurement of material facts were more significant and more accurate than predictions, the rules of science, mathematics, law and reason consider that.

The Complainant was not able to give a time for the *News Channel* report because Audience Services had closed down his request to make news transcripts available.

The Complainant was able to give reasons why the Audience Services statement quoted in the Adviser's Annex was in direct breach of Editorial Guidelines 4.4.19 and 4.4.26. A key matter of substance directly related to specific Editorial Guidelines which the Adviser did not consider substantial enough to include in her summary.

The Complainant **did** receive a response from the *Head of Editorial Standards , BBC News (HoES)*, which gave a detailed response in terms of how the BBC reported economic news in general *and also in terms of the other stories that were on the news agenda during the time in question.*

The Complainant replied with a point-by-point refutation of every single point *HoES* raised. None of which *HoES* was able to to repudiate before referring the complaint to appeal.

The Complainant was however able to secure a clear statement from *HoES* at the conclusion of Stage 2 that

*"BBC News would not regard this single month's borrowing figure as a 'major matter.'"*

These are just two more matters of substance the Adviser did not consider substantial enough to include in her summary.

### Appeal

A simple side-by-side comparison of the original 983 word Appeal and the Adviser's 74 word summary demonstrates just how accurate and impartial the Adviser's summary is. The one aspect of the appeal the adviser chooses to focus on - other stories in the news at the time - was, by her own admission, first referred to by *HoES* in his detailed Stage 2 response. It was *HoES* who provided his own assessment of the relative newsworthiness of these other stories, not the Complainant. The Complainant refuted that argument by demonstrating that the relative newsworthiness of those other stories had not changed significantly during the period in question.

## Decision of the Senior Editorial Complaints Adviser

If the Adviser had read the correspondence carefully she should have known that the Complainant referred to breaches of specific sections of the 10 pages of Editorial Guidelines on Impartiality, not to just one paragraph from the general introduction defining the meaning of the word "due".

According to the Complainant's own transcription of the 24 July edition of *News at Six*, the report of the IMF figure started 12 min 38 sec from the head of the programme and the following item (on the murder of Jayden Parkinson) started at 13 min 04 sec, giving a total duration for the IMF item of 26 sec, which would more accurately be described as **almost thirty seconds**, not "*less than twenty seconds*."

The Adviser's account of the coverage of the ONS figures on the *BBC News Channel* in the afternoon obscures its meaning in the unfolding narrative of this complaint.

It was Ben Thompson's characterisation of the June deficit figure as "*a bit of a boring\_number*" that first attracted the Complainant's attention to the **possibility** of bias, because it was signposting that breached Editorial Guideline 4.4.13:

*"Our audiences should not be able to tell from BBC output the personal prejudices of our journalists or news and current affairs presenters on matters of public policy, political or industrial controversy, or on 'controversial subjects' in any other area. They may provide professional judgements, rooted in evidence, but may not express personal views in BBC output, including online, on such matters."*

Whilst the BBC may not have been able to tell from the output the personal prejudices of their journalists, at least one member of the audience could.

As the Complainant made clear at the beginning of his appeal, assessing anything rationally is a matter of balancing the evidence on either side of the case. Ben Thompson's use of the word "*boring*" in his introduction tipped the balance **slightly** in the direction of bias, but not enough to justify any complaint.

Holly Cooke's subsequent revelation that one of the key causes of the 2008 economic meltdown, the UK's debt to GDP ratio, was now a "*much bigger problem*" than it was in 2008, and future generations were "*really going to feel the pinch*", might have been expected to cause some kind of heavy-hearted response in anyone who understood what it meant. The fact that both Ben Thompson and the news anchor he handed back to at the end of the piece were able to dismiss it in such a light-hearted manner proved that at least 2 BBC journalists were biased against giving the release of the June deficit figures the weight and prominence it was due.

The omission of any mention of the June deficit figure on the *News at Six* that evening tipped the balance **significantly further** in the direction of institutional bias, but still not enough to motivate a complaint. It was only when the release of the IMF growth figure 2 days later provided the standard of 4<sup>th</sup> place on the *News at Six* that the balance of evidence had tipped past the point of **reasonable doubt**.

The Complainant agrees that assessing impartiality is not a stop-watch exercise. Any comparison between the length of one report on a channel with a 0.9% viewing share, and no report at all on a channel with a viewing share 27 times higher, is therefore a whole order of magnitude more meaningless and misleading at least.

The Complainant made it clear in his Stage 2 response of 12 December 2014 to BBC Complaints Director, Colin Tregear, that he understood very well that decisions such as which stories to cover in news bulletins and how to cover them were editorial decisions which rested with the BBC:

*"Indeed I cannot imagine how it would be possible to run a news programme any other way."*

The Adviser omitted this from her summary as well as Mr Tregear's reply which acknowledged that:

*"There are clearly occasions when an editorial decision could lead to a breach of the BBC's editorial standards."*

The Adviser's conclusion that no breaches of Editorial Standards occurred and that the Trustees would be likely to conclude that the output met the standards set out in the Editorial Guidelines is a foregone conclusion based on evidence that has been tampered with to remove all traces of any evidence suggesting the opposite.

The closing statement from the Head of Editorial Standards, BBC News, at the conclusion of Stage 2 made it clear that:

*"BBC News would not regard this single month's borrowing figure as a 'major matter'."*

This is a clear and unambiguous statement in writing from a top authority on BBC Editorial Standards that BBC News does not regard the release of the monthly deficit figures as a major matter worthy of due weight and prominence.

The only question remaining therefore is: Is this a professional judgement rooted in evidence? Or is it prejudice, bias and lack of due impartiality?

It is for this reason that the Complainant proposes that any oversight by the Trustees should begin with a vote on one simple question:

*In the year leading up to a general election, when spending cuts to reduce the deficit will be central to the debate, do the Trustees consider the release of the official monthly deficit figure to be a "major matter"? Yes or No?*

The Complainant considers that the failure of the BBC to acknowledge mistakes and learn from them is a key reason why more than 50% of the audience now want the licence fee scrapped, and a recent report on the *Future of the BBC* by the all-party Culture, Media & Sports Committee (CM&S) recommended that the Trust should be abolished and responsibility for handling complaints should be transferred to Ofcom.

The Complainant considers this very regrettable for the following reasons:

1. Paragraph 337 of the CM&S report does not say that transferring responsibility for handling complaints to an independent body **will** make the complaints process more transparent and fair, but that it will make it "**appear** more transparent and fair".
2. BBC Director General, Lord Hall has welcomed the scrapping of the licence fee and is now campaigning for the BBC to be funded through general taxation which will effectively give taxpayers as much influence over the BBC as they have over the Ministry of Defence.

**Please Note: The Complainant wishes this complaint to be fully accessible and open to public scrutiny and therefore requires all correspondence from the BBC regarding this case to be subject to that understanding.**

### Stage 3: BBC Response 21

**Subject: RE: Request for Appeal**  
**Date: Thu, 12 Mar 2015 18:57:13 +0000**  
**From: Trust Editorial**  
**<TrustEditorial@bbc.co.uk>**  
**To: 'Ian McNulty'**

Dear Mr McNulty,

Thank you for your response to Leanne Buckle's letter regarding your request for an appeal to the Editorial Standards Committee (ESC).

As you have requested a review of the decision not to proceed with your appeal we shall provide the Committee with your appeal, the letter from Leanne Buckle and your email requesting a review of the decision not to proceed. Your full correspondence will be available to the Committee if they wish to refer to it.

The Committee will then take a decision on whether it will proceed to hear your complaint on appeal. This will be done at the Committee's next meeting on **9 April 2015**. Once the decision has been drafted and approved by the Chairman of the ESC, we will write again to inform you of the Committee's decision.

Yours sincerely,

Kirsty

**Kirsty Clarke**  
Complaints Adviser

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#### **BBC Trust**

180 Great Portland Street, London W1W 5QZ

### Stage 3: BBC Response 22, ESC Final Decision

**Subject: ESC Decision - Reporting of economic stories, 22 and 24 July 2014, News at Six, BBC One and the News Channel**  
**Date: Fri, 22 May 2015 15:09:49 +0000**  
**From: Trust Editorial <TrustEditorial@bbc.co.uk>**  
**To: 'Ian McNulty'**

Dear Mr McNulty,

The Editorial Standards Committee (ESC) has considered your request for an appeal to the BBC Trust and I attach a copy of its decision, which has been approved by the Chairman.

The Committee's decision is final and will be published in the next edition of the Editorial Standards Committee's bulletin at [http://www.bbc.co.uk/bbctrust/our\\_work/complaints\\_and\\_appeals/editorial.html](http://www.bbc.co.uk/bbctrust/our_work/complaints_and_appeals/editorial.html) on **28 May 2015**.

Following publication, you can request a copy of the full bulletin by telephoning 03700 103 100 or textphone 03700 100 212.

Please note that ESC findings and decisions remain strictly confidential until they are published and should not be forwarded on or shared with others prior to publication. As with all findings published in the bulletin, apart from those relating to appeals from people directly involved in a programme, your name is not mentioned in the finding.

Once you have completed the BBC's complaints procedures, you may also be able to complain to Ofcom if your complaint concerns broadcast standards (most editorial standards issues except impartiality and accuracy and certain commercial matters). Details of Ofcom's procedures for complaints can be found at: <http://consumers.ofcom.org.uk/tell-us/>

Yours sincerely,

Kirsty

**Kirsty Clarke**  
Complaints Adviser

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#### **BBC Trust**

180 Great Portland Street, London W1W 5QZ

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<http://www.bbc.co.uk>

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Further communication will signify your consent to this.

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## **Reporting of economic stories, 22 and 24 July 2014, News at Six, BBC One and the News Channel**

### **The complaint**

The complainant contacted the BBC on 25 July regarding coverage of two economic stories on 22 and 24 July. He noted that the BBC had given coverage to figures released by the International Monetary Fund (IMF) – which had raised its estimate of the UK's growth rate – on the News at Six but, in comparison, considered that the BBC had not given equivalent prominence and weight to the coverage of figures released by the Office for National Statistics (ONS) which showed that government borrowing in June 2014 had risen considerably compared to the previous year. He said that the ONS figures were "a statement of hard scientific fact" while "the IMF's forecast is an estimate, opinion or guess". He considered the output was in breach of the Editorial Guidelines relating to Accuracy, Impartiality and due prominence. He also called for the two stories to be considered by focus groups to assess how they would judge their relative prominence and he called for transcripts and output from previous news bulletins to be made available as part of an ongoing archive.

Audience Services noted that the News at Six on BBC One had not covered the ONS figures on the date given by the complainant. The complainant renewed his complaint. Audience Services closed down his complaint at 1b about making news transcripts available and that decision was not appealed to the Trust. In terms of the relative coverage of the different stories, Audience Services stated:

"We very often cover ONS figures, and IMF ones, and whether they get on on a particular day will be down to a range of factors including the news agenda that day. Over time, we take care to report trends in both the deficit and in growth."

The complainant gave reasons as to why he believed there had been a breach of the Editorial Guidelines 4.4.19 and 4.4.26. The complainant escalated his complaint to Stage 2. He noted that the News Channel had covered the ONS story – and that the presenter had described the figure as "rather boring". He considered this was indicative of bias. He received a response from the Head of Editorial Standards, BBC News, at Stage 2 which gave a detailed response in terms of how the BBC reported economic news and also in terms of the other stories that were on the news agenda during the time in question. The complaint was not upheld. The complainant commented upon this response. The Head of Editorial Standards, BBC News, confirmed he did not regard "this single month's borrowing figures as a 'major matter'".

### **Appeal to the BBC Trust**

The complainant appealed to the Trust on the substance of his complaint, that he considered the BBC had not met the required standard for due impartiality in terms of its coverage of these two economic stories. He referred to the BBC's final response and said that the BBC had justified what he regarded as the lack of due impartiality by reference to the busyness of the day's news agendas and the balance of reporting trends in the deficit and growth over time. He commented on the news agenda for 22 and 24 July.



### **The Trust Unit's decision**

The Senior Editorial Complaints Adviser (the Adviser) decided that the appeal did not have a reasonable prospect of success.

She noted that all BBC output was required to meet the standard of "due impartiality" which was defined as follows:

"The term 'due' means that the 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."

She noted that the complainant considered the BBC had not adequately covered the ONS figures compared to the coverage it had given to the IMF figures. She considered the report of the IMF figure on the News at Six, 24 July 2014 that the complainant had referred to. It was an item read by the newscaster that lasted for 26 seconds:

Newscaster: The UK's on course to outpace the world's major advanced economies this year after the International Monetary Fund raised its growth forecast for the UK for the fourth time in a row. The IMF forecast has been upgraded by almost half a percentage point to 3.2% - driven by consumer spending and a tentative boost in manufacturing. The forecast this year for the United States is 1.7% and Germany 1.9%.

She reviewed the coverage on the BBC News Channel of the ONS figures, in which the business reporter had referred to the figures as "boring":

Business reporter, Ben Thompson: On the economic front, Britain's public finances showed a bigger than expected deficit in June continuing a weak start to the tax year and that leaves the chancellor of course with a lot of catching up to do - more on that for you in a moment - but that's why the footsie is where it is today. (On screen, FTSE100 up 0.99% at 6795.34).

[Covers other subjects - impact on the market of the increased likelihood of sanctions against Russia and discussion about Royal Mail shares. He is joined from a remote studio by Holly Cook, from investment website Morning Star.]

BT: Now there's a number that we always have to talk about and it frankly is a bit of a boring number but it's our public finances and our public deficit - once again not good reading for the chancellor.

HC: Not good reading, I actually don't find it boring I find it quite interesting and I'll tell you why. So, public sector borrowing for June came in at £11.4bn and that's almost a 50% increase on the same month a year ago. And the reason I find that so interesting is because it's almost ironic, one of the key causes of global economic crisis was so many of the western economies having high debt to GDP ratios and today's number shows that the UK debt to GDP ratio is now above 77%. If you look

back before 2008, before the crisis hit, it was consistently under 50%. So we know this is one of the causes of crisis and yet six or seven years later, we're looking at the numbers and it's actually a much bigger problem. So there's perhaps a little bit of a head in the sand issue here and I think for future generations, we're going to see that they're really going to feel the pinch when the government – whichever government that may be – decides to start reining in on public spending.

BT: Ok Holly, a very interesting number, I apologise, that's me told.

The Adviser noted that at the end of the exchange, the business correspondent had concluded that in fact the number was not "boring", but was actually "a very interesting number" and had apologised. She considered this was a light-hearted exchange in what was a detailed and considered response and would have been understood as such by the audience. She did not consider this was evidence of bias.

She noted that assessing impartiality was not a stop-watch exercise because there were many factors which could influence the length of any particular report. However, in this instance, the report about the ONS figures was significantly longer than the report about the IMF figures.

The Adviser noted that the Royal Charter and the accompanying Agreement between the Secretary of State and the BBC drew a distinction between the role of the BBC Trust and that of the BBC Executive Board, led by the Director-General. "The direction of the BBC's editorial and creative output" was specifically defined in the Charter (article 38, (1) (b)) as a duty that was the responsibility of the Executive Board, and one in which the Trust did not get involved unless, for example, it related to a breach of the BBC's editorial standards which did not apply in this case. It meant that decisions such as which stories to cover in news bulletins and how to cover them were editorial decisions which rested with the BBC.

She considered Trustees would be likely to conclude that the output met the standards set out in the Editorial Guidelines. It did not therefore have a reasonable prospect of success and she did not propose to put it before Trustees.

### **Request for review by Trustees**

The complainant disagreed with the Adviser's decision and requested that the Trustees review the decision not to proceed with his appeal, making the general points that:

- ⑩ he thought it was almost impossible to determine what a matter of substance was, and so that cannot be considered a proper standard to judge complaints against
- ⑩ the Adviser's summary had misrepresented his complaint from the outset and "expunged all evidence" of the key matters of substance raised: to deal with a request for an appeal fairly and impartially it was necessary for Trustees "to examine the evidence presented by the respondents in their own words, not in the words of any third party intermediary".

The complainant also highlighted the Editorial Guidelines relating to Impartiality in Series and Over Time. He asked Trustees to consider whether the release of the official monthly deficit

figure, in the year leading up to a General Election when the deficit would be central to the debate, constituted a "major matter" as defined by the Guidelines. He noted that the Head of Editorial Standards, BBC News (HoES) did not think this single month's figures were a major matter.

His response to the Adviser's decision also included the following points:

- ⑩ he had given reasons why the Audience Services statement quoted in the Adviser's decision was in direct breach of Editorial Guidelines 4.4.19<sup>1</sup> and 4.4.26<sup>2</sup>, and this was a key matter of substance directly related to specific Editorial Guidelines which "the Adviser did not consider substantial enough to include in her summary"
- ⑩ having received a response from the HoES, which gave a detailed response in terms of how the BBC reported economic news in general and also in terms of the other stories that were on the news agenda during the time in question, the complainant had given "a point-by-point refutation of every single point HoES raised" which HoES had been unable to repudiate before referring the complaint to appeal
- ⑩ the complainant had referred to breaches of specific parts of the impartiality guidelines, and not simply the overarching requirement to be duly impartial, and to 4.4.13 and the requirement that audiences should not be able to tell from BBC output the personal prejudices of BBC journalists
- ⑩ there was evidence of bias in the treatment of deficit figures, including:
  - the business reporter's use of the word "boring" and the "light hearted" response of the business reporter and the News presenter (to whom the reporter handed back following Holly Cook's interview in which she had said the UK's debt to GDP ratio was "a much bigger problem" than it was in 2008 and future generations were "really going to feel the pinch"), which the complainant said proved both were biased against giving the June deficit figures the weight and prominence they were due
  - the omission of the June deficit figures on the News at Six (which, he said, "tipped the balance [of the evidence] further towards institutional bias")

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<sup>1</sup> There are some issues which may seem to be without controversy, appearing to be backed by a broad or even unanimous consensus of opinion. Nevertheless, they may present a significant risk to the BBC's impartiality. In such cases, we should continue to report where the consensus lies and give it **due weight**. However, even if it may be neither necessary nor appropriate to seek out voices of opposition, our reporting should resist the temptation to use language and tone which appear to accept consensus or received wisdom as fact or self-evident.

<sup>2</sup> On long-running or continuous output (such as general daily magazine programmes, the News Channel, Online, etc.) due impartiality may be achieved over time by the consistent application of editorial judgement in relevant subject areas... However, editors of long-running or continuous output should ensure that:

- ⑩ it reflects a broad range of individuals and views, including all main strands of argument
- ⑩ differing views are given due weight and treated fairly in terms of prominence, treatment and time of day
- ⑩ there is an appropriate timeframe for assessing that due impartiality has been achieved. Particular care is
- ⑩ required approaching elections (see below).

When dealing with 'major matters', due impartiality cannot normally be achieved over time or by a breadth of views available across our online services.

- the release of the IMF growth figure two days later and its place on the News at Six as fourth item (which he said demonstrated that the BBC was biased "beyond reasonable doubt")
- ⑩ the complainant agreed that it was not possible to judge impartiality by measuring the time allocated to an item, and said it was meaningless to compare the length of a report on a channel with a low viewing share (i.e. the News Channel) with no report on a channel with a much higher viewing share (i.e. BBC One);
- ⑩ the complainant said he understood that decisions such as which stories to cover and how to cover them were editorial decisions for the BBC, but drew attention to the statement by the ECU director during the course of his correspondence with the BBC that:

"There are clearly occasions when an editorial decision could lead to a breach of the BBC's Editorial standards"

- ⑩ the complainant noted that this line had been omitted by the Adviser and he considered her conclusion that the Guidelines had not been breached was based on "on evidence that has been tampered with".

### **The Committee's decision**

Trustees did not agree with the complainant's contention that it was almost impossible to determine what a matter of substance was and that therefore it could not be considered a proper standard to judge complaints against, because the standard was set by the BBC's Royal Charter and its Agreement with the Secretary of State, and associated procedures. The Trust has the duty of setting the framework within which the BBC should handle complaints, and that framework (and its associated procedures) must ensure that all appeals that raise matters of substance are subject to a right of appeal to the Trust, and that the Trust is the final arbiter of whether an appeal is for the Trust to determine or not (Agreement, clause 89 (4)(b)-(c)). The Editorial Complaints Procedure provides (at paragraph 5.10) that:

"The Trust will only consider an appeal if it raises 'a matter of substance'. 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. The Trust may not consider an appeal that is trivial, misconceived, hypothetical, repetitious or otherwise vexatious."

Trustees considered that the decision for them in this case was whether or not the complaint raised a reasonable prospect that they would find that there had been a breach of the Editorial Guidelines. These were decisions they were well accustomed to making.

Trustees considered the complainant's criticisms of the way the Adviser had summarised the complaint in her letter of 23 February 2015 which conveyed her decision that the appeal should not proceed. Those criticisms were contained in the complainant's letter of 9 March

2015 requesting a review of the Adviser's decision. Trustees had before them both the appeal and the request to review the Adviser's decision as well as the content in question. The ability to request a review of a decision by a Trust Adviser was provided so that complainants could make Trustees aware of any concerns complainants had with the Adviser's decision and it gave complainants an opportunity to rectify any errors.

Trustees did not agree with the contention that to deal with a request for an appeal fairly and impartially it was necessary for them "to examine the evidence presented by the respondents in their own words, not in the words of any third party intermediary". On the contrary, the Committee considered that it was necessary for the efficient and effective management of appeals that an Adviser summarise complaints to ensure the paperwork before the Editorial Standards Committee was proportionate and focused on the matters on appeal. The Adviser's letter conveying her decision was not supposed to be an exhaustive record of every point made in the correspondence in the case. Trustees considered that the Adviser's letter was an adequate explanation of the reasons for her decision, and she had not erred in omitting the reasons the complainant had given when he rebutted Audience Services' response at Stage 1 or the Head of Editorial Standards, BBC News' response at Stage 2; still less had she 'tampered' with the evidence as the complainant had alleged.

Trustees were satisfied that, by taking full account of the appeal, the Adviser's letter of 23 February and the complainant's response of 9 March, they had before them the material elements of the complainant's request for an appeal, and that this was a proper and sufficient basis on which they could decide whether or not the complainant had raised "a matter of substance" such that the appeal should proceed. Accordingly, the Committee proceeded to consider the substance of the request.

The Committee appreciated that behind this complaint was a concern that a forecast of UK economic growth which might have been taken as evidence that the (then) government's economic policies were working was covered relatively prominently on the News at Six, but figures as to the size of the national deficit which (in the complainant's view) provided evidence that those policies were not working had not been covered on BBC One, but on the News Channel, and then had been treated in a somewhat flippant manner by presenters. The complainant considered that this was evidence of a lack of due impartiality, and evidence of bias, in that, in the year before a General Election, figures that were a mere forecast, but favoured a government narrative, were given undue prominence compared with figures constituting firm evidence tending to contradict that narrative.

Trustees considered in this context the complainant's concern that BBC News had breached the Editorial Guideline requirement for due impartiality with particular regard to the BBC's commitment to:

"...reflecting a wide range of opinion across our output as a whole and over an appropriate timeframe so that no significant strand of thought is knowingly unreflected or under-represented."

The Committee agreed that decisions such as which stories to cover in news bulletins, where to cover them in the running order, how long to spend on them and how to cover

them were editorial decisions which rested with the BBC Executive rather than the Trust, (Royal Charter, Article 38 (1) (b)). The requirement for content to be duly accurate and duly impartial did not mean that equivalent prominence and weight had to be given to different stories on different days on the same service. The "consistent application of editorial judgment" referred to in the Guidelines did not mean a subject had to be included in output on every occasion it reappeared with a new peg.

The Committee noted the complainant's request for it to consider whether the release of the official monthly deficit figure in these circumstances constituted a "major matter" for the purposes of the Editorial Guidelines. Trustees did not consider this to be appropriate. They saw no reason to disagree with the view expressed by the Head of Editorial Standards, BBC News, that "BBC News would not regard this single month's borrowing figures as a 'major matter'" (emphasis added). In any event, simply deciding that a matter would have been a "major matter" did not mean it would necessarily have to feature in the news agenda on a particular day.

Trustees noted the complainant had referred to Editorial Guideline 4.4.13:

"Presenters, reporters and correspondents are the public face and voice of the BBC - they can have a significant impact on perceptions of whether due impartiality has been achieved. Our audiences should not be able to tell from BBC output the personal prejudices of our journalists or news and current affairs presenters on matters of public policy, political or industrial controversy, or on 'controversial subjects' in any other area. They may provide professional judgements, rooted in evidence, but may not express personal views in BBC output, including online, on such matters."

Trustees did not agree that the light-hearted comment by the News Channel business reporter that the Office for National Statistics figures regarding government borrowing in June 2014 were "boring" amounted to the expression of bias. The significance of the figures was properly explained on the Channel and, after being challenged by another contributor, he had acknowledged that the figures were very interesting. Guideline 4.4.13 had not been breached.

Trustees did not consider that the complaint raised an issue which had a reasonable prospect of leading them to conclude that there had been a breach of Editorial Standards.

**The Committee therefore decided that this appeal did not raise a matter of substance and so did not qualify to proceed for consideration.**

### **Stage 3: Viewer Response 14**

**Subject: Re: ESC Decision - Reporting of economic stories, 22 and 24 July 2014, News at Six, BBC One and the News Channel**  
**Date: Thu, 28 May 2015 09:27:04 +0100**  
**From: Ian McNulty**  
**To: Trust Editorial <TrustEditorial@bbc.co.uk>**

Dear Kirsty,

Thank you for your email and attached copy of the ESC decision.

Quelle surprise!

Yours sincerely.

Ian

### **Stage 3: BBC Response 22**

**Subject: Trust Editorial (Auto Reply Message)**  
**Date: Thu, 28 May 2015 09:27:01 +0100**  
**From: TrustEditorial@bbc.co.uk**  
**<TrustEditorial@bbc.co.uk>**  
**Reply-To: TrustEditorial@bbc.co.uk**  
**<TrustEditorial@bbc.co.uk>**  
**To: Ian McNulty**

Thank you for your e-mail. We check this e-mail address regularly throughout the day and will respond to e-mails requiring a reply as soon as possible.