Reference: 679732

14 March 2019

**Freedom of Information: Right to know request**

Thank you for your letters of 7 and 23 February requesting information about:

1. the outcome of your complaints about Channel 4 and the BBC;
2. Ofcom’s procedures for assessing complaints of bias and factual inaccuracy; and
3. previous rulings by Ofcom against the BBC, Channel 4 and RT.

These were received by the Chief Executive Office on 27 February and have been passed to the Information Requests team to handle. We are considering your requests under the Freedom of Information Act 2000.

Before responding to your questions, we would like to provide some background information about Ofcom’s procedures.

In line with our published procedures\(^1\), complaints about broadcast standards are carefully assessed under Ofcom’s Broadcasting Code (“the Code”), which sets strict standards for programme content which broadcasters must follow. If we consider that these rules may have been broken, we work swiftly to investigate. Should we conclude our rules have been broken, we have the power to impose sanctions on broadcasters.

As outlined in the acknowledgements you should have received following your complaints (and as stated in our procedures), Ofcom does not normally write back to complainants with the outcome of its considerations. However, whether or not we believe an investigation is required, all our decisions are published in our Broadcast and On Demand Bulletin (“the Bulletin”) here: [http://stakeholders.ofcom.org.uk/enforcement/broadcast-bulletins](http://stakeholders.ofcom.org.uk/enforcement/broadcast-bulletins)

Responding to your specific questions in turn:

\(^1\) Available at: [https://www.ofcom.org.uk/tv-radio-and-on-demand/information-for-industry/guidance/procedures](https://www.ofcom.org.uk/tv-radio-and-on-demand/information-for-industry/guidance/procedures) and [https://www.ofcom.org.uk/__data/assets/pdf_file/0002/100100/Procedures-for-investigating-breaches-of-content-standards-on-BBC-broadcasting-services-and-BBC-on-demand-programme-services.pdf](https://www.ofcom.org.uk/__data/assets/pdf_file/0002/100100/Procedures-for-investigating-breaches-of-content-standards-on-BBC-broadcasting-services-and-BBC-on-demand-programme-services.pdf)
1. **What action has been taken in connection with your complaints?**

Your letters to Ofcom referred to your complaints about *Newsnight*, BBC 2, 18 July 2018 (Ofcom ref: 00619060) and *Channel 4 News*, Channel 4, 6 August 2018 (Ofcom ref: 00630075).

After careful assessment of your complaints and the broadcast material, Ofcom did not identify any issues that warranted further investigation. In accordance with our procedures, those decisions were published in the Bulletin: the *Newsnight* complaint appeared on page 77 of Bulletin Issue 363 on 8 October 2018, and the *Channel 4 News* complaint appeared on page 48 of Bulletin Issue 365 on 5 November 2018.

2. **When a complaint of bias or factual inaccuracy is submitted to Ofcom, what procedures are gone through in order to ascertain whether further investigation is or is not required?**

Complaints about broadcasting standards, including those relating to bias and accuracy, are considered in line with our published procedures (see footnote 1).

In summary, Ofcom will conduct an initial assessment to determine whether, on its face, a complaint raises potentially substantive issues under the Code which warrant investigation. We do so by reference to the gravity and/or extent of the matter complained of, including, for example, whether it involves ongoing harm, harm to minors and/or financial harm.

Following the initial assessment, Ofcom may decide that no further action is warranted or decide to launch an investigation.

For complaints about BBC content, Ofcom ordinarily requires a complaint to be considered by the BBC first before Ofcom will consider it.

3. **On how many occasions during 2017 and 2018 did Ofcom rule against the BBC, Channel 4 and RT on grounds of factual inaccuracy, whether or not such findings were made public on Ofcom’s website?**

The following cases were referred for investigation by Ofcom as raising issues under bias and accuracy, and then considered to be in breach of the Code. All cases were reported in the Bulletin and published on our website. The relevant issue number is identified in the table below:

<table>
<thead>
<tr>
<th>Programme</th>
<th>Service</th>
<th>Transmission date</th>
<th>Bulletin issue</th>
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<tbody>
<tr>
<td>Today</td>
<td>BBC Radio 4</td>
<td>10 Aug 17</td>
<td>351</td>
</tr>
<tr>
<td>Channel 4 News</td>
<td>Channel 4</td>
<td>22 Mar 17</td>
<td>336</td>
</tr>
<tr>
<td>Alex Salmond Show</td>
<td>RT</td>
<td>16 Nov 17</td>
<td>358</td>
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<th>Source</th>
<th>Network</th>
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<tr>
<td>Sputnik</td>
<td>RT</td>
<td>17 Mar 18</td>
<td>369</td>
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<tr>
<td>Crosstalk</td>
<td>RT</td>
<td>13 Apr 18</td>
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<tr>
<td>News</td>
<td>RT</td>
<td>26 Apr 18</td>
<td>369</td>
</tr>
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</table>

We hope this information is helpful. If you have any queries, please contact information.requests@ofcom.org.uk. Please remember to quote the reference number above in any future communications.

Yours sincerely,

Jerin John
If you are unhappy with the response or level of service you have received in relation to your request from Ofcom, you may ask for an internal review. If you ask us for an internal review of our decision, it will be treated as a formal complaint and will be subject to an independent review within Ofcom. We will acknowledge the complaint and inform you of the date by which you might expect to be told the outcome.

The following outcomes are possible:
- the original decision is upheld; or
- the original decision is reversed or modified.

Timing
If you wish to exercise your right to an internal review you should contact us within two months of the date of this letter. There is no statutory deadline for undertaking internal reviews and it will depend upon the complexity of the case. However, we aim to conclude all such reviews within 20 working days, and up to 40 working days in exceptional cases. We will keep you informed of the progress of any such review. If you wish to request an internal review, you should contact:

Corporation Secretary
Ofcom
Riverside House
2a Southwark Bridge Road
London SE1 9HA

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner’s Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF