

Ofcom ref: 00526572

Information Requests

Email: information.requests@ofcom.org.uk

11 April 2018

Ref: 00526572 Freedom of Information: Right to Know Request

Thank you for your request for information on complaints to Ofcom. Your request was received on 11 March 2018 and I am responding under the terms of the Freedom of Information Act 2000.

Before responding to your question, I would like to provide some background information on Ofcom's complaints remit, procedures and reporting.

Ofcom's remit over the BBC

A new BBC Royal Charter and Agreement was published in December 2016, which made Ofcom the new independent regulator of the BBC.

For complaints about due accuracy, due impartiality, elections and referendums, Ofcom took up its new BBC responsibilities on 22 March 2017. Before that date, complaints about bias on BBC services funded by the licence fee fell outside Ofcom's remit, and we did not therefore assess such complaints. Regulatory responsibility sat with the BBC Trust.

Under the new procedures, Ofcom can normally only consider complaints about BBC programmes where the complainant has already complained to the BBC, and the BBC has reached its final decision.

Full details on Ofcom's procedures for assessing complaints and conducting investigations about the BBC and other broadcasters are available here: <https://www.ofcom.org.uk/tv-radio-and-on-demand/information-for-industry/guidance/procedures>

Ofcom's Broadcast and On Demand Bulletin, published every fortnight on our website, includes decisions about the complaints where we have considered whether there may have been a breach of the Broadcasting Code (or other Ofcom codes or licence conditions). The Bulletin covers a range of cases, including those which Ofcom has escalated for full investigation, and those which, after careful assessment, Ofcom has decided not to pursue because they did not raise issues warranting investigation. The Bulletins can be accessed via the following link to our website:

<https://www.ofcom.org.uk/about-ofcom/latest/bulletins/broadcast-bulletins>.

Complaints about the BBC received by Ofcom under the new procedures are published in Bulletin issue 326 and subsequent editions, with distinct sections recording complaints which fall under the new BBC procedures.

Your request for information

- 1. A list of complaints, their description and the outcomes of the complaints made under Section Five (Due Impartiality and Due Accuracy) and Section Six (Elections and referendums) broken down by specific complaint (e.g. section 5.4) and by year since Ofcom came into being.**

Although details of all complaints we have considered about programmes are listed in the Bulletins, we only hold searchable information on our complaints database for cases from 2014 onwards.

In addition, complaints on our database are logged by category of the complaint issue rather than specific individual Code rule numbers, for example, “Due accuracy”, “Due impartiality/bias” or “Elections/Referendums”.

We have therefore responded to this request in terms of complaints received by Ofcom in each full calendar year from 2014 onwards under these categories. Details are listed in the attached spreadsheet with a separate tab for each year, Annex A.

- 2. The number of complaints broken down by section and by year from the time when Ofcom was set up to date?**

As explained above, we only hold searchable information for complaints on our database from 2014 onwards, therefore we have responded to this request in terms of complaints in each full calendar year from 2014 onwards, with details in the attached spreadsheet, Annex B.

- 3. The number of enforcement actions broken down by section and by year from the time when Ofcom was set up to date?**

We hold accessible records of cases where we have launched an investigation from 2004 onwards. However, programme-related material prior to 25 July 2005 was considered under the relevant Code of Ofcom’s predecessor regulators, and it was only from that date that Ofcom’s Broadcasting Code came into effect. As you have requested enforcement actions by section and by year, we have limited our response to cases investigated in the full calendar years since the Code came into effect, i.e. from 2006 to 2017, where we have recorded a breach of the Broadcasting Code.

Unfortunately, it is not practicable to list these cases by the specific Code rule as many cases involve multiple Code rules, but details of the Code rules for each case are included in the attached spreadsheet, Annex C.

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

Yours sincerely,

Information Requests

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 exception cases. We will keep you informed of the progress of any such review. If you wish to request an internal review, you should contact:

Steve Gettings
The Secretary to the Corporation
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