



# Procedures for handling complaints relating to BBC online material

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## Introduction

1. This document outlines the procedures Ofcom will normally follow when handling complaints about the editorial standards of BBC online material.
2. Unlike complaints about BBC broadcasting and on-demand programme services, the BBC Agreement<sup>1</sup> does not require Ofcom to resolve complaints about standards in the content of BBC online material and Ofcom has no related enforcement powers.
3. However, Ofcom is required by the Agreement<sup>2</sup> to consider and give an opinion, including such recommendations as it considers appropriate, on whether the BBC has observed the relevant editorial guidelines in the content of online material in the UK Public Services.
4. In accordance with the Agreement,<sup>3</sup> Ofcom has entered into an arrangement with the BBC which outlines the respective roles of the BBC and Ofcom in handling complaints (the “Online Arrangement”).<sup>4</sup>
5. These procedures apply to BBC online material as defined in the Online Arrangement:<sup>5</sup>

“Online material” means material provided online (on any website, application or online interface) in the UK Public Services, including written text, images, audiovisual and sound content, but excluding:

  - (a) programmes (audiovisual or sound) provided in an on-demand programme service (e.g. BBC iPlayer, iPlayer Kids);
  - (b) BBC World Service content;
  - (c) BBC material on a third party website, third party application or third party online interface (e.g. YouTube, other video sharing platforms, bbcworldwide.com, any website which is not within the bbc.co.uk/ domain);
  - (d) social media (including corporate BBC social media accounts and the personal accounts of BBC employees) (e.g. The One Show Twitter account, a BBC presenter’s Twitter account, the BBC Three Facebook page);
  - (e) message boards and comments pages (e.g. the BBC Points of View message board, reader comments on a news article);
  - (f) educational and learning resources (e.g. BBC Bitesize);

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<sup>1</sup> <https://www.gov.uk/government/publications/bbc-charter-and-framework-agreement>

<sup>2</sup> Clause 60(1) of the BBC Agreement

<sup>3</sup> Clause 60(2) of the BBC Agreement

<sup>4</sup> [https://www.ofcom.org.uk/data/assets/pdf\\_file/0021/101892/bbc-online-arrangement.pdf](https://www.ofcom.org.uk/data/assets/pdf_file/0021/101892/bbc-online-arrangement.pdf)

<sup>5</sup> Paragraph (2) of the Schedule to the Online Arrangement

- (g) user-generated and interactive content which is not directly linked to a broadcast or on-demand programme service (e.g. BBC iWonder, BBC Make It Digital, BBC Taster); and
  - (h) BBC corporate material (e.g. BBC speeches, statements, press releases, training material).
6. If Ofcom considers it necessary to depart from these procedures to ensure fairness to an individual in a fairness and/or privacy complaint,<sup>6</sup> it will inform relevant parties at the time.

### **Making a complaint**

7. Complaints about BBC online material must in the first instance be made to the BBC. Complainants must have received the BBC's "final view" on a complaint (i.e. the BBC's final decision subject to any reconsideration in light of Ofcom's opinion) before submitting it to Ofcom.<sup>7</sup>
8. Complaints should be made to the BBC using one of the following methods:
- Online at: <http://www.bbc.co.uk/complaints/>
  - Phone on: 037 0010 0222 or 037 0010 0212 (textphone)
  - Post to: BBC Complaints, PO Box 1922, Darlington DL3 0UR
9. Complaints can be referred to Ofcom if the complainant is not satisfied with the BBC's resolution of their complaint. The complainant should refer the complaint and the BBC's final view to Ofcom.<sup>8</sup>
10. See paragraphs 16 and 17 below for the time limits that apply to referral of complaints to Ofcom.
11. The BBC considers complaints against its Editorial Guidelines. Ofcom will consider the online standards complaint and the BBC's final view against those of the BBC's Editorial Guidelines which reflect the standards set in the Ofcom Broadcasting Code (the "relevant editorial guidelines").<sup>9</sup>

### **Form of complaint and information to be provided**

12. Complaints should be sent using an online form available at the Ofcom website <https://www.ofcom.org.uk/tv-radio-and-on-demand/how-to-report-a-complaint>. Alternatively, you may contact us at: Ofcom, Riverside House, 2a Southwark Bridge Road, London SE1 9HA, or telephone either 0300 123 3333 or 020 7981 3040. If you have a text phone you can call 020 7981 3043 (please note that this number only works

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<sup>6</sup> A complaint relating to unjust or unfair treatment in online material, or to unwarranted infringement of privacy in, or in connection with the obtaining of, online material.

<sup>7</sup> Clause 2(1) and (2) of the Online Arrangement

<sup>8</sup> Clause 3(1) of the Online Arrangement

<sup>9</sup> Paragraph (3) of the Schedule to the Online Arrangement

with special equipment used by people who are deaf or hard of hearing). A Video Relay Service to contact Ofcom in British Sign Language is available on Ofcom's website.

13. All complaints should include:

- the BBC online material complained about; the date it first appeared on a BBC website, application or online interface; its location and (if possible) a link or screen shot of it;
- a copy of your complaint to the BBC, the date you complained and your BBC reference number;
- a copy of the final response you received from the BBC (i.e. the BBC's "final view") and the reasons why you are dissatisfied with it;
- any other material you consider relevant; and
- your full contact details (including email address if available)<sup>10</sup>.

14. Failure to provide these details may mean Ofcom is unable to consider a complaint.

15. Unless a complainant specifically requests at the time a complaint is referred that his/her name and contact details should remain confidential, Ofcom may disclose them to the BBC. Ofcom will consider requests from complainants to remain anonymous.

### **When a complaint can be made**

16. As set out in paragraph 7, complainants must in the first instance submit their complaint to the BBC in accordance with the BBC's own complaints procedure,<sup>11</sup> which provides that complaints should normally be submitted within 30 working days of the date on which the material first appeared online.

17. If a complainant is not satisfied with the BBC's final view, the complainant can refer their complaint to Ofcom and should do so as soon as possible and within 20 working days of the BBC's final view.

### **Ofcom's initial consideration of a complaint**

18. Ofcom will log and acknowledge every complaint it receives.

19. Ofcom will first consider whether a complaint about the editorial standards of BBC online material raises potentially substantive issues under the relevant editorial guidelines that warrant consideration by Ofcom.<sup>12</sup> It will do so by reference to the gravity and/or extent of the matter complained of and whether Ofcom considers the BBC reached an appropriate final view.

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<sup>10</sup> Please see Ofcom's General Privacy Statement (available on our website at: <https://www.ofcom.org.uk/about-ofcom/foi-dp/general-privacy-statement>) for information about how Ofcom handles your personal information and your corresponding rights.

<sup>11</sup> <https://ssl.bbc.co.uk/complaints/forms/assets/complaintsnew/resources/BBC-Interim-Complaints-Framework-5-April-17.pdf>

<sup>12</sup> Clause 3(2) of the Online Arrangement

20. Ofcom will not normally consider a complaint which was not made to the BBC within the time limits set in the BBC's own complaints procedure.<sup>13</sup> If a complaint relates to material which has also been made available on a broadcasting or on-demand programme service, Ofcom may decide to investigate the matter as a complaint about that service.
21. Ofcom may ask the BBC for a copy of the relevant online material and/or any other background material or evidence we consider may be relevant.<sup>14</sup> It will normally ask that this is provided within five working days.
22. Based on Ofcom's initial consideration of the complaint and the BBC's final view, and any other relevant material/evidence, Ofcom will consider whether to accept the complaint.
23. Ofcom aims to complete its initial consideration within 15 working days. Ofcom will publish details of BBC online material under consideration and any complaints not accepted on its website at <https://www.ofcom.org.uk/about-ofcom/latest/bulletins/bbc-online-bulletin>.

### **Ofcom's Opinion**

24. Ofcom will prepare its Opinion having taken account of the complaint, the BBC's final view and any other relevant material/evidence. All draft Opinions will be provided to a panel of Ofcom's Content Board<sup>15</sup> members for their advisory input.
25. Ofcom's Opinion will be reached by a senior member of Ofcom's Executive with appropriate Board-delegated authority. The Opinion will contain:
  - a summary of the complaint and the relevant online material;
  - the relevant editorial guidelines that Ofcom considers are applicable to the complaint;
  - Ofcom's opinion on whether the BBC observed the relevant editorial guidelines in the online material and the reasons for that opinion; and
  - any recommendations Ofcom considers appropriate.

### **Publication of Ofcom's Opinion**

26. Before publishing its Opinion, including any recommendations it considers appropriate, Ofcom will provide an embargoed copy to the BBC, for comments on factual accuracy, two working days before publication. Exceptionally in a fairness and/or privacy case, Ofcom may also provide an embargoed copy to the complainant for comments on factual accuracy.

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<sup>13</sup> Clause 3(3) of the Online Arrangement

<sup>14</sup> Under clause 7(2) of the Online Arrangement and Article 47 of the BBC Charter.

<sup>15</sup> The Content Board is a committee of the main Ofcom Board established by the Communications Act 2003. See <https://www.ofcom.org.uk/about-ofcom/how-ofcom-is-run/content-board>

27. The Opinion will be published on the Ofcom website.
28. Ofcom aims to complete its consideration of a complaint within 50 working days.

### **Reconsideration by the BBC**

29. If, in Ofcom's Opinion, the BBC did not observe the relevant editorial guidelines, the BBC will have regard to Ofcom's Opinion and consider whether further action is appropriate.<sup>16</sup> The BBC will contact the complainant to inform him/her what action will be taken, if any.<sup>17</sup>
30. The final decision on an online standards complaint will be the BBC's.<sup>18</sup>

### **Non disclosure**

31. Parties to a complaint may, unless otherwise indicated, make public the fact that a complaint has been made or that Ofcom is considering a case. They may also use any information which is already in the public domain.
32. However parties should not disclose any correspondence, documents or other material concerning the complaint during the course of Ofcom's consideration of it.<sup>19</sup> This does not limit what Ofcom can publish in its Opinion.<sup>20</sup>

### **Time limits**

33. Complainants and the BBC should keep to the time limits specified in these procedures. However, Ofcom may consider it appropriate to amend or adapt the time limits in a particular case. If a complainant or the BBC seeks an extension to a time limit, they should explain in writing why they believe it is appropriate.

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<sup>16</sup> Clause 5(1) of the Online Arrangement

<sup>17</sup> Clause 5(2) of the Online Arrangement

<sup>18</sup> Clause 5(3) of the Online Arrangement

<sup>19</sup> Ofcom is obliged to meet various statutory obligations relating to the disclosure of information (for example, under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004). Information provided to Ofcom as part of a complaint may need to be disclosed by Ofcom in order to meet such obligations.

<sup>20</sup> Ofcom may (in considering and publishing its Opinion) withhold material it believes to be confidential, market sensitive or legally privileged or that it is under some other legal obligation to protect from disclosure. In such cases, the BBC will be notified that relevant material has been withheld and the reasons why.