

Freedom of Information: Right to know request

Thank you for your request of 27 April 2017 in which you sought information on complaints about the BBC handled by Ofcom after it took up its new BBC responsibilities.

In your request, you stated, *“I complained to BBC about a Westminster protest which had little coverage. I got replies from them but feel it was rushed through and not properly handled as ofcom was about to take over. I want to know if any other complainants contacted ofcom after the transfer date and if so were their Complaints handled by ofcom and what the outcome was. BBC told me there was only two complaints got to the Trust stage. I do not believe them.”*

Ofcom’s remit over the BBC

Before responding, I need to clarify Ofcom’s role in this area.

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.

For complaints about all other areas, Ofcom took up its new BBC responsibilities on 3 April 2017.

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, and complaints to Ofcom generally fall into one of three categories:

- Complaints which were under appeal with the BBC Trust and not concluded before Ofcom took up its new responsibilities so transferred to Ofcom;
- Complaints which have received a final response from the BBC after Ofcom took up its new responsibilities and fall to Ofcom to assess; and
- Complaints where the BBC has not reached a final decision.

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

Your request for information

Ofcom’s Broadcast and On Demand Bulletin, published every fortnight on our website, includes decisions about the complaints we have received as well as a summary of the complaint. Issues of the Bulletin are available 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.

I can confirm that as of 27 April Ofcom has considered three complaints relating to the BBC's coverage of a Unite for Europe march on 25 March 2017. Ofcom was unable to assess these complaints because they were made to Ofcom before completing the BBC's complaints process and this outcome was reported on page 110 of Bulletin Issue 327 as follows:

Programme	Service	Transmission or Accessed Date	Categories	Number of complaints
BBC News	BBC 1	25/3/17	Due impartiality / bias	3

Ofcom is unable to disclose further details of the complaints beyond that provided, and as listed in the Bulletins. [Section 44 of the Act](#) prevents organisations releasing information if another act has said that it shouldn't. [Section 393 of the Communications Act](#) prevents Ofcom releasing information if it is about a particular business, unless we have the consent of that business or releasing that information helps Ofcom to carry out its duties, neither of which apply here.

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:

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