

Ofcom ref: 00505823

12 January 2018

## Ref: 00505823 Freedom of Information: Right to Know Request

Thank you for your request for information on complaints received by Ofcom about the BBC Northern Ireland programme *Spotlight*. Your request was received on 22 December 2017 and I am dealing with it under the terms of the Freedom of Information Act 2000.

You requested the following information:

1. A full breakdown of how your case against *Spotlight* was considered by Ofcom and the reason for the outcome;
2. The number of complaints about *Spotlight* and how many times Ofcom took any action; and
3. Information about who regulates Ofcom.

Before responding to your questions, it may be helpful to provide some background information on Ofcom's editorial complaints procedures and reporting, and our remit over BBC complaints.

Complaints about broadcast standards are handled under our *Procedures for handling complaints, investigations and sanctions on TV, radio and video-on-demand services*<sup>1</sup>. Ofcom's Broadcast and On Demand Bulletin, published every fortnight on our website at <https://www.ofcom.org.uk/about-ofcom/latest/bulletins/broadcast-bulletins>, includes decisions about the complaints we have considered.

A new BBC Royal Charter and Agreement was published in December 2016, which gave Ofcom new regulatory powers over the BBC. Ofcom took up its new responsibilities on 3 April 2017. Under these procedures, Ofcom can normally only consider complaints about BBC programmes, with the exception of Fairness and Privacy complaints, where the complainant has already complained to the BBC and the BBC has reached its final decision.

To answer your questions:

### **1. A full breakdown of how your case against *Spotlight* was considered by Ofcom and the reason for the outcome.**

All Fairness and Privacy complaints about programmes broadcast on the BBC are considered in accordance with our "Procedures for the consideration and adjudication of Fairness and Privacy

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<sup>1</sup> Available at:

<https://www.ofcom.org.uk/tv-radio-and-on-demand/information-for-industry/guidance/procedures>

complaints on BBC broadcasting services and BBC on demand programme services” (the “Procedures”). A copy of these procedures, which were provided to you on 4 May 2017, can be found here: [https://www.ofcom.org.uk/\\_data/assets/pdf\\_file/0003/100101/Procedures-for-the-consideration-and-adjudication-of-Fairness-and-Privacy-complaints.pdf](https://www.ofcom.org.uk/_data/assets/pdf_file/0003/100101/Procedures-for-the-consideration-and-adjudication-of-Fairness-and-Privacy-complaints.pdf)

As set out at paragraphs 1.21 to 1.26 of the Procedures, Ofcom will view a recording of the programme which is the subject of the complaint and consider all the material provided by a complainant to decide whether or not to entertain the complaint. This decision about the complaint is called the Entertainment Decision. Ofcom sent you its Entertainment Decision on your complaint on 20 July 2017. The Entertainment Decision set out in detail the reasons we decided not to investigate your complaint further. We appreciate that you were disappointed by Ofcom’s Decision, however, we can assure you that your complaint was taken seriously and fully considered in accordance with the Procedures.

## 2. The number of complaints about Spotlight and how many times Ofcom took any action.

While details of all complaints we have considered for Spotlight are listed in the Bulletins, for assessment cases we hold only searchable information on our complaints database for cases from 2014 onwards. We have, therefore, responded in terms of complaints from 2014 to 2016.

Aside from your complaint, in that period Ofcom received three complaints about *Spotlight*.

For the following cases, received before 3 April 2017, after careful assessment of the complaints Ofcom did not identify any issues which warranted further investigation under its rules.

Programme	Broadcaster	Transmission Date	Number of complaints	Categories
Spotlight	BBC 1 Northern Ireland	n/a	1	Other
Spotlight	BBC 1 Northern Ireland	28/3/17	1	Generally Accepted Standards

The following complaint, received after 3 April 2017, was made to Ofcom before completing the BBC’s complaints process.

Programme	Broadcaster	Transmission Date	Number of complaints	Categories
Spotlight	BBC 1 Northern Ireland	15/7/17	1	Due impartiality / bias

## 3. Who regulates Ofcom

Ofcom operates under a number of Acts of Parliament and is accountable to Parliament. Please see the following from our website: <https://www.ofcom.org.uk/about-ofcom/what-is-ofcom>

For complaints about Ofcom please see:

<https://www.ofcom.org.uk/about-ofcom/contact-us/complaints-about-ofcom>

## Complaint Escalations

There is a two-stage process for you to follow if you are not satisfied with the way your complaint has been handled, or with the response that you have been given.

In the first instance, please contact the person or team that dealt with you, and discuss your concerns directly with them. They will often be in the best position to understand your situation and give you an explanation as to what has happened.

If this does not resolve your concerns, please contact the office of the Secretary to the Corporation, Steve Gettings ([corporationsecretary@ofcom.org.uk](mailto:corporationsecretary@ofcom.org.uk)), or telephone 020 7981 3000. Mr Gettings will review your case and respond to you as quickly as possible.

I hope this information is of assistance. If you have any queries then please contact [information.requests@ofcom.org.uk](mailto: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