

Kevin Bakhurst

Group Director

Content Media Policy Group

David Jordan
Director, Editorial Policy and Standards
BBC

29 September 2017

Dear David

BBC complaints handling

I am writing to inform you that Ofcom has today determined:

- under clause 56(6) of the BBC Agreement, the period for which the BBC must retain records of its handling of relevant complaints;
- under clause 56(7), the form in and intervals at which the BBC must report to Ofcom in relation to relevant complaints received; and
- under clause 56(8), the form in and intervals at which the BBC must publish information about the operation and effectiveness of its complaints procedures.

A copy of Ofcom's determinations is enclosed. They will be published on our website.

These determinations have been made after consultation with you. Whilst you accepted the principle of transparency you argued for a number of different reasons that the actual transparency provided by the BBC under clause 56(8) should be limited. Moreover you suggested that Ofcom's powers to require greater public transparency of the BBC are restricted and you take issue with our proposed use of them.

We do not accept that our powers are restricted in the ways you suggest nor do we agree with the reasons why you argue that information published by the BBC under clause 56(8) should be limited. We continue to consider that the greater transparency we proposed is necessary to build and maintain public confidence in the operation of the BBC under the new framework and to provide public accountability. We consider, therefore, that our determination under clause 56(8) is a proportionate approach to enabling broadcasters, audiences and the public to maintain confidence in the operation and effectiveness of the BBC's complaints procedures. Along with the determination, we have enclosed a template of the information that the BBC must publish.

In our view, fortnightly publication is appropriate given the period within which complaints are made and most complaints are resolved by the BBC. We note that you say the BBC's systems are set up to support a monthly cycle, that the information should be put to the BBC Board prior to publication, and that a fortnightly cycle would bring increased resource implications to Audience Services, the press office and senior executives. However we would not expect the resource costs to be significant since the information will be factual and we understand the BBC already monitors its complaints lists

daily. We do not consider that the complaints data we have determined should be published is of such a nature as to require Board-level sign off prior to publication.

At Stage 1, we have determined that the BBC must publish the programmes which have received over 100 complaints and the numbers of those complaints. We consider the application of an objective, numerical threshold to be necessary for public confidence and that a threshold of 100 complaints is reasonable. The BBC may provide context for the numbers if it wishes. We have also determined that the BBC should publish the percentage of complaints answered within the BBC's target periods at Stages 1 and 2.

At Stage 2, we have determined that the BBC should publish the issue of editorial standards raised by the complainant and the outcome of the complaint. The information we are requiring the BBC to publish mirrors the information Ofcom currently publishes on complaints we receive about other broadcasters. We consider this appropriate in order to achieve an equivalent level of transparency for the BBC.

Our determination is restricted to those relevant complaints which are editorial complaints i.e. which relate to the observance of standards set in the Ofcom Broadcasting Code and/or the allocation of party election, party political and referendum campaign broadcasts. If the BBC wishes initially to include complaints about online material as defined under clause 60 of the Agreement, or about the observance of editorial guidelines which go beyond the Ofcom Broadcasting Code, it may do so. However the BBC must make its approach clear and this publication must be restricted to editorial complaints.

For the avoidance of doubt, we expect the BBC to continue publishing recent BBC public responses to significant complaints at Stage 1 and the findings of complaints recently upheld or resolved after referral to the Executive Complaints Unit at Stage 2.

Complaints reporting and retention of records

You wrote that the BBC sees no major difficulties with our proposals on complaints reporting and retention of records. Ofcom has therefore determined these matters in line with our proposals and would be happy to discuss implementation details.

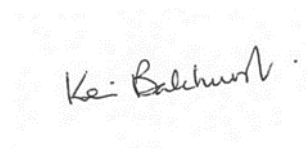
Implementation and review

The effective date for our determinations on publication and complaints reporting is 30 October 2017, in order to give the BBC time to make the necessary arrangements. The BBC must therefore issue its first publication in the week beginning 13 November and provide its first report to Ofcom by the tenth working day of December. Our determination on retention of records has immediate effect as it reflects the BBC's current practice.

We proposed reviewing the complaints reporting framework after six months to determine whether any changes should be made. We will carry out this review in May 2017 and extend it to cover the publication requirements. At the same time, Ofcom will determine what editorial complaints handling information the BBC should be required to publish on an annual basis.

We will also set out the requirements for complaints relating to BBC performance and competition issues in due course.

Yours sincerely,

A handwritten signature in black ink that reads "Ke. Bakhurst". The signature is written in a cursive style and is positioned above a faint, dotted rectangular box.

Kevin Bakhurst