

Ofcom ref: 00462943, Freedom of Information: Right to know request

Thank you for your request for information about details on complaints received by Ofcom about the mainstream media supplying misinformation about Scotland. Your request was received on 16 August and we have considered this under the Freedom of Information Act 2000 ("the Act").

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

Complaints about content standards are handled under *Ofcom's Procedures for investigating breaches of content standards for television and radio*^[1].

Individual complaints received by Ofcom are assigned to cases. A case is opened when Ofcom is assessing a specific programme or issue and may consist of one or more complaints.

Ofcom assesses every complaint it receives. Based on an initial assessment of the complaint and a consideration of the related content, Ofcom will consider whether there may have been a breach of the Broadcasting Code (or other Ofcom codes or licence conditions). In cases where Ofcom considers there may have been a breach, it will launch an investigation. The possible outcomes of an investigation are that we judge an issue is **in breach, resolved or not in breach** of our rules.

Ofcom's Broadcast and On Demand Bulletin, published every fortnight on our website, includes decisions about the complaints we have considered. 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: www.ofcom.org.uk/about-ofcom/latest/bulletins/broadcast-bulletins

Turning to your request, you sought:

- a link giving detailed accounts on the number of complaints received about the mainstream media supplying misinformation about Scotland; and
- the action taken in dealing with any bias towards the Scottish parliament.

As you did not specify a date range for your request, we have limited our search to complaints related to programming broadcast in the last two years, that is between 1 September 2015 and 1 September 2017.

We log complaints on our complaints database by category of the complaint issue (with reference to the rules in our codes). There is no specific category (or rule) used exclusively to identify the individual subject of a complaint. We therefore checked all complaints logged under the Ofcom complaint categories "Materially misleading", "Due accuracy", "Due impartiality/bias", "Elections/Referendums" or "Political advertising" (which would capture complaints relating to matters of accuracy or bias), and manually identified any that specifically referred to 'SNP', 'Scottish National Party' or 'Scottish Parliament' in the description field of the complaint.

Using the above criteria, Ofcom received 120 complaints detailed below.

For the following cases, after careful assessment of the complaints and the broadcast material, Ofcom did not identify any issues which warranted further investigation under its rules.

Programme	Broadcaster	Transmission Date	Number of complaints	Categories
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[1] Available at:

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

Elaine C Smith's Burdz Eye View of Hogmanay	STV	31/12/2015	104	Due impartiality/bias
STV News and Weather	STV	24/03/2016	1	Elections/Referendums
STV News at Six	STV	04/04/2016	1	Elections/Referendums
STV News at Six	STV	23/08/2016	1	Due impartiality/bias
STV News at Six	STV	30/08/2016	1	Due impartiality/bias
Going Underground	RT	22/02/2017	2	Due impartiality/bias
STV News	STV	11/03/2017	1	Due impartiality/bias
Channel 4 News	Channel 4	16/03/2017	1	Due impartiality/bias
Scotland Tonight	STV	17/03/2017	1	Due impartiality/bias
STV News at Six	STV	25/04/2017	1	Due impartiality/bias
SNP Party Election Broadcast	Channel 4	26/05/2017	1	Elections/Referendums
Gogglebox	4Seven	03/06/2017	1	Elections/Referendums

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. The following complaints were made to Ofcom before completing the BBC's complaints process.

Programme	Broadcaster	Transmission Date	Number of complaints	Categories
The Kaye Adams Programme	BBC Radio Scotland	05/04/2017	1	Due impartiality/bias
BBC Parliament	BBC Parliament	24/04/2017	1	Due impartiality/bias
The Andrew Neil Interviews	BBC 1	28/05/2017	1	Elections/Referendums
BBC News	BBC 1	04/07/2017	1	Due impartiality/bias

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.

I 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

:: Alistair Hall
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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