
Ofcom Bulletin for complaints about BBC online material

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Introduction

This Bulletin reports on complaints made to Ofcom about the BBC's online material. It gives the outcome of Ofcom's consideration on each complaint received and where relevant, provides Ofcom's opinion on whether the BBC met the required standards for its online material.

Under the BBC's Charter and Agreement, set by Government and Parliament, the BBC is responsible for the editorial standards of its online material. Ofcom has a responsibility to consider and give an opinion on, whether the BBC has observed relevant editorial guidelines in its online material¹. This came into effect with the Digital Economy Act on 27 April 2017.

Online material means content on the BBC's website and apps. This includes written text, images, video and sound content. It does not extend to social media, Bitesize, BBC material on third party websites and World Service content, among other things.

[Ofcom's published arrangements and procedures for handling complaints about BBC online material](#) can be found on the Ofcom website. These documents contain more information about the types of complaints we will consider and the process we will normally follow when handling complaints.

Complaints about BBC online material must follow the 'BBC First' approach, where they are made to the BBC in the first instance. If a complainant is not satisfied with the BBC's final response to a complaint about its online standards, they may seek an independent opinion on it from Ofcom.

Unlike our role regulating the standards of BBC broadcasting and on demand programme services (such as the BBC iPlayer), Ofcom has no enforcement powers for BBC online material.

¹ This does not include content on BBC on demand programme services (such as the BBC iPlayer), which must comply with relevant rules in Ofcom's [Broadcasting Code](#).

Opinion

Online material: *We're being pressured into sex by some trans women* (original title), since retitled: *The Lesbians who feel pressured to have sex and relationships with trans women*, BBC News website, 26 October 2021

This is an Opinion given by Ofcom to the BBC on whether it has observed its own Editorial Guidelines in the content of an [online article](#) (“the Original Article”) titled “*We're being pressured into sex by some trans women*”, published on 26 October 2021.

The BBC received a “significant number” of complaints about the Original Article and subsequently made amendments on 4 November 2021 and 31 May 2022. The BBC issued a single final response on 31 May 2022 in the form of a published [finding by the Head of the BBC Executive Complaints Unit](#) (ECU) (“the ECU finding”). The [ECU finding](#) partially upheld the complaints in relation to the due accuracy of the title of the article, which was subsequently retitled “*The lesbians who feel pressured to have sex and relationships with trans women*”. In addition, the BBC acknowledged its failure to exercise the appropriate degree of scepticism in its treatment in the Original Article of the findings of a questionnaire by “*Get the L Out*.”¹ The ECU did not uphold the complaints with regards to due impartiality and offence.²

Following publication of the BBC ECU response, Ofcom received over 220 complaints raising several issues including that: the Original Article promoted a harmful transphobic stereotype that trans women are men seeking sexual access to lesbians; the inclusion of the questionnaire by “*Get the L Out*” was not statistically valid since it only included the opinions of 80 participants; the Original Article failed to be duly impartial by giving a platform to transphobic views; and the tone of the Original Article portrayed trans people as a threat without any evidence base.

Ofcom’s role in relation to BBC online material

Under the [BBC’s Charter and Agreement](#), set by Government, the BBC is responsible for the editorial standards of its online material. Ofcom is not required to resolve complaints about standards in the content of BBC online material and Ofcom does not have any related enforcement powers.³ Instead, the BBC Agreement provides that Ofcom must consider and give an Opinion, including such

¹ Get the L Out is a “grassroots lesbian feminist activist group”: <https://www.gettheloutuk.com/>

² The ECU resolved the aspect of complaints which related to one contribution to the article, subsequently removed, which it considered to have been an appropriate response.

³ In accordance with the BBC Agreement, Ofcom has entered into an Arrangement (the “Online Arrangement”) with the BBC which outlines the respective roles of the BBC and Ofcom in handling complaints about BBC online material. The Online Arrangement provides that Ofcom will consider whether a complaint about the editorial standards of BBC online material raises potentially substantive issues under the relevant editorial guidelines which warrant consideration by Ofcom. Ofcom will do so by reference to the gravity and/or extent of the matter complained of and whether it considers the BBC reached an appropriate final view on the complaints.

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

We have considered the Online Article under our [Procedures for handling complaints relating to BBC online material](#) (the “Online Material Procedures”), in particular having regard to sections 3 (“Due Accuracy”), section 4 (“Due Impartiality”) and section 5 (“Harm and Offence”) of the BBC’s [Editorial Guidelines](#).

Opinion

Ofcom agreed with the ECU’s finding in this case. We have issued this Opinion in recognition of the level of public interest in this case and to provide some further commentary on the Original Article as well as the BBC’s handling of the case itself.

Ofcom agreed with the ECU’s response that:

- the title of the Original Article (“*We’re being pressured into sex by some trans women*”) gave a misleading impression that pressure for sex was applied by trans women, when in fact the article focused on pressure felt within the LGBT community. The Original Article therefore fell below the standards of due accuracy contained within the BBC’s Editorial Guidelines in this respect;
- the Original Article also fell below the standards of due accuracy in failing to exercise an appropriate degree of scepticism in its treatment of the ‘*Get the L Out*’ questionnaire’s findings given that the survey was undertaken amongst a self-selecting group of “*women only*” and “*lesbian only*” groups and had a small sample size;
- overall, the Original Article did not portray a negative stereotype of trans women to the extent that it was considered unjustifiably offensive or harmful given a range of perspectives were featured; and
- the range of views included in the Original Article also meant it met the requirements for due impartiality contained within the BBC’s Editorial Guidelines.

We also took into account the rights of the BBC and its online audiences to freedom of expression under Article 10 of the European Convention on Human Rights, which encompasses the right to receive and impart information and ideas without interference. With this in mind, Ofcom considered that the topic dealt with in the Original Article, while having the potential to cause offence, was a legitimate one for the BBC to explore. However, it is our view that when creating content about issues that have a high potential for offence, it is even more important that the content meets a high level of editorial standards and has a sound evidential basis in order to maintain trust in news. Given the range of views that were presented within the article, we considered that the potential offence was mitigated in this particular case.

We remind the BBC of the need to ensure that the highest level of editorial standards is maintained when dealing with controversial or potentially highly offensive subjects.

⁴ Clause 60(1) of the BBC Agreement. The “relevant editorial guidelines” are defined as “those of the BBC’s Editorial Guidelines for the time being in force which reflect the standards set under section 319 of the Communications Act 2003 and the code in force under section 107 of the Broadcasting Act 1996 (together, the ‘Ofcom Broadcasting Code’)”: see the Schedule to the [Online Arrangement](#).

Handling of the complaints

In this case, the BBC informed Ofcom that it had made an administrative error in handling how the ECU responded to complaints, as information normally given to complainants about how they can escalate their complaint to Ofcom was omitted.

We acknowledged that, based on the evidence provided to us, this appeared to be an accidental error. However, we considered errors like this have the potential to undermine the operation of, and audience trust in, the 'BBC First' system. Ofcom will normally only consider a complaint after the complaint has been investigated by the BBC at Stage 1a, Stage 1b and Stage 2 as set out in the BBC's own [Complaints Framework](#). This process will not function properly if complainants are unaware of their ability to refer their complaint to Ofcom if they are dissatisfied with the BBC's final response at Stage 2 of the process. In accordance with the BBC's own [Complaints Framework](#) and Clause 56 of the BBC Agreement, Ofcom reminds the BBC of the importance of giving complainants accurate and complete information throughout the complaints process as to how they can escalate their complaint to the next stage if they are dissatisfied.

We also note that in Ofcom's recent statement on [How Ofcom regulates the BBC](#), we raised broader concerns around the transparency and clarity of the BBC complaints process for complainants. The BBC has acknowledged the need to maintain audience trust in its editorial decision-making and complaints processes and has since [committed](#) to making changes to its Complaints Framework.

Conclusion

Ofcom agreed with the BBC that it did not observe the relevant provisions in Section 3: Accuracy of the BBC's Editorial Guidelines in relation to the Original Article. We also agreed that there was no breach of Section 4: Impartiality or Section 5: Harm and Offence.

Ofcom considered the action taken by the BBC to amend the Original Article to correct the inaccuracies was sufficient and appropriate. We recommend the BBC be mindful of the need to ensure that the highest level of editorial standards is maintained when dealing with controversial or potentially highly offensive subjects.

Complaints assessed, not accepted

Closed between 11 February 2023 and 24 March 2023

Below is an alphabetical list of complaints which, after careful assessment, Ofcom considered did not raise substantive issues under the relevant BBC editorial guidelines that warranted further consideration by Ofcom.

[More information about how Ofcom assesses complaints about BBC online material.](#)

Complaints about BBC online material

BBC online material	Date ⁶	Category	Number of complaints
BBC News website: Can the NHS learn from Germany's health system?	24/09/2022	Accuracy	1

⁶ This is the date the complainant first became aware of the online material. In the event that the complainant does not specify a date, we use the date that the article was published.

BBC First

Complaints closed between 11 February 2023 and 24 March 2023

Complaints about BBC online material, made to Ofcom in the first instance

The table below is an alphabetical list of complaints about the BBC's online material which Ofcom has not assessed. This is because Ofcom only considers complaints about the BBC's online material if the complainant has already complained to the BBC and the BBC has reached its final view on the complaint. The complaints in this table were made to Ofcom before completing the BBC's process.

BBC online material	Date ⁷	Category	Number of Complaints
BBC News App: Are Iranian schoolgirls being poisoned by toxic gas?	04/03/2023	Harm and Offence	1
BBC News website	04/01/2023	Impartiality	1
BBC News website	13/02/2023	Other	1
BBC News website: Are Iranian schoolgirls being poisoned by toxic gas?	03/03/2023	Harm and Offence	1
BBC News website: Are Iranian schoolgirls being poisoned by toxic gas?	05/03/2023	Harm and Offence	1
BBC News website: EuroMillions: 'It'll be fun to give away' say NI jackpot couple	25/01/2023	Harm and Offence	1
BBC News website: Exodus from Cuba: The children left behind as wave of emigration swells	04/03/2023	Nudity	1
BBC News website: Oxford Street: Images issued after men filmed spitting at Jews on bus	07/11/2022	Accuracy	1
BBC News website: SNP leadership: Will faith turn the tide for Scottish independence?	21/02/2023	Religion	1
BBC News website: Why are doctors demanding the biggest pay rise?	12/03/2023	Impartiality	1
BBC Sport website	01/02/2023	Other	1

⁷ This is the date the complainant first became aware of the online material. In the event that the complainant does not specify a date, we use the date that the article was published.

BBC online material	Date⁷	Category	Number of Complaints
BBC Sport website: Skateboarding World Championships: Britain's Sky Brown wins park gold	12/02/2023	Accuracy	1

[More information about how Ofcom assesses complaints about BBC online material.](#)

Out of remit complaints

The table below includes complaints which have not been assessed by Ofcom because they fall outside of Ofcom's remit under its arrangement with the BBC.

BBC online material	Date⁸	Number of Complaints
Twitter	17/06/2022	1
Twitter	25/02/2023	1

⁸ This is the date the complainant first became aware of the online material. In the event that the complainant does not specify a date, we use the date that the article was published.