Reference: 820948

Jerin John
Information Rights Adviser
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5 February 2020

Freedom of Information: Right to know request

Thank you for your request for information about Ofcom’s broadcast complaints handling and key performance indicators (“KPIs”) which we received on 8 January 2020.

This letter is responding to your request for information about Ofcom’s broadcast complaint KPIs under question 3, which we have considered under the Freedom of Information Act 2000 (“the Act”).

Your request

3. I also raised the issue of Ofcom’s broadcast complaint KPIs. I consider the manner in which Ofcom reports its KPIs (by using an average for the time taken) in its Annual Report as not transparent. I would therefore like to make a Freedom of Information request with regard to Ofcom’s broadcast complaint KPIs. In the last year accounted for, I would request:

a. How many broadcast complaints Ofcom received in i) standards and ii) fairness and privacy?

Pages 149/150 of Ofcom’s Annual Report 2018/19 state that for the reporting period between 1 April 2018 and 31 March 2019 Ofcom assessed a total of 6,206 Standards cases (or issues) (55,801 complaints) and 180 Fairness and Privacy complaints.

b. Of those complaints in a, how many i) standards and ii) fairness and privacy complaints were investigated?

As published, 132 Standards cases (or issues) (33,564 complaints) raised substantive issues that warranted further investigation, and 44 Fairness and Privacy complaints were entertained.

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1 See: Ofcom Annual Report and Accounts 2018/19:
c. Of those investigated, (in standards and fairness and privacy) how many were concluded within the requisite KPI?

Our published procedures state that for standards cases, Ofcom aims to complete those cases that it takes forward for investigation within 50 working days, and we aim to complete the consideration and adjudication of Fairness and Privacy complaints within 90 working days of the complaint being entertained.

While Ofcom aims to complete its assessments and investigations within its published time limits, certain cases can take significantly longer, especially if they are complex, raise difficult issues, or we receive significant representations from the broadcaster that require careful consideration (including representations on legal issues).

Of the 136 Standards investigation cases completed between 1 April 2018 and 31 March 2019, 56 were completed within their KPI of 50 working days. In this period Ofcom completed Standards investigations on average within 57.9 working days.

Of the 44 Fairness and Privacy complaints adjudicated upon between 1 April 2018 and 31 March 2019, 14 were completed within their KPI of 90 working days. Ofcom completed the consideration and adjudication of Fairness and Privacy complaints on average within 99.2 working days.

As mentioned in the Annual Report, a significant number of the investigations and adjudications closed in the 18/19 Financial Year involved some very complex and legal and procedural issues, resulting in the number of cases being completed within their KPI being lower than usual, and not representative of Ofcom’s typical performance in this area. For example, in the 17/18 and 16/17 Financial Years Ofcom completed standards investigations on average within 48.8 and 47.4 working days respectively.

d. Of those assessed (in standards and fairness and privacy) how many were concluded within the requisite KPI?

Our published procedures state that for standards cases, Ofcom aims to complete an initial assessment of all complaints within 15 working days. For Fairness and Privacy complaints, Ofcom aims to assess and decide whether to entertain a complaint within 25 working days of receipt of the complaint and any further information requested from the complainant.

As stated in the Annual Report, we assessed 180 Fairness and Privacy complaints between 1 April 2018 and 31 March 2019. Of these assessments, 94 were concluded during our preliminary review of the complaint. Of the 86 cases which were fully assessed, 74 were completed within their KPI of 25

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2 See: Ofcom procedures for handling complaints, investigations and sanctions on TV, radio and video-on-demand services
https://www.ofcom.org.uk/tv-radio-and-on-demand/information-for-industry/guidance/procedures

3 See: Ofcom Annual Reports
https://www.ofcom.org.uk/about-ofcom/annual-reports-and-plans
working days. In this period Ofcom assessed and decided whether to entertain Fairness and Privacy complaints on average within 17.3 working days.

Of the 55,981 Standards complaints assessed and closed between 1 April 2018 and 31 March 2019, 52,904 of those assessments were completed within their KPI of 15 working days. In this period Ofcom assessed complaints on average within 9.6 working days.

I hope this information is helpful. If you have any further queries, then please send them to information.requests@ofcom.org.uk quoting the reference number above in any future communications.

Yours sincerely,

Jerin John
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 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:

Corporation Secretary
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