

Reference: 01133617

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12 March 2021

Freedom of Information: Right to know request

Thank you for your request for information in relation to complaints received by Ofcom about the BBC Radio Ulster *The Nolan Show* programme.

We received this request on 22 February 2021 and have considered it under the Freedom of Information Act 2000 ("the Act").

You asked:

- 1) *How many complaints did Ofcom receive during (a) 2019 and (b) 2020 about the Radio Ulster show The Nolan Show?*
- 2) *Please break down how these were dealt with.*
- 3) *Please explain if Ofcom has a process for quality assuring the responses sent to the person making the complaint, in particular whether any 'how did we do' type feedback is sought from the person to measure how they found the response.*
- 4) *Please explain how (ie, the process used) the complaints recorded against any particular show are recorded and reviewed to check for any trends, high volumes of complaints etc of concern to Ofcom.*

Background

It might be helpful to provide some background on our remit with regard to the BBC and how we handle complaints about content standards in BBC programming.

We assumed our role as the independent regulator of the BBC on 22 March 2017. Under the [BBC Charter and Agreement](#), we can usually only consider complaints about BBC programmes where the complainant has already complained to the BBC, and the BBC has reached its final decision. This is known as the 'BBC First' process. Our published procedures for handling BBC complaints, which also includes details about the BBC First process¹, are available on our website:

https://www.ofcom.org.uk/_data/assets/pdf_file/0002/100100/Procedures-for-investigating-breaches-of-content-standards-on-BBC-broadcasting-services-and-BBC-on-demand-programme-services.pdf.

¹ See under 'When a complaint can be made' from para 1.24 onwards.

We may in exceptional circumstances intervene at an earlier stage to handle and resolve a complaint which has not been resolved by the BBC. Whether Ofcom decides to intervene at an earlier stage in any such complaint will depend on the relevant facts of the case.

Our response

- 1) How many complaints did Ofcom receive during (a) 2019 and (b) 2020 about the Radio Ulster show The Nolan Show?
- 2) Please break down how these were dealt with.

We have summarised information about the number of complaints we received during 2019 and 2020 in relation to the BBC Radio Ulster *The Nolan Show* programme below.

Year in which complaint was received	Programme	Service	Transmission Date	Issues	Number of complaints	Outcomes
2019	The Stephen Nolan Show	BBC Radio Ulster	04/09/2018	Sexual orientation discrimination/offence	1	Refer to BBC
2020	The Nolan Show	BBC Radio Ulster	14/02/2020	Due impartiality/bias	1	Refer to BBC
2020	The Nolan Show	BBC Radio Ulster	10/02/2020	Generally accepted standards - other	1	Refer to BBC
2020	The Stephen Nolan Show	BBC Radio Ulster	22/06/2020	Due impartiality/bias	1	Refer to BBC
2020	The Stephen Nolan Show	BBC Radio Ulster	07/07/2020	Generally accepted standards - other	1	Refer to BBC
2020	The Nolan Show	BBC Radio Ulster	23/06/2020	Due impartiality/bias	1	Refer to BBC
2020	The Nolan Show	BBC Radio Ulster	21/09/2020	Generally accepted standards - other	1	Refer to BBC

These complaints had not completed the BBC's complaint process and were, therefore, referred to the BBC in line with the BBC First process set out above.

- 3) Please explain if Ofcom has a process for quality assuring the responses sent to the person making the complaint, in particular whether any 'how did we do' type feedback is sought from the person to measure how they found the response.

We have interpreted your query to relate to feedback sought from complainants who submit broadcasting standards complaints. As outlined in our procedures for handling complaints² Ofcom does not write back to individual complainants about the outcome of their complaints, however we do notify the outcome of complaints through cases published in the [Broadcast and On Demand Bulletin](#). We do not therefore collate feedback or conduct research on whether complainants are satisfied with our response to their broadcasting standards complaints.

4) *Please explain how (ie, the process used) the complaints recorded against any particular show are recorded and reviewed to check for any trends, high volumes of complaints etc of concern to Ofcom.*

Complaints are held on record on our database and published in the [Broadcast and On Demand Bulletin](#). We consider complaints in line with the relevant procedures, and would consider all the relevant factors in assessing individual complaints, including patterns of complaints about a particular programme. The volume of complaints received may be a consideration in assessing general audience reactions, but it is not determinative as to whether we will proceed to investigate any given case. Rather, it is the particular issues which have been raised by the complainant(s) which are of primary concern in our assessment of a programme.

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,

Roshni Narayanan

² See: <https://www.ofcom.org.uk/tv-radio-and-on-demand/information-for-industry/guidance/procedures>

If you are unhappy with the response you have received in relation to your request for information and/or consider that your request was refused without a reason valid under the law you may ask for an internal review. If you ask us for an internal review of our decision, it will be subject to an independent review within Ofcom.

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 responding to 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 information.requests@ofcom.org.uk.

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