Procedures for the consideration and adjudication of Fairness and/or Privacy complaints

BBC UK Public Online Material

Welsh version available

Procedures

19 November 2026

Contents

Section

1. Introduction 3
2. BBC online material 3
3. Departing from these Procedures 4
4. Statutory framework 4
5. Who can make a complaint 5
6. Information required 6
7. Time limits 6
8. Ofcom's Entertainment Decision 8
9. Representations 9
10. Representations from third parties 9
11. Ofcom's Preliminary View 9
12. Late and unsolicited submissions 10
13. Ofcom's Adjudication 10
14. Publication of Adjudication 11
15. Non-disclosure 11
16. Extension requests 11
17. Sanctions 12

Annex

A1. Criteria for Ofcom's Entertainment Decision 13

A2. Oral Hearings 14

1. Introduction

1.1 This document outlines the Procedures for Ofcom's consideration and adjudication of Fairness and/or Privacy complaints in relation to UK Public Online Material ("BBC online material"). These procedures concern the BBC's compliance with Ofcom's "Fairness Code", as set under section 107 (1) of the Broadcasting Act 1996 ("the 1996 Act"), the BBC Charter, the Framework Agreement and the amendments made to the Framework Agreement in December 2025 ('the Updated Framework Agreement').

1.2 These Procedures concern complaints in relation to BBC online material and are effective from 19 November 2026 ('the Commencement Date').[1]

1.3 Separate Procedures apply to investigating other content standards in relation to BBC online material.

2. BBC online material

2.1 BBC online material is as defined by the Updated Framework Agreement and means content provided as part of the UK Public Services by the BBC online and intended for users in the UK (or any part of the UK), including BBC-branded content on third party websites, applications and interfaces and any content included in:

- BBC news and sports websites;
- BBC apps on a smartphone, television or other device;
- any BBC social media account (including reposts by a BBC social media account of any content posted on any other social media account including that of any individual working for the BBC); or
- BBC educational and learning resources.

References to "content" include written text and still or moving images, with or without sound, and content consisting of sound only.

"BBC social media account" means an account on any social media platform that relates to any BBC programme, service or genre and is branded and operated by the BBC as a BBC account (and, accordingly, does not include the personal social media accounts of any individual working for the BBC).

2.2 BBC online material does not include any content to the extent that it:

- consists of BBC corporate materials, including reports published by the BBC, speeches or statements by individuals working for the BBC and internal publications;
- is posted on a BBC message board or comments page;
- is user-generated and interactive content which is not directly linked to a UK Public service;
- is provided by any person other than the BBC as a dissociable section of a service provided by the BBC;
- is provided by the BBC on UK Public Broadcasting Services ("BBC broadcasting services") or in an on-demand programme service ("ODPS") (i.e. BBC iPlayer and BBC Sounds); and

[1] Other methods of redress may be available to complainants through the civil courts. Complaints may wish to obtain legal advice.

- concerns content arising as part of the BBC World Service. Ofcom has no remit to consider complaints about the BBC World Service, and these procedures do not apply to any content to the extent that it is provided by the BBC as part of the World Service.

3. Departing from these Procedures

3.1 If Ofcom considers that it is necessary to depart from these Procedures in any material respect in a particular case for reasons of fairness and/or in order for Ofcom to properly consider a complaint or carry out an investigation, we will write to the parties concerned in advance setting out the nature/extent of its departure and its reasons for doing so.

4. Statutory framework

4.1 The Updated Framework Agreement requires that in providing BBC online material the BBC must observe the Fairness Code in force under section 107 of the 1996 Act[2], so far as Ofcom determines the standards are relevant to the provision of BBC online material.

4.2 Ofcom regulates the BBC by virtue of section 198 of the Communications Act 2003 ("the 2003 Act") to the extent that provision to do so is contained in the BBC Charter, the Framework Agreement, the Updated Framework Agreement and the provisions of the 2003 Act and Part 5 of the 1996 Act.

4.3 For the purposes of enforcing the BBC's observance of the Fairness Code in relation to BBC online material, we will apply the existing Sections Seven and Eight of the Broadcasting Code, in so far as Ofcom determines the standards are relevant to the provision of that online material.

4.4 Ofcom has an established duty to consider and adjudicate on complaints under Ofcom's Broadcasting Code which relate to unjust or unfair treatment[3] in programmes or to unwarranted infringements of privacy in programmes (or in connection with the obtaining of material included in them)[4] ('Broadcast Fairness and/or Privacy complaints'). In securing the application of the Fairness Code in relation to BBC online material, Ofcom will have regard to the duties and statutory criteria which concern Broadcast Fairness and/or Privacy complaints, so far as they are relevant to the consideration and adjudication on Fairness and/or Privacy complaints relating to BBC online material. Ofcom will have particular regard to:

- Ofcom's duty under section 3(2)(f) of the Act to (among other things) secure the application, in the case of all television and radio services, of standards that provide adequate protection to members of the public (and all other persons) from both unfair treatment in programmes included in such services and unwarranted infringements of privacy resulting from activities carried on for the purposes of such services (see Section 5 below). In securing the application of those standards, Ofcom must have

[2] Ofcom has a specific duty under section 107 (1) of the 1996 Act to draw up a code giving guidance as to the principles to be observed and the practices to be followed by broadcasters in connection with the avoidance of unjust or unfair treatment in programmes and unwarranted infringement of privacy in programmes (or in connection with the obtaining of material included in them). This is referred to as "the Fairness Code".
[3] Unjust or unfair treatment is defined by section 130 of the 1996 Act as including treatment which is unjust or unfair because of the way in which material included in a programme has been selected or arranged.
[4] Under section 110 of the 1996 Act (and subject to the other provisions of Part 5 of the 1996 Act).

regard to the need to do so in the manner that best guarantees an appropriate level of freedom of expression: section 3(4)(g) of the 2003 Act.

- Sections 111 to 130 of the 1996 Act which provide for certain statutory criteria which must be satisfied before Ofcom is entitled to proceed to consider Fairness and/or Privacy complaints, in addition to certain procedures to be followed by Ofcom, complainants and broadcasters (see Annex 1 below).

5. Who can make a complaint

5.1 Complaints made under these Procedures may be made by an individual or by a body of persons (whether incorporated or not). However, Ofcom will not normally entertain such a complaint unless it is made by "the person affected" or by a person authorised by them to make the complaint on their behalf.[5]

5.2 In relation to a Fairness complaint, Ofcom considers "the person affected" to be:

- a person who was featured in the BBC online material (for example, a person who was named, appeared, or whose voice was heard); or
- a person who, whether featured in the BBC online material or not, has a sufficiently direct interest in the subject-matter of that treatment.

5.3 In relation to a Privacy complaint, "the person affected" means a person whose privacy was infringed. For further details on who can make a complaint, see Section 8 "Ofcom's Entertainment Decision" and Annex 1 "Criteria for Ofcom's Entertainment Decision".

5.4 The 'BBC First' approach, which normally requires complainants to raise their concerns initially with the BBC, does not apply to those making a Fairness and/or Privacy complaint. Fairness and/or Privacy complaints can be made directly to Ofcom. Nevertheless, Ofcom encourages complainants to follow the BBC's own complaints procedures first[6], by one of the following methods:

- http://www.bbc.co.uk/complaints/
- 037 0010 0222 or 037 0010 0212 (textphone)
- BBC Complaints, PO Box 1922, Darlington DL3 0UR

If a complainant is not satisfied with the BBC's final response, the complaint can then be submitted to Ofcom. See paragraphs 7.1 – 7.9 below for the time limits on making a complaint to Ofcom.

[5] This is subject to exceptions. Where "the person affected" is an individual who has died, a Fairness and/or Privacy complaint may be made by their personal representative or by a member of the family of the person affected, or by some other person or body closely connected with them (whether as their employer, or as a body of which they were at their death a member, or in any other way) (see also footnote 20). Equally, where "the person affected" is an individual who is for any reason both unable to make a complaint themself and unable to authorise another person to do so for them, a fairness complaint may be made by a member of the family of "the person affected", or by some other person or body closely connected with them (whether as their employer, or as a body of which they are a member, or in any other way): see section 111(2)&(3) of the 1996 Act. (This will be appropriate if "the person affected" is unable to give their authority, because, for example, they are under the age of 16).

[6] The BBC considers complaints against its Editorial Guidelines.

6. Information required

6.1 Ofcom requests that complaints be submitted to Ofcom through the completion of Ofcom's Fairness and/or Privacy Complaint form. Alternatively, complainants may contact us at:

- Ofcom, Riverside House, 2a Southwark Bridge Road, London SE1 9HA.
- 030 0123 3333 or 020 7981 3040.
- If you have a text phone you can call 020 7981 3043 (please note that this number only works with special equipment used by people who are deaf or hard of hearing).
- A Video Relay Service to contact Ofcom in British Sign Language is available on Ofcom's website.
- To contact us on our Welsh language line call 0300 123 2023.

6.2 All complaints should include sufficient detail. Specifically, complaints should include:

- a copy of (for example a screenshot), or link to, the BBC online material complained about;
- the date upon which the BBC online material was first posted if known;
- the standing of the complainant (i.e. whether the complainant is "the person affected" or authorised by "the person affected" to make the complaint for them);
- the nature of the complaint and the particular parts of the BBC online material complained about;
- the complainant's contact details (including full postal address where appropriate);[7]
- whether (and, if so, when) the complainant has submitted a complaint to the BBC (and full details of it, including the BBC's response); and
- any supporting material/evidence that the complainant considers relevant to the substance of the complaint and/or their standing to make it.

6.3 It is very important that the complainant provides as many of these details as possible when making a complaint. Failure to provide these details may prevent Ofcom from identifying the relevant BBC online material and otherwise delay or prevent Ofcom from being able to consider the complaint.

7. Time limits

7.1 Ofcom will refuse to consider a Fairness and/or Privacy complaint if the BBC online material was first posted before the Commencement Date.[8] In determining a complaint made about BBC online material posted after the Commencement Date, Ofcom may take into account material posted before that date, if they consider it appropriate to do so.

7.2 Ofcom may refuse to entertain a Fairness and/or Privacy complaint if it appears not to have been made within a reasonable time after the BBC online material was first posted.

[7] Please see Ofcom's General Privacy Statement for information about how Ofcom handles your personal information and your corresponding rights.

[8] Clause 60 of the Framework Agreement continues to apply to BBC online material posted before the Commencement Date, subject to the time limits for making complaints set out in the relevant complaints procedures.

Accordingly, complainants should submit their complaint to Ofcom within **30 working days** of the date when the BBC online material was first posted.[9]

7.3 Where the BBC makes material changes to the content and/or the prominence of BBC online material after it was originally first posted, Ofcom may consider the date the material changes were made to be the date upon which the material was first posted.

7.4 Material changes to the content of BBC online material may include:

- Making substantial and/or significant amendments to the BBC online material, such as adding new information, images or audio.
- Removing or editing substantial and/or significant parts of the BBC online material.

Minor edits, such as typographical alterations, that do not affect the substance of the material, would not normally constitute material changes.

7.5 Material changes to the prominence of BBC online material may include:

- Changing the position of the BBC online material to a more visible location on BBC online interfaces.
- Reposting the BBC online material on a BBC social media account.

7.6 If a complainant has previously complained directly to the BBC, the complainant should wait to see if they are satisfied with the BBC's final response to their complaint (in accordance with its own complaints procedures) before making a complaint to Ofcom.[10] If the complainant is not satisfied, the complainant should make their complaint to Ofcom (including a copy of the BBC's final response) as soon as possible, and in any event **within 20 working days** of the final response by the BBC. If the complainant has not received a final response from the BBC, the complainant should submit their complaint to Ofcom within 20 working days of the deadline for the BBC's final response under its procedures.

7.7 Ofcom may, in exceptional circumstances, intervene to handle and resolve a complaint which was not initially made to the BBC within **30 working days** of the date when the BBC online material was first posted.

7.8 Where a complainant submits a complaint simultaneously to the BBC and to Ofcom, Ofcom will not normally proceed to consider the complaint until the BBC has first had an opportunity to resolve the complaint itself under its procedures. In such a case, the complainant should inform Ofcom when they have received the BBC's final response and confirm whether they wish to proceed with the complaint. (Time will start to run from the date of the BBC's final response as set out in paragraph 7.6, above).

7.9 In cases where a complaint is made under the BBC's own complaints procedures, Ofcom expects the BBC to retain the relevant BBC online material, and any related material, for at

[9] Provided that the BBC online material was posted after the Commencement Date (see paragraph 7.1)

[10] Clause 54 (4) of the Framework Agreement sets out requirements on the BBC in respect of the procedures by which it handles complaints made to it directly. This includes a requirement under Clause 5 (4) (c) that the BBC must give clear guidance to complainants that explains, for example, how the complaints system (including references to Ofcom) works. Ofcom expects the BBC's guidance in this regard to, amongst other things, include information on Ofcom's functions in relation to Fairness and/or Privacy complaints, a complainants right to ask Ofcom to consider complaints where they are dissatisfied with the BBC's consideration of the complaint, and the time limits that apply for pursuing complaints with Ofcom.

least **90 working days** running from the date on which the BBC may reasonably expect the complainant to have received its final response.

8. Ofcom's Entertainment Decision

8.1 On receiving a complaint Ofcom will forward a copy of the complaint to the BBC and, if necessary, ask it to provide a copy of the relevant BBC online material (for example, a record of archived content) within **five working days**. The BBC is expected to inform Ofcom whether any material changes have been made to the BBC online material after it was first posted, specify what those changes are and provide a record of the changes where appropriate.[11]

8.2 At this stage, Ofcom will not normally request the BBC to provide written representations on the substance of the complaint. However, if Ofcom considers it requires information from the BBC as part of its initial assessment as to whether or not a complaint should be entertained, it will write to the BBC requesting such information and will also provide any relevant material to the complainant.

8.3 If Ofcom considers that it requires further information from the complainant at this stage (for example, about their standing to make a complaint on their own or some other person's behalf, or about the substance of their complaint), it will write to the complainant requesting such information and will also provide any relevant material to the BBC.

8.4 Ofcom will then decide whether or not to entertain the complaint. This decision about the complaint is called the Entertainment Decision (see Section 5 of these Procedures regarding who can make a complaint and **Annex 1** for further information on Entertainment Decisions).

8.5 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 BBC or the complainant (as set out in paragraphs 8.2 and 8.3).

8.6 The complainant and the BBC will be provided with a copy of Ofcom's Entertainment Decision indicating whether (and to what extent) Ofcom will be proceeding with consideration of the complaint.[12]

8.7 A complainant may also make a complaint to Ofcom about content that it is provided by the BBC on BBC broadcasting services or in an on-demand programme service that raises the same or substantially the same issues under the Fairness Code (as reflected in the Broadcasting Code). Where this occurs, Ofcom may consider and conduct an investigation into such matters concurrently.

8.8 Not all complaints (or all parts of complaints) received will fall into Ofcom's Fairness and Privacy remit. If Ofcom considers that the complaint raises other (i.e. non-Fairness and Privacy) matters that are within Ofcom's wider remit, the complainant may be asked to refer those matters, in the first instance, to the BBC.[13]

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[11] Under Article 47 of the BBC Charter, Ofcom may require the BBC and any other person to provide information for the purposes of the carrying out by Ofcom of their functions

[12] Details of all online material being investigated (i.e. if a Fairness and/or Privacy complaint has been entertained) will be published on Ofcom's website.

[13] In accordance with the 'BBC First' approach, complaints other than Fairness and/or Privacy complaints should normally be resolved by the BBC in the first instance.

9. Representations

9.1 If Ofcom decides to entertain a complaint, then at the same time that it provides the Entertainment Decision to the BBC, Ofcom will also ask the BBC to provide a statement in response to the complaint within **20 working days**. In doing so, Ofcom will set out the provisions of the Fairness Code (as reflected in the Broadcasting Code) which it considers are relevant and applicable to its subsequent consideration of the complaint and seek representations from the BBC on that basis. Ofcom may also request a copy of, or link to, the relevant BBC online material and any other relevant material or documentation.

9.2 On receipt of the BBC's statement/representations, Ofcom will provide a copy of it to the complainant.

10. Representations from third parties

10.1 Ofcom recognises that there may be persons/bodies who may be directly affected by the outcome of Ofcom's consideration and adjudication of a complaint and who may have interests independent of the BBC. Wherever possible, the BBC should seek to take account of and include the representations of such persons/bodies in their submissions in response to a complaint and confirm to Ofcom that they have done so.

10.2 Third parties may also make representations on their own behalf direct to Ofcom and should do so as early in an investigation of a complaint as possible, setting out if/to what extent their representations differ from those of the BBC. [14] Ofcom will take those representations into account and include those persons/bodies in its decision-making process under these Procedures, as appropriate.

11. Ofcom's Preliminary View

11.1 Ofcom will then prepare its preliminary view on the substance of the complaint (the "Preliminary View"), having taken account of the BBC's statement/representations, where provided. This Preliminary View is only provisional and may be subject to change in the light of subsequent representations/material provided by the complainant, the BBC, or any representations from relevant third parties.

11.2 All draft Preliminary Views will be provided to a panel of Ofcom's Content Board[15] members for their advisory opinion. The decision on Ofcom's Preliminary View will be taken by a senior member of Ofcom's Executive with appropriate Board delegated authority. Typically, this would be the person who is responsible for overseeing the investigation. The Preliminary View will contain:

- a summary of the entertained complaint (or the particular parts of the complaint which have been entertained), as set out in the relevant Entertainment Decision;
- a summary of the material parts of the BBC online material to which the complaint relates;
- the particular provisions of the Fairness Code (as reflected in Broadcasting Code) which Ofcom considers are relevant and applicable to the entertained complaint;

[14] Details of Ofcom's live investigations are available in its BBC Online Material Bulletin.
[15] The Content Board is a committee of the main Ofcom Board established by the Communications Act 2003. It includes members with extensive broadcasting experience.

- a summary of the BBC's statement of representations in response; and
- Ofcom's preliminary assessment of whether any breaches of those provisions have occurred and the reasons for that assessment.

11.3 Ofcom will then provide the Preliminary View to the complainant and request representations within **10 working days**. After receiving any representations from the complainant Ofcom will provide both the Preliminary View and those representations to the BBC, requesting its representations within **10 working days.**

11.4 In certain circumstances, Ofcom may decide that it is appropriate, fair and necessary to hold a hearing before reaching a decision. Where it does so, Ofcom will prepare its Preliminary View after it has held the hearing.[16] Please see **Annex 2** below for the procedure which Ofcom will follow if a hearing is held.

11.5 Once Ofcom has received and considered the BBC's and complainant's representations (or any representations from relevant third parties) on its Preliminary View, it will then make its final Adjudication. If Ofcom considers it necessary to obtain further information from either party (or relevant third party) to ensure that it can fairly and properly adjudicate on the complaint (for example, if there is a significant dispute of fact between the complainant and the BBC), Ofcom may seek such further information.

11.6 Ofcom aims to complete the consideration and adjudication of Fairness and Privacy complaints within **90 working days** of the complaint being entertained. However, this may vary on a case-by-case basis depending on the nature and/or complexities of the issues under consideration.

12. Late and unsolicited submissions

12.1 Parties should only submit representations and relevant material/evidence to Ofcom when requested to do so at the appropriate stages of these Procedures. Ofcom will not normally accept submission of any additional representations or material once it has proceeded to draft its final Adjudication (see paragraph 13.1, below).

12.2 Whether such material is admitted will be at Ofcom's discretion. If unsolicited material is admitted it will be provided to the other party, who will then be given an opportunity to comment on it.

13. Ofcom's Adjudication

13.1 Once Ofcom has gathered and considered the relevant evidence and (written/oral) representations submitted by the parties, Ofcom will conclude its consideration of a complaint by preparing a final Adjudication setting out whether the complaint is upheld, not upheld or upheld in part.

13.2 All draft Adjudications will be provided to a panel of Ofcom's Content Board members (who have not been involved in the preparation of the Preliminary View) for their advisory opinion before a final Adjudication is taken. The decision on the final Adjudication will be taken by a senior member of Ofcom's executive with appropriate Board-delegated authority who will have overseen the preparation of the draft Adjudication and who will not

[16] The final decision maker would chair any oral hearing

have been involved in the investigation and/or preparation of the Entertainment Decision and/or the Preliminary View.

14. Publication of Adjudication

14.1 Ofcom will provide the BBC and complainant, for information only, with an embargoed draft copy of the final Adjudication one working day before publication of its final Adjudication.

14.2 Adjudications will be published in Ofcom's Bulletin for complaints about BBC online material on its website.

14.3 If a complaint is upheld or partly upheld Ofcom may direct the BBC to publish a summary of its Adjudication. Ofcom will normally make such a direction where there has been a breach of the Fairness Code (as reflected in the Broadcasting Code) which has resulted in a complainant's legitimate interests being seriously damaged and requires publication over and above publication in Ofcom's Bulletin for complaints about BBC online material.[17] Any decision to direct will reflect Ofcom's duties to be proportionate, consistent and targeted only at cases on which, in Ofcom's view, action is merited.

15. Non-disclosure

15.1 It is an essential part of the integrity of Ofcom's processes and its ability to adjudicate fairly that all parties concerned abide by Ofcom's published rules and procedures, including those relating to non-disclosure below.

15.2 Parties to a complaint (complainants, the BBC and Ofcom and any relevant third party) may, unless otherwise indicated, make public the fact that a complaint has been made or that Ofcom is investigating a case. They may also use information which is already in the public domain.

15.3 Parties should not disclose any correspondence, documents or other material concerning the complaint during the course of the investigation.[18] Prior to Ofcom's final decision, the identity of a complainant may only be disclosed by the BBC or a relevant third party to those with a direct interest in the matter complained of. Failure to follow Ofcom's requirements in this regard may result in Ofcom ceasing to consider the party's representations. This does not limit what Ofcom can publish in its decision at the end of the investigation.[19]

16. Extension requests

16.1 Complainants and the BBC are expected to remain actively engaged in Ofcom's investigation and adhere to the time limits specified in these procedures.

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[17] Ofcom may also make such a direction in other cases in which it considers publication over and above publication in Ofcom's Bulletin for complaints about BBC Online Material is appropriate.

[18] Ofcom is obliged to meet various statutory obligations relating to the disclosure of information (for example, under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004). Information provided to Ofcom as part of a complaint may need to be disclosed by Ofcom in order to meet such obligations.

[19] Ofcom may (in investigating and publishing its decision) withhold material it believes to be confidential, market sensitive or legally privileged or that is under some other legal obligation to protect from disclosure. In such cases, the BBC will be notified that relevant material has been withheld and the reasons why.

16.2 However, Ofcom may consider it appropriate (in the interests of fairness and/or properly to consider a complaint) to amend or adapt the time limits set out in these Procedures in a particular case. If any complainant or the BBC seeks an extension of a time limit, they should explain in writing to Ofcom why they believe it is appropriate. Ofcom will then decide if an extension is appropriate and inform the other party/parties accordingly.

17. Sanctions

17.1 In the light of its adjudication of a Fairness and/or Privacy complaint, Ofcom may consider that it justifies consideration of a sanction against the BBC. If so, then Ofcom will make that clear in its Adjudication and then Procedures for the consideration of sanctions for breaches of content standards in the context of BBC services will apply.

A1. Criteria for Ofcom's Entertainment Decision

A1.1 The 1996 Act sets out a number of statutory criteria that must be satisfied before Ofcom may entertain or proceed to consider a Broadcast Fairness and/or Privacy complaint. As explained in Section 4 (Statutory Framework) Ofcom will have regard to those statutory criteria so far as they are relevant to the consideration and adjudication on Fairness and/or Privacy complaints relating to BBC online material.

A1.2 In particular, Ofcom having regard to section 111(1) of the 1996 Act Ofcom shall not entertain such a complaint unless it is made by "the person affected" or by a person authorised by "the person affected" to make the complaint for him/her.[20] As set out above, and in line with the definition included in section 130 of the 1996 Act, in relation to a Fairness complaint about BBC online material, Ofcom considers "the person affected" to be:

- a person who was featured in the BBC online material (for example, a person who was named, appeared, or whose voice was heard); or
- a person who, whether featured in the BBC online material or not, has a sufficiently direct interest in the subject-matter of that treatment.

A1.3 In relation to a Privacy complaint about BBC online material, "the person affected" means a person whose privacy was infringed.

A1.4 The 1996 Act then sets out a number of other statutory criteria that must be satisfied before Ofcom may entertain or proceed to consider a Fairness and/or Privacy complaint. Taking this into account, Ofcom will not entertain a complaint about BBC online material where it appears to Ofcom that:

- the matter complained of is the subject of proceedings in a court of law in the UK; or
- the matter complained of is a matter in respect of which the complainant or the person affected has a remedy by way of proceedings in a court of law in the UK, and that in the particular circumstances it is not appropriate for Ofcom to consider a complaint about it; or
- the complaint is frivolous; or
- for any other reason it is inappropriate for Ofcom to entertain or proceed with consideration of the complaint.

A1.5 If any of the above matters become apparent to Ofcom in the course of considering a complaint, it may cease to proceed with consideration of the complaint.)

[20] See footnote 5 which sets out exceptions to this, such as where "the person affected" has died, in which case a Fairness and/or Privacy complaint may be made by his personal representative or by a member of the family of the person affected, or by some other person or body closely connected with him (whether as his employer, or as a body of which he was at his death a member, or in any other way). In accordance with section 111(4) of the 1996 Act, Ofcom shall not entertain, or proceed with the consideration of a fairness complaint if it appears to them that the complaint relates to BBC online material posted more than five years after the death of the person affected, unless it appears to them that in the particular circumstances it is appropriate to do so.

A2. Oral Hearings

A2.1 Fairness and/or Privacy complaints made to Ofcom shall be considered either at a hearing or, if Ofcom thinks fit, without a hearing. Ofcom will normally hold an oral hearing if it considers that one is necessary to ensure that it can fairly and properly adjudicate on the complaint – for example, if there is a significant dispute of fact between the complainant and the BBC, or the complainant and/or the BBC requests a hearing. Ofcom will normally give at least 15 working days' notice of the hearing date to the parties. Hearings may take place in England, Northern Ireland, Scotland or Wales, as appropriate.

A2.2 Hearings are held in private and each of the following persons shall be given an opportunity to attend and to make oral representations:

- the complainant;
- the BBC; and
- any other person who Ofcom considers might be able to assist at the hearing.

A2.3 Each of the parties may bring to the hearing any other person (normally up to a maximum of three other people). Their names, connection to the case and a description of the role they intend to play at the hearing should be given to Ofcom at least five working days before the hearing. Ofcom must also be informed if any person to attend a hearing is under the age of 16.

A2.4 The procedure at the hearing will be at the discretion of Ofcom. Ofcom will write to the parties in advance of any hearing to set out what the procedure will be.[21]

[21] Together with details of who from Ofcom, including any Non-Executive members of Ofcom's Content Board, will attend.