

## STV Views and Comments

### 1. Making a Complaint

#### a) Standards Complaints – Section 3.24

*"...Unless a complainant specifically requests at the time a complaint is made that his/her name and contact details should remain confidential, Ofcom reserves the right to disclose these to broadcasters."*

STV is of the view that where Ofcom determines that a complaint has been received from a competitor, the complainant should not retain anonymity. This mirrors the Advertising Standards Authority complaint handling procedures.

#### b) Standards Complaints – Section 3.26

#### c) Fairness & Privacy Complaints – Section 4.21

*"...If the complainant has previously complained directly to the broadcaster.... and decides subsequently to complain to Ofcom...the complainant should submit any complaint to Ofcom... as soon as possible following the final determination made by the broadcaster....Ofcom will expect the broadcaster to retain the relevant recordings and any related material for the periods required by statute following the date on which the broadcaster may reasonably expect the complainant to have received the broadcaster's final determination."*

STV notes that the relevant statute (The Communications Act) which forms part of the Licence, requires a licensee to "make and retain a recording in sound and vision of every programme included in the Regional Channel 3 Service for a period of 90 days from the date of its inclusion therein".

When a viewer enquiry or complaint is received, STV seeks to resolve complaints within early timescales. In STV's experience, it is not always obvious whether the enquiry is indeed a complaint or whether the complainant is likely to escalate the complaint to Ofcom. Therefore, this procedure appears to require broadcaster to introduce new procedures, systems and controls in order to retain recordings, which are subject to complaint, for longer than the statutory 90 day period.

STV is of the view that it would be unreasonable to impose additional requirements on licence holders which would be onerous, expensive and surplus to requirements. As such, it is STV's view that, a complaint should only be entertained by Ofcom if it is received within the statutory 90 day period from transmission. In addition, Ofcom must request a recording of material complained of, from the broadcaster, before the 90 day period expires. The broadcaster, in accordance with its licence conditions, is only required to retain recordings for this period and it is likely that any request outwith this period will not be available.

## 2. Assessing A Complaint

- a) Standards Complaints – Section 3.27
- b) Fairness & Privacy Complaints – Section 4.22.

*"Ofcom will make an initial assessment of the complaint.....At this stage it is not appropriate for broadcasters to provide written responses on the substance of the complaint."*

STV agrees that in the majority of complaints cases, an initial assessment of the item complained of can be completed when Ofcom reviews a recording of the programme complained of.

It is STV's experience that, on some occasions, the provision of context at an early stage of the complaint procedure has been welcomed, valued and has contributed to the early resolution of complaints. The provision of such context simply served to provide background information for the viewer, the information provided was not substantive and it did not prejudice any party. A much lengthier process would have been followed if the information was not provided at the outset.

It is STV's view that the failure to provide context could lengthen the complaint process in some instances, through unnecessary correspondence.

STV suggests that where background information which contextualises the output could be beneficial to expedite and streamline the complaint handling process, it should continue to be acceptable.

## 3. Investigation / Representation

- a) Standards Complaints – Section 3.31
- b) Fairness and Privacy Complaints – Section 4.26

*"Where Ofcom considers that there may be a case for the broadcaster to answer, it will inform the broadcaster and request a written response within (a) 10 (b) 20 working days."*

The agreed service level allocated to Ofcom to investigate a complaint ranges from (a) 60 days to (b) 130 days. The timelines take into consideration the diverse and complex nature of complaints in today's changing regulatory environment and also the governance process which ensures that proper assessment, investigation and decisions are being made.

A broadcaster is allocated a 10 working day process time in which to investigate a complaint, gather information, complete an approval process (which requires input from senior management) and subsequently submits a response to Ofcom.