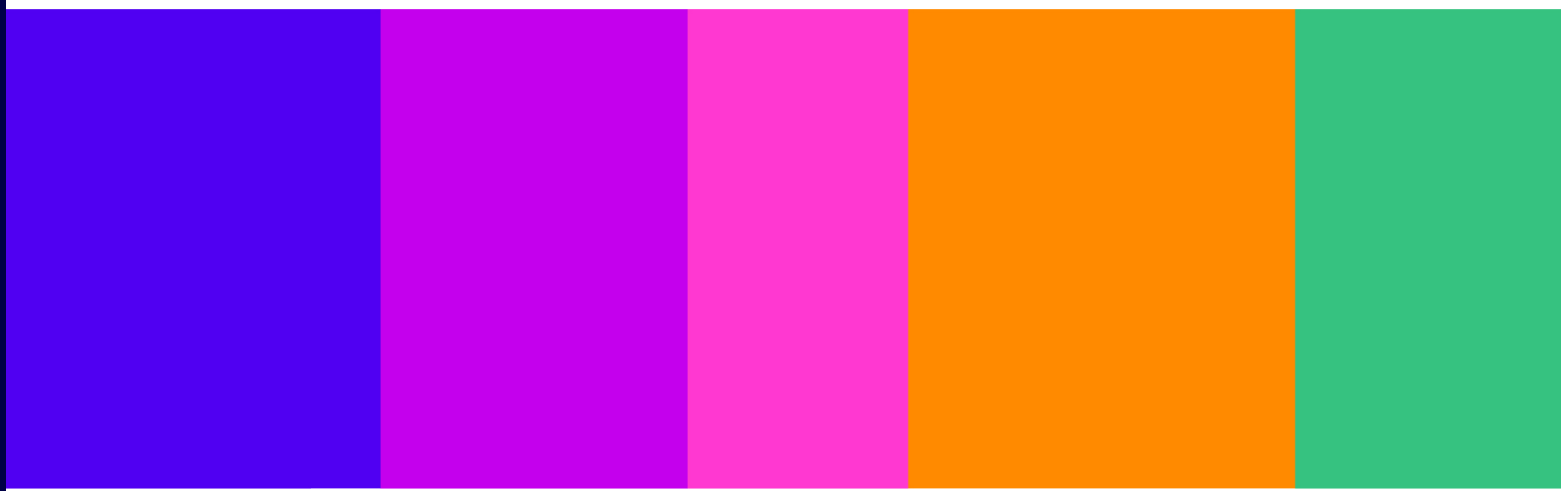


Protocol for Ofcom's review of BBC Stage 2 complaints

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1. Ofcom's new powers to review BBC Executive Complaint Unit (ECU) complaints

- 1.1 Ofcom sets standards for content on the BBC's TV, radio and on-demand services. We do this through the [Broadcasting Code](#), which applies to all licensed broadcasters. The Code includes rules to secure standards for audiences on due accuracy in news, harmful or offensive material and due impartiality. Ofcom's regulatory role is set out in the BBC's [Charter and Agreement](#). It applies to the BBC's UK public services but not to other BBC content, such as programmes on the BBC World Service.
- 1.2 Separately, Ofcom's role regarding regulation of the BBC's online material has recently been extended. We are consulting on a proposed BBC Online Material Code which will set equivalent standards for BBC online output and hold the BBC to account in this area.
- 1.3 The BBC also has its own [Editorial Guidelines](#), which include the requirements of the Broadcasting Code but extend further in certain areas of BBC editorial policy.
- 1.4 Under the BBC Charter and Agreement, complaints about the BBC's TV, radio and on-demand programmes must normally be made to the BBC first before they can be escalated to Ofcom. This is known as the "BBC First" system. After completing the BBC's complaints process and receiving a final response from the Executive Complaints Unit (ECU)¹, if a complainant remains dissatisfied, they can bring their complaint to Ofcom. Therefore, Ofcom currently only has regulatory oversight of complaints brought directly to us by complainants.
- 1.5 In 2024 the Department for Culture, Media and Sport (DCMS) conducted a [Mid-Term Review](#) (MTR) of the current BBC Charter "to evaluate the effectiveness of the BBC's governance and regulation". The MTR made a number of recommendations for changes to be carried out by both the BBC and Ofcom "to ensure the [BBC] is delivering for licence fee payers".
- 1.6 In particular, the MTR stated that it had "explored how to provide greater and more robust external scrutiny of the ECU's handling of complaints in ways that will create more confidence among audiences".² It went on to make Recommendation 3.5, which states:

"We recommend that Ofcom conducts regular reviews of a representative sample of the Executive Complaints Unit (ECU's) complaints decisions and makes public a summary of its findings. This new regulatory function will be made a formal requirement through an amendment to the Framework Agreement."

¹ The ECU issues responses at "Stage 2" of the BBC's complaints process.

² [BBC Mid-Term Review 2024 - GOV.UK](#), paragraph 155

- 1.7 In December 2025, The Secretary of State and the BBC published amendments to the 2016 BBC Agreement, to reflect the outcomes of the MTR.³ The revised Framework Agreement now gives Ofcom the power to carry out this review with the following amendment:

In clause 57 of the Amended 2016 Agreement, after paragraph (4) insert:

“(5) Ofcom must review a representative sample of all relevant complaints that:

(a) have been resolved by the BBC under the procedures established under clause 56(2) and (4); and

(b) have not been referred to Ofcom under clause 57(1), and report annually on the outcome of their review. Ofcom’s review will consider the relevant complaints against whether the BBC has observed the content standards referred to in paragraphs 3(1) and (2) and the standards set under paragraph 3A(2) of Schedule 3.”

- 1.8 This amendment gives Ofcom oversight of all complaints within its remit, once they have completed the final stage of the BBC complaints process. Therefore, Ofcom will begin reviewing a representative sample of such complaints which have not been referred to Ofcom.
- 1.9 This Protocol sets out how we intend to undertake this review, including: our approach to sample selection; how Ofcom will approach assessments subject to its review; next steps when Ofcom identifies any issues with the content; and how Ofcom will report findings each year.

³ [CP 1460 – Updates to the BBC Framework Agreement](#)

2. Ofcom's approach to reviewing BBC Stage 2 complaints

- 1.10 Ofcom will review a representative sample of complaints dealt with by the BBC's ECU at Stage 2 of its complaints process that have not been sent by complainants to Ofcom. Our review will be conducted on a quarterly basis and we will summarise our findings in our Annual Report on the BBC.
- 1.11 We will begin by reviewing 25% of such complaints in the first year and will keep this figure under review. The review will cover complaints about the BBC's broadcast and on-demand content but will not initially include complaints about its online material. However, once Ofcom's BBC Online Material Code is implemented (anticipated for later in 2026) our review will also include BBC online material complaints.
- 1.12 The BBC will provide information directly to Ofcom on a regular basis about the complaints for which it has issued a final response. Ofcom will use this information to form our sampling frame and then randomly select complaints for review using randomiser software. Ofcom will ensure the complaints we assess will cover a range of topics across the different areas of our Broadcasting Code. We will ensure our sample is proportionately reflective of the types of complaints typically considered by the BBC's ECU at Stage 2.
- 1.13 Ofcom does not normally correspond with complainants and we will not do so on a routine basis for complaints reviewed in accordance with this Protocol. However, we may contact individual complainants (via the ECU) where any assessment merits such contact.
- 1.14 Ofcom does not intervene in the BBC's handling of individual complaints and our review will focus on the BBC's substantive final response to the complaint, rather than on how the BBC has handled the individual complaint. As set out in the BBC Charter and Agreement, Ofcom has a duty to consider the BBC's overall approach to complaints handling. We may therefore consider any systemic complaints handling issues highlighted in our review as part of any future consideration of the BBC's overall approach in this area.
- 1.15 In line with paragraph 1.30 of our [Procedures for investigating breaches of content standards on BBC broadcasting services and BBC ODPS](#), Ofcom will first consider whether, on its face, a complaint raises potentially substantive issues under the Broadcasting Code that warrant investigation by Ofcom. We will do so by reference to the gravity and/or extent of the matter complained of, including, for example: whether it involves harm to minors or severe financial or physical harm; and whether Ofcom considers the BBC reached an appropriate decision on the matter. Should Ofcom have any concerns that a complaint reviewed in accordance with this Protocol potentially raises substantive issues warranting investigation under our Broadcasting Code, we will launch an investigation and carry it out in accordance with our existing Procedures.⁴ We will publish the opening of any investigations

⁴ Paragraphs 1.35 – 1.37.

which have been launched as a result of this review, as well as their outcome, on an ongoing basis in our Broadcast and On Demand Bulletin and/or in our BBC Online Material Bulletin. We will also publish a report annually for a given regulatory year in Ofcom's [Annual Report on the BBC](#), which will explain how we have undertaken our duty to review these complaints.

- 1.16 The following complaints will be excluded from our review under this Protocol:
- a) Fairness & Privacy complaints (complaints from individuals appearing in and/or directly affected by programmes – this is because these complaints do not need to follow the BBC First process and can come straight to Ofcom);
 - b) BBC World Service complaints (Ofcom has no regulatory remit on such complaints);
and
 - c) complaints which have already been referred to Ofcom by the complainant.