

Reference: 1620468

Information Rights
Information.requests@ofcom.org.uk

13 June 2023

Freedom of Information: Right to know request

Thank you for your request for information about complaints about James O'Brien on LBC radio.

We received this request on 14 May 2023 and have considered it under the Freedom of Information Act 2000.

Your request

You asked:

'I write to make the following FOI Request:

Regarding James Edward O'Brien who broadcasts weekdays between 10am and 1pm on LBC radio - I request the following information:

a) For each of the past 3 years, how many complaints has OFCOM received in each year in respect of James Edward O'Brien while broadcasting on LBC radio?

Please supply me this information in monthly breakdown format? If not, the annual figure for each year will suffice.

b) How many of the complaints were upheld in each year?

c) Please supply a copy of the OFCOM response in respect of complaints that were accepted by OFCOM as legitimate?'

Our response

By way of background, Ofcom assesses every complaint it receives. Individual complaints received by Ofcom are assigned to cases, and a case is opened when Ofcom is assessing a specific programme or issue and each case may consist of one or more complaints. Based on an initial assessment of the complaint and a consideration of the related content, Ofcom will consider whether there may have been a breach of the Broadcasting Code (or other Ofcom codes or licence conditions). In cases where Ofcom considers there may have been a breach, it will launch an investigation. The possible outcomes of an investigation are that we judge an issue is in breach, resolved or not in breach of our rules.

Ofcom's Broadcast and On Demand Bulletin (the 'Bulletin'), published every fortnight on our website, includes decisions about the complaints we have considered. The Bulletin covers a range of cases, including those which Ofcom has escalated for full investigation, and those which, after careful assessment, Ofcom has decided not to pursue because they did not raise issues warranting investigation. The [Bulletins](#) can be accessed on our website.

For each of the past three years from 1 January 2020 to 14 May 2023 Ofcom received complaints about James O'Brien's programme on LBC as follows:

Year	Number of complaints	Number of cases
2020	414	82
2021	290	99
2022	148	90
2023 (to 14 May)	74	36

In that period no complaints about [programmes hosted by] James O'Brien were carried forward for investigation, and as a result we do not hold information for questions b and c.

Further details may be found in the Bulletin, under 'Cases assessed, not pursued'.

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,

Information requests

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. Further information about this, and the internal review process can be found on the Information Commissioner's Office [here](#). Alternatively, the Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House

Water Lane
Wilmslow
Cheshire
SK9 5AF