

1997

Report of the

**Broadcasting
Complaints
Commission**

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Broadcasting Complaints Commission

Presented pursuant to Eliz. II 1990 c.42, sect. 148 (1)

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The Broadcasting Complaints Commission

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JANE LEIGHTON
CHAIR

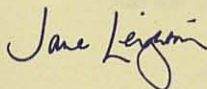
The Right Hon. Mr Chris Smith MP
Secretary of State
Department of National Heritage
2-4 Cockspur Street
London
SW1Y 5DH

8 July 1997

Dear Secretary of State

I have pleasure in sending you, as required by section 148 of the Broadcasting Act 1990, the report of the Broadcasting Complaints Commission's proceedings for the period 1 April 1996 to 31 March 1997, together with the statement of accounts for the financial year.

Yours sincerely



JANE LEIGHTON

Enc

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The texts of the Commission's adjudications during the year are set out in a separate publication. Copies are lodged in the House of Commons and House of Lords libraries. Members of the public can obtain a copy by writing to the Commission at the address on the back cover, enclosing a cheque or postal order for £10. The text is also available on computer disk, free of charge, on request to the Commission.



Chair's Introduction

The Broadcasting Complaints Commission (BCC) was established in 1980 as an independent statutory complaints body to offer redress to individuals or bodies who had been unfairly treated, or who had had their privacy unwarrantably infringed by broadcasters. This function has been confirmed in the 1996 Broadcasting Act. However, with the ink barely dry, there is already speculation about regulatory change for the new digital era, which offers the prospect of more than 1 million hours of broadcasting a year by the millennium. The key contribution of the Commission, its independence and role as an alternative to a court of law, cannot be matched by broadcasters or industry regulators. In the Commission's experience its function is valued by both, as well as by complainants. It will be important to take this into account in any regulatory review.

At present we in the BCC focus more narrowly on the imminent merger with the Broadcasting Standards Council (BSC). From 1 April 1997 the new Broadcasting Standards Commission combines the BCC's quasi-judicial role of adjudicating on complaints of fairness and privacy with the responsibility of the BSC for considering issues and complaints of taste and decency. This introduction to the final report of the BCC looks at how much, and how little, fairness and privacy complaints have changed over the past sixteen years.

Complaints

In 1981, their first year of operation, the BCC's five part-time Commissioners entertained just five complaints, issued four adjudications and recorded their concern about the time taken to consider individual complaints. Some five years later there was adverse comment on the matter in the House of Lords. The Commission continued to revise its procedures. However, it was not successful in reducing delays in exchanges of written evidence, the large scope of the submissions and the difficulties in arranging hearing dates.

Members also had to deal with a steady rise in the number of complaints and with complaints of increasing complexity. Over a decade the annual number of complaints within jurisdiction rose to 120. In 1992 the Commission issued 54 adjudications and had 55 complaints outstanding at the end of the year. With no increase in the number of Commissioners or appreciable increase in staff, by 1996 the Commission faced a backlog of some 124 complaints stretching back to programmes broadcast nearly two years earlier. These cases, together with a further 125 complaints within remit during 1996-97, meant that a total of 249 cases were before the Commission in its final year.

When appointed to chair the Commission last autumn, just five months before the merger with the BSC, I had four aims and a tight timetable:

- produce a skills specification so that potential Commissioners were assessed against the requirements of the appointment;
- secure agreement from the Department of National Heritage (Department) to the specification and to the immediate appointment of three new Commissioners to replace retiring BCC members;
- simplify the way the Commission worked, without sacrificing thoroughness or increasing the risk of judicial review;
- find resources in the order of £100,000 in order to reduce substantially the backlog of complaints in 1997/98, the first year of the new Broadcasting Standards Commission.

Through the support of the Department and our staff we have succeeded in achieving all those aims, producing a real improvement in service in an exceptionally short time. The Department acted swiftly on appointments and enabled us to find the resources to deal with the backlog, including the recruitment of extra staff to make an immediate start. In 1996-97 the Commission gave decisions on 149 complaints and issued 71 adjudications covering 74 complaints. It reduced the backlog from 124 cases to 100 by the end of the year. The energy and commitment of colleagues in the BCC and at the Department has made it a privilege for me to lead the Commission through this important period.

I would also like to thank broadcasters for their positive response to the tougher discipline of the BCC's new procedures and working practices. We have strict time limits for written submissions, dates for hearings are fixed at an early stage, and we keep a tight focus on the complaint and the programme as broadcast. This will help us to reduce the average time taken to process a complaint from eleven months; we now have to meet a tough but achievable target of five months, once the backlog is cleared.

We will make further changes to streamline the fairness and privacy process in the new Broadcasting Standards Commission but, when considering new ways of working, we should not overlook the experience of the Commission over the last sixteen years.

BCC Commissioners have always balanced their commitment to thorough and searching enquiry with the aim of adjudicating as speedily as the quasi-judicial nature of the work allows. They have remained mindful that it is important to reach a decision which is fair to all parties, because BCC adjudications touch upon the reputations of those who make the programme, as well as those who are directly affected by it. Hearings, with both complainant and broadcaster present, have often provided the only means to resolve a crucial conflict of evidence. Time-consuming and costly judicial reviews have been few and of the 9 challenges to the Commission's decisions only 3 have been successful. In 1996 the Commission successfully defended a case brought by Mr David and

Mr Frederick Barclay who contested the decision not to entertain their complaint before the programme was broadcast.

Much of the credit for maintaining the Commission's high standards through some testing years goes to Don Allen CMG, who retires on 31 March 1997 after serving seven years as a Commissioner. His rigour, ability and dedication were unequalled. We shall miss his wisdom and sound judgement as we shall that of Patricia Phelan, our Legal Adviser until 31 December 1996.

Enduring themes

In the early eighties the Commission recorded that investigative and, increasingly, consumer programmes performed a valuable public service and were an essential ingredient of broadcasting in an open society. It also said that people should normally be given advance warning of allegations to be made against them and sufficient time to answer those allegations. Occasionally complainants have been so unquestioning, and so enthusiastic at the prospect of appearing on television, that they bring to mind Jemima Puddleduck - "not even the mention of sage and onions made her suspicious" - but the question of straight dealing between broadcaster and contributor remains an important concern. Complainants often say that they did not have clear information about the issues to be raised in the programme or enough time to consider the consequences of participating. As a consequence they feel strongly that they were misled into taking part and that this resulted in unfairness in the broadcast.

Programme-makers should make sure that participants have a clear understanding of the focus of the programme and the way in which their contribution will be used. Research and editing should stand up to close scrutiny. This year we have again seen evidence of traditional values - excellence in broadcast journalism and research - in high-quality current affairs and investigative programmes. Over the past few years, however, we have increasingly found unfairness in the more ratings-driven programmes, which have sometimes been under-researched or made by inexperienced producers. Lower budgets, less training and the pressures on people to make a name quickly in a "casualised" industry all underscore the role of an independent complaints body in offering redress to individuals and emphasize the need to maintain high standards for fairness and privacy.

Speculation that combative "phone-in" programmes might lead to a large number of complaints of unfairness has not been realised. Other developments have been more significant: the Commission has recorded unfairness and unwarranted infringement of privacy of people portrayed without their agreement in drama-documentaries and in the ubiquitous series about emergency services, which inevitably deal with personal distress and trauma.

The Commission has also registered concern about the terms on which programme-makers have access to police operations. It has emphasized to broadcasters the need for people to know as soon as possible that they have been recorded and the importance of removing the possibility that innocent parties might be identified in any subsequent broadcast.

The Commission's view on secret filming has been consistent: it is appropriate for serious matters when there is a chance of securing important information which could not otherwise be obtained. The Commission does not always find the broadcaster's claim of public interest to be justified, but it accepts that the decision within the organisation to allow secret filming is normally only given after discussion at a senior level.

The difficult question of broadcasting items about matters which are in the public domain has again exercised the Commission. This year it upheld a complaint from a victim of a robbery who said her privacy had been unwarrantably infringed after her name and occupation had been broadcast. The information had already been released by the police and press agencies. The Commission accepts that, in these circumstances, there is no general duty to seek permission before naming victims of crime and it has not upheld complaints which, on the surface, have appeared very similar to this case. However, it considered that, given the sensitive circumstances and nature of her employment as a cash collector, the broadcast information should not have included her personal details. This illustrates the difficulty in applying a strict code to fairness and privacy complaints and the importance of adjudicating on the facts of each case.

Some complainants have recorded their disappointment that the Commission cannot prevent further broadcasts of a programme found to be unfair or to have unwarrantably infringed their privacy. Others have requested that the re-broadcast be preceded by the summary of the Commission's findings. This is a matter for discussion with broadcasters after the new Broadcasting Standards Commission is established. The requirement in the 1996 Broadcasting Act for broadcasters to report any action taken after the Commission has adjudicated may help in this respect.

The 1996 Broadcasting Act

Lord Pilkington, then Chairman of the BCC, and Commissioner Tony Christopher shouldered much additional work prior to the 1996 Broadcasting Act. Representing the Commission, they argued that complaints about unfair treatment and unwarranted infringement of privacy were most effectively dealt with by thorough examination of the facts of the particular case, and that any new code for fairness and privacy should deal with general principles only.

They also urged Parliament to clarify who could actually make a complaint. The 1990 Act made provision for complaints from "the person affected" (an individual or a body) with a "direct interest" in the programme's subject matter. In 1994 and 1995 the BCC's jurisdiction to entertain was challenged in court on two occasions. First, a barely reported judicial review judgment upheld the Commission's decision to entertain a complaint from a parish council about a programme which allegedly gave the impression of serious racial problems within the parish. The Judge construed the phrase "direct interest" broadly. However, in 1995, in a much publicised judgment, the Commission was found to have erred in entertaining a complaint from a pressure group on behalf of one-parent families. The judge held that such an interest group had an indirect, not a direct interest and, therefore, no locus as "the person affected". The absence of clarification in the 1996 Broadcasting Act means that "direct interest" and "person affected" remain a grey area and a continuing source of difficulty for the Commission.

During the passage of the 1996 Broadcasting Act the BCC expressed genuine anxiety about the creation of a new single complaints body to combine the BCC's ombudsman role in adjudicating on fairness and privacy complaints with the BSC's function of considering standards in taste and decency. While agreeing that a common post-box would be helpful for complainants, who often confused the two bodies, the Commission was concerned that a merger should not compromise the independence, thoroughness and consistency in approach to decision making required in adjudicating on fairness and privacy complaints. The Fairness Committee, established under the 1996 Act to discharge the function of the new BSC in these matters, must observe these requirements and the rules of natural justice.

In the last year the two bodies have met on a monthly basis to prepare a draft Code on Fairness and Privacy and agree an organisational structure, objectives, shared use of resources and working practices. The fundamentally different roles have not made this a straightforward merger, but over time, and putting in place necessary checks and balances for fairness and privacy complaints, we agreed a way forward.

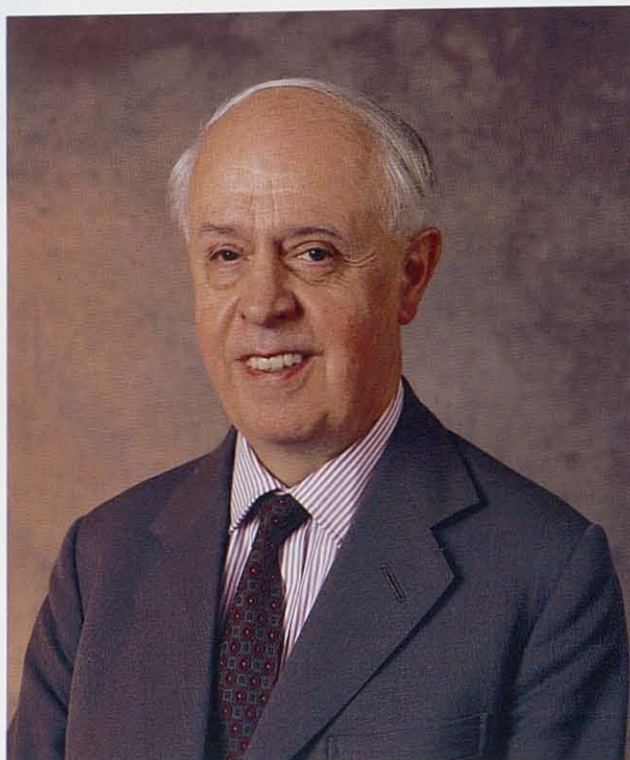
In December 1996 Danielle Barr and I were joined by three new



Commissioners - David Boulton, Strachan Heppell and Susan Lloyd. Their ability and readiness to take on this exacting and stimulating work has already helped us to tackle the outstanding cases. We all owe a debt to our new Secretary, Hillary Bauer and to our seven staff and secondees, who sustained an extraordinarily high level of achievement throughout a very difficult year to see that the BCC is in good shape for the merger.

We will shortly join new colleagues in the Broadcasting Standards Commission. This body, combining two very different sets of work and wider responsibilities for standards and fairness, will retain a clear and distinctive role in the regulatory framework. It will be independent; lay members will give detailed attention, case by case, to complaints, and - as an alternative to a court of law - it will offer redress for people who have been treated unfairly by broadcasters or who have had their privacy unwarrantably infringed. These are important considerations when deciding the regulatory framework for broadcasting after the millennium.

March 1997



Chairman

**LORD PILKINGTON OF
OXENFORD**

(until 31 October 1996)

was Head Master of King's, Canterbury from 1975 to 1986 and High Master of St. Paul's from 1986 to 1992. He began teaching in Tanganyika in 1955 and was ordained in 1959 and served in a parish in Derbyshire from 1959 to 1962. He was a teacher and House Master at Eton from 1962 to 1975. He was made a life peer in November 1995.

Chair

JANE LEIGHTON

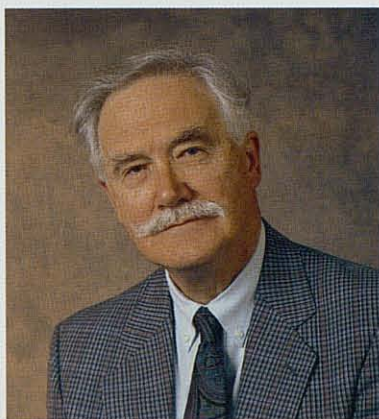
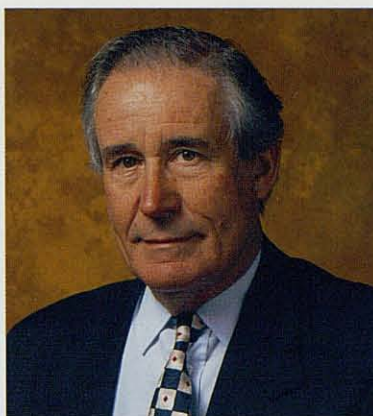
(from 1 November 1996)

is Head of Organisational Development at Tate Gallery. Formerly Head of Public Affairs at Granada Television and Chair of an NHS Mental Health Services Trust, Ms Leighton has extensive Board and senior management experience in the private and public sectors. In the early '80s she was a reporter and producer for networked television current affairs programmes, working for five years for Granada Television's *World in Action* and subsequently Channel 4's *Twenty Twenty Vision*. She is a Board member of the City of London Sinfonia. She was appointed as a member of the Broadcasting Complaints Commission in April 1993.



*Members of the Commission***DONALD ALLEN CMG**

was formerly a member of HM Diplomatic Service and served in various posts at home and overseas between 1951 and 1980, when he joined the Office of the Parliamentary Commissioner for Administration (Ombudsman). He was Deputy Parliamentary Commissioner from June 1982 to June 1990 and was appointed to the BCC in September 1990. He retired from the Commission in March 1997.

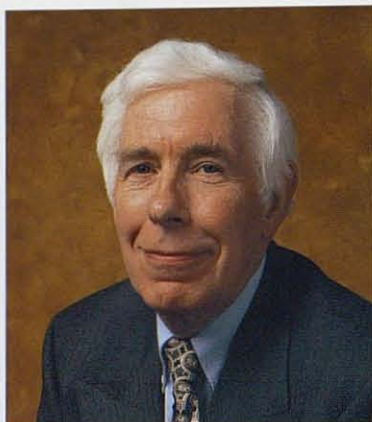
**TONY CHRISTOPHER CBE**

is Chairman of TU Fund Managers Ltd and an Industrial and Political Relations Consultant. He is Chairman of NACRO. He joined the BCC in 1989. He was General Secretary of the Inland Revenue Staff Federation 1976 to 1988 and Chairman of the TUC 1988 to 1989, having been a member of the IBA 1978 to 1983, and has recently completed terms of office on the Audit Commission and the General Medical Council. He resigned from the Commission in December 1996.

DANIELLE BARR

was formerly Managing Director of Third Age Marketing. From 1987 to 1991 she was Managing Director and then Chairman of Publicis, a large European advertising agency, following four years as Head of Advertising at the National Westminster Bank. From 1988 to 1991 she was a lay member of the Investigation Committee at the Solicitors Complaints Bureau. She was appointed to the Broadcasting Complaints Commission in October 1994.





DAVID BOULTON

is an author and broadcaster. In 1965 he joined Granada Television and became head of news, current affairs, arts and drama-documentaries. In 1990 he formed David Boulton Associates Ltd, a broadcasting consultancy working at first with the BBC World Service and subsequently with East European and Russian networks. He edits the quarterly magazine *Sea of Faith*. He was appointed to the Broadcasting Complaints Commission in December 1996.

STRACHAN HEPPELL CB

was former Deputy Secretary, Department of Health, and is now Chairman, Management Board of the European Medicines Evaluation Agency; Vice Chairman, Family Fund Trust; and Visiting Fellow, LSE. He was appointed to the Broadcasting Complaints Commission in December 1996.



SUSAN LLOYD

is a barrister and member of the Middle Temple. She gave up practising at the Bar for family reasons. She became Vice-President of the London Rent Assessment Panel in 1982 and President in 1994. She was a Magistrate between 1988-1996 and is a lay member of the South Thames Regional Health Service Complaints panel. She was appointed to the Broadcasting Standards Commission in December 1996.

Legal Advisers

PATRICIA PHELAN

was called to the Bar in 1977 as a member of Gray's Inn, practising full-time at the Commercial Bar before switching to part-time work in order to bring up her family. She became Legal Adviser to the Commission at the beginning of 1994. She was a member of the Board of Visitors at Wormwood Scrubs prison. She retired from the Commission in December 1996.



ALICIA JOLLES

is a solicitor of almost twenty years standing. She was formerly a litigation partner in the City firm of Clifford Chance and now holds a part-time appointment as an Assistant Recorder.

Secretary

HILLARY BAUER

succeeded Robert Hargreaves as Secretary to the Commission in April 1996. She is a Civil Servant who has worked most recently at the Department of National Heritage as Head of Films Branch. She has worked formerly as Marketing Director for the Historic Royal Palaces Agency, as Deputy Planning Director for the establishment of the South Bank Centre and as Policy Adviser to the London Regional Arts Association during its transformation into the London Arts Board.



Comings and Goings

During the year the Commission said goodbye to Commissioners Lord Pilkington (former Chairman), Tony Christopher CBE, Don Allen CMG, to legal adviser Patricia Phelan and to staff members Judith Kusel, Sarah Matthews, Alex Beauclerc and Eva Rak. It thanks them all for their hard work and wishes them well in their respective new endeavours.

It welcomed new Commissioners David Boulton, Strachan Heppell and Susan Lloyd, legal adviser Alicia Jolles, staff members Hillary Bauer, Bill Drennan, Aidan McIvor, Lorraine Miller and Patsy Abbott Charles and secondees Samantha Hammonds, Elizabeth Skeavington and Jeremy Ison.

What is the Broadcasting Complaints Commission?

The Broadcasting Complaints Commission was constituted under the Broadcasting Act 1980, following a recommendation from the Annan Committee that there was a need for an independent body to consider and adjudicate upon complaints of unfairness or infringement of privacy arising from broadcast programmes. This function has been confirmed in subsequent legislation which, for the period covered by this Report, was Part V of the Broadcasting Act 1990.

Under the Broadcasting Act 1996 the Broadcasting Complaints Commission merged on 1 April 1997 with the Broadcasting Standards Council to form a new body called the Broadcasting Standards Commission, which continues to handle fairness and privacy complaints. (For the purposes of this Report and appendices, only pre-merger 1990 Act references are relevant. However for ease of reference, corresponding, post-merger 1996 Act references are shown in square brackets.)

Members of the Commission are appointed by the Secretary of State for National Heritage. Its jurisdiction, set out in section 143 [110] of the Act, is to consider and adjudicate upon complaints of:

- unjust or unfair treatment in radio or television programmes actually broadcast or included in a licensed cable or satellite programme service; or
- unwarranted infringement of privacy in, or in connection with the obtaining of material included in, such programmes.

Complaints must be made by "the person affected", as defined in section 150 [130] of the Act, or by a person authorised to make the complaint for that person. Thus, the Commission has a narrowly defined function and limited discretion in deciding which complaints to entertain.

Who can complain?

1. A person who feels unjustly or unfairly treated in a broadcast programme or whose privacy has been unwarrantably infringed may complain to the Commission.
2. Complaints of unjust or unfair treatment must be made by:
 - individuals or organisations who appeared or were heard in the programme; or
 - individuals or organisations who have a direct interest in the subject-matter of the treatment complained of.
3. Complaints of unwarranted infringement of privacy must be made by individuals or organisations whose privacy has been infringed.

■ *How to make a complaint*

1. All complaints must be made in writing using the Commission's own complaint form which can be obtained from the Commission's staff by telephoning 0171 233 0544 or by writing to:

The Broadcasting Standards Commission (F)
7 The Sanctuary
London
SW1P 3JS

2. Complaints can be made directly to the Commission following the broadcast, or after a complainant has complained to the broadcaster and is not satisfied with the response. Complaints should be made within a reasonable time of the broadcast. The Commission expects complaints about television programmes to be made within three months of the broadcast in question. In the case of complaints about radio programmes, the period is six weeks. Complaints made after this time are not normally entertained unless the complainant shows good cause for the delay.
3. If a complainant is unsure as to whether his or her complaint is likely to be within the Commission's jurisdiction, or if he or she needs advice on the Commission's staff will be pleased to help. They can be contacted on 0171 233 0544.

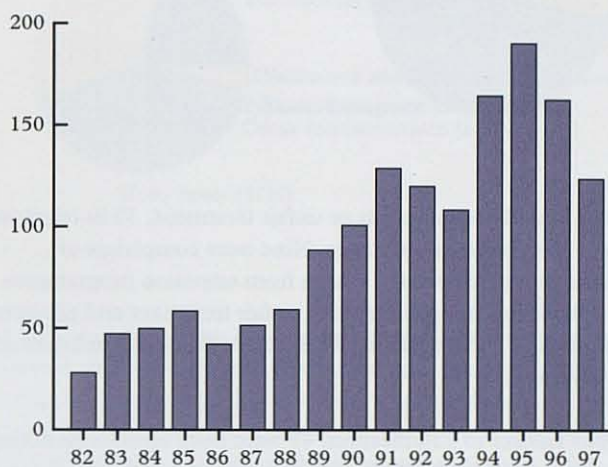
For an outline of the Commission's procedural arrangements, see Appendix 3.

Complaints dealt with by the Commission

(Comparable figures for the period 1 April 1995 - 31 March 1996 are shown in brackets.)

Since the creation of the Commission in 1981, the volume of complaints received which are within its remit has risen considerably (figure 1).

Figure 1: *Complaints received 1982-1997*



*In 1991 62 of the 127 complaints were about one programme

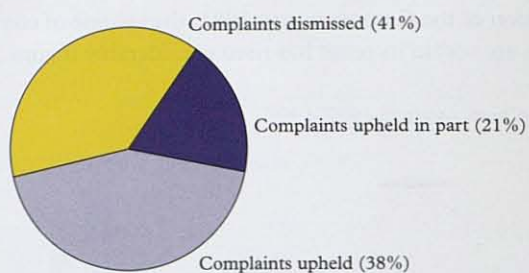
In the twelve months beginning 1 April 1996, the Commission received 990 complaints, of which 865 were outside its limited remit and 125 were within it. Accordingly, together with the 124 complaints which were outstanding on 31 March 1996, a total of 249 complaints were before the Commission during the year. The Commission gave decisions in 149 (143) of these complaints. The remaining 100 complaints were outstanding at the end of the year, compared with 124 the previous year.

Of the 149 complaints dealt with, 74 (61) were the subject of 71 (58) adjudications.

The Commission decided not to entertain, or proceed with, the remaining 75 (82) complaints that were within its remit. Details are set out in Appendix 2.

Of the 71 adjudications issued, 42 were upheld (15 in part only) and 29 were dismissed (figure 2).

Figure 2: *The Commission's findings*



Of these, 43 were complaints of unjust or unfair treatment, 33 in television programmes and 10 in radio programmes. Nine were complaints of unwarranted infringement of privacy arising from television programmes. Nineteen were complaints of both unjust or unfair treatment and unwarranted infringement of privacy, 16 of which arose from television programmes and 3 from radio programmes.

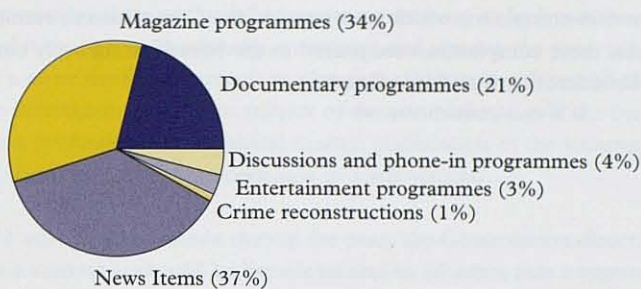
Of the complaints subject to adjudication, 47 were from individuals acting in a personal or professional capacity, 9 were from companies, 4 from professional or trade bodies, organisations and interest groups and 2 from political parties. In addition, 9 complaints were from other bodies, e.g. police and health authorities (figure 3).

Figure 3: *Complainants*



Fifteen of the complaints were about documentary programmes, 24 were about magazine programmes, 26 about news items, 3 about discussions and phone-ins, 2 about entertainment programmes and one about a crime reconstruction (figure 4).

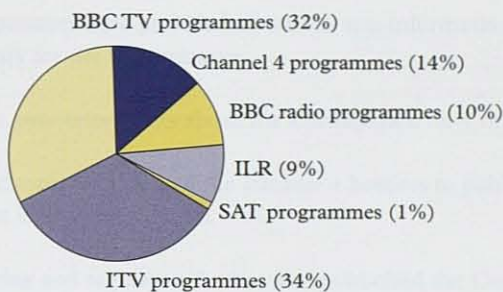
Figure 4: Programme Type



Of the 30 complaints about BBC programmes, 23 were about television programmes and 7 about radio programmes; of the 34 complaints about independent broadcasting, 24 were about programmes shown on ITV, 10 were about programmes shown on Channel 4, one was about a programme shown on a satellite channel and 6 were about independent local radio.

Of the 71 adjudications issued, 58 were about television programmes and 13 were about radio programmes (45 broadcast nationally and 26 locally) (figure 5).

Figure 5: Programme Channel



A list of the complaints adjudicated upon is given in Appendix 1. The texts of the 71 adjudications are set out in a separate booklet which is available from the Commission at a price of £10. The text is also available on computer disk, free of charge, on request to the Commission.

Complaints about standards of taste and decency in programmes (including the portrayal of sex and violence) and about programme scheduling formed the bulk of the 865 complaints which were outside the Commission's remit. Where appropriate, these complaints were passed to the broadcasting body concerned or to the Broadcasting Standards Council.

Publication of the Commission's findings

The only sanction available to the Commission, when it has adjudicated upon a fairness or privacy complaint, is to direct the broadcaster concerned to publish an approved summary of the complaint and the Commission's findings in such manner as specified in the direction.

The Commission does not usually require a summary to be broadcast or published when it has dismissed a complaint and, during the year, it has adopted a more flexible approach to directions. Directions for publication now take into account the nature or subject of the complaint, e.g. if the complaint concerns a professional or technical matter, publication of the summary may be directed to an appropriate professional or trade journal.

Of the 71 adjudications made during the year, the Commission directed in one case that a summary should be broadcast and in 30 cases that a summary should be both broadcast and published. It has yet to decide whether to give formal directions in 2 cases and gave no directions in the remaining 38 cases.

Of the 30 summaries which were published, one was in *Radio Times*, and the remainder were in the national and/or local press.

Publicising the Commission

By section 146 [124] of the Act it is the "duty of each broadcasting or regulatory body to arrange for the publication (by means of broadcasts or otherwise) of regular announcements publicising the BBC".

The BBC broadcast the following announcements - 6 on BBC1, 6 on BBC2, 12 on Radio 4 and 2 on each regional and local television and radio station. In addition, the BBC's CEEFAX service has included information about the Commission.

Many cable operators have provided on-screen text information services which include publicity for the Commission.

S4C broadcast announcements about the Commission on 4 occasions.

The Radio Authority required all the stations it licenses to publicise the Commission at least once a month.

The broadcasting and regulatory bodies also publicised the Commission in written material, including a weekly announcement in the letters pages of *Radio Times*.

Financial Statements for the year ended 31 March 1997

FOREWORD

The financial statements have been prepared pursuant to paragraph 12(1) of Schedule 13 to the Broadcasting Act 1990.

1. The Broadcasting Complaints Commission, established under the Broadcasting Act 1980 and now operating under the Broadcasting Act 1990, considers and adjudicates upon complaints of unjust or unfair treatment in, or unwarranted infringement of privacy in, or in connection with the obtaining of material included in, sound or television programmes, including teletext transmissions, broadcast by the BBC, or the Welsh Authority, or a licensee of the ITC or Radio Authority.
2. The Commission is financed by grant-in-aid from the Film, Tourism, Sport and Broadcasting Vote (Class XI 5). The amount below relates to the year ended 31 March 1997, during which time the expenditure of the Commission amounted to £608,835 (1996: £556,202).
3. Paragraph 4 of Schedule 13 to the Act of 1990 makes provision for the payment to the members of the Commission of such remuneration, pensions, allowances or gratuities as the Secretary of State with the consent of the Treasury may determine. Paragraph 8 makes similar provision for the Commission's staff, who are subject to Treasury salary scales. Total expenditure under these heads amounted to £327,245 (1996: £331,847). Other administration costs, principally connected with the accommodation of the Commission and staff and travelling expenses, telephones, postage, stationery, temporary staff and legal expenses amounted to £281,590 (1996: £224,355).

Statement of Responsibilities of the Broadcasting Complaints Commission and its Secretary with respect to the financial statements

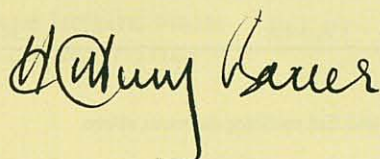
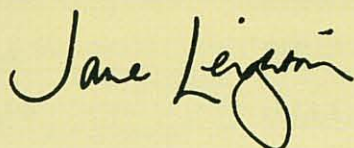
Under paragraph 12(1) of Schedule 13 to the Broadcasting Act 1990 the Broadcasting Complaints Commission is required to prepare a statement of accounts for each financial year in the form and on the basis directed by the Secretary of State, with the approval of the Treasury. The accounts are prepared on an accruals basis and must show a true and fair view of the state of affairs of the Broadcasting Complaints Commission at the year end and of its income and expenditure and cash flows for the financial year.

In preparing the accounts the Commissioners are required to:

- a. observe any directions issued by the Secretary of State, including the relevant accounting and disclosure requirements, and apply suitable accounting policies on a consistent basis;
- b. make judgements and estimates on a reasonable basis;
- c. state whether applicable accounting standards have been followed, and disclose and explain any material departures in the financial statements; and
- d. prepare the financial statements on a going concern basis, unless it is inappropriate to assume that the Broadcasting Complaints Commission will continue in operation.

The Secretary has been designated by the Accounting Officer for the Department of National Heritage as the Accounting Officer for the Broadcasting Complaints Commission. Her relevant responsibilities as Accounting Officer, including her responsibility for the propriety and regularity of the public finances for which she is answerable and for the keeping of proper records, are set out in the Non-Departmental Public Bodies' Accounting Officer Memorandum.

The financial statements were approved on behalf of the Broadcasting Complaints Commission on 5 June 1997.



Income and Expenditure Account for the year ended 31 March 1997

	NOTES	1997		1996	
		£	£	£	£
INCOME					
Grant-in-aid received Class XI Vote 5		604,000		603,000	
Other income		30		303	
		604,030		604,303	
EXPENDITURE					
Commissioners' remuneration	2	103,593		97,019	
Staff costs	3	223,652		234,828	
Advisory, temporary staff and recruitment costs		45,995		-	
Pensions paid		16,084		7,005	
Commissioners' travelling, subsistence etc.		11,518		14,554	
Staff travelling etc.		1,109		2,614	
Rent, rates and other accommodation expenses		120,258		104,504	
Office supplies, printing and stationery		62,580		50,972	
Telephones		3,231		3,176	
Postage		5,359		3,675	
Auditors' remuneration - audit services		2,585		2,000	
- non-audit services		4,080		5,000	
Accountancy fees		3,086		2,808	
Travelling expenses of complainants		4,188		3,822	
Legal claims and expenses		(330)		15,321	
Inland Revenue		1,029		8,139	
Bank charges and commission		818		765	
		(608,835)		(556,202)	
OPERATING SURPLUS/(DEFICIT) FOR THE YEAR		(4,805)		47,101	
Bank interest receivable		990		1,986	
Deficit/(surplus) for the financial year		(3,815)		49,087	
Accumulated fund at 1 April		23,258		(25,829)	
ACCUMULATED FUND at 31 March		19,443		23,258	

STATEMENT OF TOTAL RECOGNISED GAINS AND LOSSES

There are no recognised gains and losses other than those shown in the Income and Expenditure Account above.

Balance Sheet as at 31 March 1997

	NOTES	1997		1996	
		£	£	£	£
CURRENT ASSETS					
Debtors and prepayments		39		29,851	
Cash at bank and in hand		49,734		28,296	
		49,773		58,147	
CURRENT LIABILITIES					
Creditors and accruals	4	(30,330)		(34,889)	
NET ASSETS		19,443		23,258	
Represented by:					
ACCUMULATED SURPLUS		19,443		23,258	

The financial statements were approved on behalf of the Broadcasting Complaints Commission on 5 June 1997.

Cash Flow Statement as at 31 March 1997

		1997		1996	
		£	£	£	£
CASH INFLOW FROM OPERATING ACTIVITIES		20,448		9,583	
(see below)					
RETURNS ON INVESTMENTS AND SERVICING OF FINANCE					
Interest received		990		1,986	
Increase in cash in the period		21,438		11,569	
RECONCILIATION OF (DEFICIT)/SURPLUS TO NET CASH FLOW FROM OPERATING ACTIVITIES					
Operating (deficit)/surplus for the year		(4,805)		47,101	
Decrease/(increase) in debtors		29,812		(5,102)	
Decrease in creditors		(4,559)		(32,416)	
NET CASH INFLOW FROM OPERATING ACTIVITIES		20,448		9,583	

Notes to the Financial Statements

ACCOUNTING POLICIES

Accounting convention

The financial statements have been prepared under the historical cost convention and in accordance with applicable accounting standards.

Legal claims and awards

Awards receivable are credited to the income and expenditure account upon receipt. Provision is made for claims payable on a prudent basis.

Capital expenditure

The Commission has a policy of capitalising assets costing £5,000 or more. To date no such assets have been purchased.

Grant-in-aid

Grant-in-aid is receivable from the Department of National Heritage, Class XI Vote 5 and is accounted for on a receivable basis.

Pension costs

The Commission operates on an unfunded pension scheme for the benefit of eligible employees and Commissioners. The scheme is funded on a pay-as-you-go basis from grant-in-aid.

2. COMMISSIONERS' REMUNERATION

	1997	1996
	£	£
Fees	94,353	88,437
Employer's N.I. contributions	9,240	8,582
	103,593	97,019
Emoluments of the Chairman and highest paid Board Member (included above)	35,010	33,990
Members' emoluments fell within the following ranges:	Number	Number
£10,001-£15,000	5	4
£30,001-£35,000	-	1
£35,001-£40,000	1	-

No pension contributions are made by the Commission on behalf of any Commissioner or the Chairman.

3. STAFF COSTS

	1997	1996
	£	£
Wages and salaries	199,327	205,264
Employer's N.I. contributions	11,931	14,845
Pension contributions	12,394	14,719
	223,652	234,828
Emoluments of the Secretary (included above)		
- Salary	39,270	36,908
- Compensation for loss of office	-	11,000
	39,270	47,908
No members of staff received emoluments exceeding £40,000		
The average number of staff employed during the financial year was as follows:	Number	Number
- Management and administration	9	9

4. CREDITORS AND ACCRUALS

	1997	1996
	£	£
Staff costs	19,552	12,309
Office supplies and establishment costs	6,732	6,399
Accountancy fees	-	688
Audit fees	2,585	2,000
Legal and professional expenses	1,461	13,492
	30,330	34,888

5. CONTINGENT LIABILITIES AND CAPITAL COMMITMENTS

The Commissioners consider that there were no contingent liabilities nor any capital commitments at 31 March 1997 and 31 March 1996.

6. SUBSEQUENT EVENTS

In accordance with the Broadcasting Act 1996, on 1 April 1997 the Commission's assets, liabilities, accumulated surplus and activities were transferred to the Broadcasting Standards Commission, a new body established to carry out the activities which, to date, have been carried out by the Broadcasting Complaints Commission and the Broadcasting Standards Council.

7. RELATED PARTY TRANSACTIONS

During the year the Commission paid amounts totalling £92,719 in respect of rent, rates and related services to the Broadcasting Standards Council, a body controlled by the Secretary of State for National Heritage.

Auditors' Report

to the Secretary of State for The National Heritage and to the members of the Broadcasting Complaints Commission

We certify that we have audited the financial statements on pages 24 to 27 under the Broadcasting Act 1990. These financial statements have been prepared under the historical cost convention and the accounting policies set out on page 26.

Respective responsibilities of the Commission, Accounting Officer and Auditors

As described on page 1 the Commission and Accounting Officer are responsible for the preparation of financial statements and for ensuring the regularity of financial transactions. It is our responsibility to form an independent opinion, based on our audit, on those statements and on the regularity of the financial transactions included in them and to report our opinion to you.

Basis of opinion

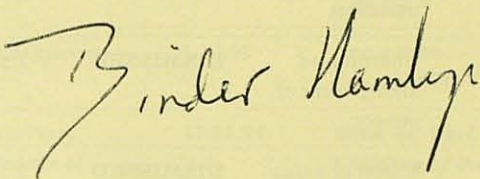
We conducted our audit in accordance with the Auditing Standards issued by the Auditing Practices Board. An audit includes examination, on a test basis, of evidence relevant to the amounts, disclosures and regularity of financial transactions included in the financial statements. It also includes an assessment of the significant estimates and judgements made by the Commission and Accounting Officer in the preparation of the financial statements and whether the accounting policies are appropriate to the Commission's circumstances, consistently applied and adequately disclosed.

We planned and performed our audit so as to obtain all the information and explanations which we considered necessary to provide us with sufficient evidence to give reasonable assurance that the financial statements are free from material misstatement whether caused by error, or by fraud or other irregularity and that, in all material respects, the expenditure and income have been applied to the purposes intended by Parliament and the financial transactions conform to the authorities which govern them. In forming our opinion we also evaluated the overall adequacy of the presentation of information in the financial statements.

Opinion

In our opinion:

- the financial statements give a true and fair view of the state of affairs of the Broadcasting Complaints Commission as at 31 March 1997 and of the deficit and cash flows for the year then ended and have been properly prepared in accordance with the Broadcasting Act 1990 and directions made thereunder by the Secretary of State; and
- in all material respects the expenditure and income have been applied to the purposes intended by Parliament and the financial transactions conform to the authorities which govern them.

A handwritten signature in black ink, appearing to read "Binder Hamlyn". The signature is written in a cursive, flowing style.

Chartered Accountants

Complaints subject to adjudication

Cases are listed in the order in which the adjudications were signed.

(A finding of "UPHELD IN PART" includes cases where a minor element of the complaint is upheld)

Complainant	Date of Complaint	Programme	Date of Broadcast	Nature of Complaint	Commission's Finding	Date of Issue
British National Party	3.11.94	<i>Critical Eye : Living with the Bunker</i> Channel 4	27.10.94	Unjust or unfair treatment	DISMISSED	17.4.96
Mrs Merlyn Vaz	20.10.94	<i>Newsnight</i> BBC2	21.9.94	Unjust or unfair treatment	UPHELD	18.4.96
Mrs Merlyn Vaz	20.10.94	<i>Leicester Enquiry</i> TV Asia	7.9.94	Unjust or unfair treatment	UPHELD	18.4.96
Mr Philip Packwood	4.9.95	<i>Crime Story : Hot Dog Wars</i> ITV (Central Television)	8.2.95	Unwarranted infringement of privacy	DISMISSED	2.5.96
Mr Adrian Mudie and Mr Trevor Davies of Sea Land Air Ambulance Services	31.5.95	<i>Watchdog Healthcheck</i> BBC1	22.5.95	Unjust or unfair treatment Unwarranted infringement of privacy	DISMISSED	2.5.96
Elmton-with-Creswell Parish Council	8.5.94	<i>The Brief</i> Channel 4	8.3.94	Unjust or unfair treatment	UPHELD IN PART	2.5.96
Mr John Soan	30.9.94	<i>Trial and Error</i> Channel 4	20.9.94	Unjust or unfair treatment Unwarranted infringement of privacy	DISMISSED	16.5.96
Dr Jonathan Caldwell-Knight	23.12.94	<i>The Cook Report : Stalking the Stalkers</i> ITV(Central Television)	15.12.94	Unjust or unfair treatment Unwarranted infringement of privacy	DISMISSED	5.6.96
Mr Erik Nielsen	31.3.95	<i>The Cook Report : Bad Medicine</i> ITV (Central Television)	22.12.94	Unjust or unfair treatment	UPHELD IN PART	10.6.96

Complainant	Date of Complaint	Programme	Date of Broadcast	Nature of Complaint	Commission's Finding	Date of Issue
Mrs Brown	11.9.95	<i>Look East</i> BBC News	21.6.95	Unwarranted infringement of privacy	UPHELD IN PART	20.6.96
The Greater Manchester Police Authority	6.7.95	<i>News items</i> BBC News BBC Regional News BBC Greater Manchester BBC Radio 4	28.6.95	Unjust or unfair treatment	DISMISSED	3.7.96
Lancashire County Council	13.3.95	<i>Dispatches : A Social Disservice</i> Channel 4	14.12.94	Unjust or unfair treatment	DISMISSED	3.7.96
Mr Andy Gascoine	5.10.95	<i>News item</i> ITV (GMTV)	27.7.95	Unjust or unfair treatment	UPHELD	3.7.96
Mr Chris Perry then Director of South Glamorgan Social Services	17.11.94	<i>Week In, Week Out : Children of the Night</i> BBC Wales	15.11.94	Unjust or unfair treatment	DISMISSED	4.7.96
Ms Elizabeth Delafield	12.11.95	<i>Panorama : Class Struggle</i> BBC1	6.11.95	Unjust or unfair treatment	UPHELD IN PART	18.7.96
The Countess of Lucan	6.7.95	<i>Gary Jacobs Sound Advice</i> Talk Radio UK	8.4.95	Unjust or unfair treatment	DISMISSED	18.7.96
The British Dental Association	24.10.94	<i>Panorama : Poison in the Mouth</i> BBC1	11.7.94	Unjust or unfair treatment	UPHELD	18.7.96
Mr Louis Wilson	21.8.95	<i>Animal Detectives</i> ITV (Carlton UK Television)	25.5.95	Unjust or unfair treatment Unwarranted infringement of privacy	UPHELD IN PART	1.8.96
Reverend Peter Knowles on behalf of Sydney Hoyle	24.10.95	<i>News item</i> BBC North West	23.10.95	Unjust or unfair treatment	DISMISSED	1.8.96
Mr Chris Foote Wood	15.8.95	<i>Look North</i> BBC TV North	3.8.95	Unjust or unfair treatment	UPHELD IN PART	1.8.96

Complainant	Date of Complaint	Programme	Date of Broadcast	Nature of Complaint	Commission's Finding	Date of Issue
Pankhursts of Dorchester Limited	1.4.96	<i>News items</i> Wessex FM	13.2.96	Unjust or unfair treatment	UPHELD	5.8.96
Mr David Potter	18.7.95	<i>London Today</i> <i>London Tonight</i> ITV (Carlton UK Television)	23.6.95	Unwarranted infringement of privacy	UPHELD	5.9.96
Mr David Potter	24.3.96	<i>News item</i> ITV (GMTV)	25.6.95	Unwarranted infringement of privacy	UPHELD	5.9.96
Palé Hall Country House Hotel	17.10.94	<i>Wales Tonight</i> ITV (HTV)	15.9.94	Unjust or unfair treatment	UPHELD	5.9.96
Palé Hall Country House Hotel	17.10.94	<i>News items</i> BBC Radio Wales	15.9.94	Unjust or unfair treatment	UPHELD	5.9.96
Dixons Store Group Limited ¹	12.12.94	<i>Watchdog</i> BBC1	26.9.94 10.10.94 24.10.94 31.10.94 23.1.95 30.1.95	Unjust or unfair treatment Unwarranted infringement of privacy	UPHELD IN PART	5.9.96
Mr Gerry Ross	13.6.95	<i>News item</i> BBC Radio Leicester	9.1.95	Unjust or unfair treatment	UPHELD	5.9.96
Mrs Margaret Humphreys	28.3.95	<i>Wales This Week</i> ITV (HTV)	17.3.95	Unjust or unfair treatment Unwarranted infringement of privacy	DISMISSED	5.9.96
Ms Lyn Bryan	27.2.96	<i>The Mark Thomas Comedy Product</i> Channel 4	28.2.96	Unwarranted infringement of privacy	UPHELD	5.9.96
Mrs Fanoulla Argyrou	26.1.95	<i>What Sunday Brings</i> London Greek Radio	18.12.94	Unjust or unfair treatment Unwarranted infringement of privacy	UPHELD	18.9.96

Complainant	Date of Complaint	Programme	Date of Broadcast	Nature of Complaint	Commission's Finding	Date of Issue
Mrs Ellen Greenlees	26.7.95	<i>Panorama : Drug Rule</i> BBC1	24.7.95	Unjust or unfair treatment	UPHELD	3.10.96
Mr James Abbott on behalf of The Green Party	9.4.96	<i>Ruscoe on 5</i> BBC Radio 5 Live	28.2.96	Unjust or unfair treatment	UPHELD	3.10.96
Ms Angela Waller	8.1.96	<i>News item</i> Radio Cambridgeshire	3.1.96	Unjust or unfair treatment Unwarranted infringement of privacy	UPHELD	3.10.96
Mr Robert Henderson	1.9.95	<i>The Magazine</i> <i>The Back Page</i> <i>David Gower's</i> <i>Cricket Weekly</i> BBC Radio 5	4.7.95 5.7.95 6.7.95 7.9.95	Unjust or unfair treatment	DISMISSED	7.10.96
Mrs M Blakeley	2.8.95	<i>News item</i> Radio Maldwyn	21.6.95	Unjust or unfair treatment	UPHELD	8.10.96
Dr Abraham Karpas	21.12.94	<i>Public Eye : Hope or Hype</i> BBC2	18.11.94	Unjust or unfair treatment	UPHELD IN PART	16.10.96
Takare Plc	13.4.95	<i>Dispatches : Who's Taking Care?</i> Channel 4	8.2.95	Unjust or unfair treatment	UPHELD	17.10.96
The University of East London	14.8.95	<i>The Invisible Wall</i> BBC1	21.6.95	Unjust or unfair treatment Unwarranted infringement of privacy	UPHELD IN PART	31.10.96
Liverpool Football Club and Liverpool Football Club Supporters' Club ²	29.9.95	<i>Backup</i> BBC1	28.9.95	Unjust or unfair treatment	UPHELD	28.11.96
Mrs Elizabeth Marsh	22.12.94	<i>The Cook Report : Bad Medicine</i> ITV (Central Television)	22.12.94	Unjust or unfair treatment Unwarranted infringement of privacy	UPHELD IN PART	28.11.96

Complainant	Date of Complaint	Programme	Date of Broadcast	Nature of Complaint	Commission's Finding	Date of Issue
Mid-Glamorgan Health Authority and Mr Peter Braithwaite	9.8.95	<i>Wales This Week</i> ITV (HTV)	20.7.95	Unjust or unfair treatment	UPHELD IN PART	28.11.96
Mr Alan Geal	2.8.95	<i>Central News South</i> ITV (Central Television)	8.2.95	Unjust or unfair treatment Unwarranted infringement of privacy	DISMISSED	12.12.96
Mr Patrick Akinlose	5.4.95	<i>London Tonight</i> ITV (LWT)	3.2.95	Unjust or unfair treatment	DISMISSED	12.12.96
T & N plc	4.7.94	<i>Taking Liberties</i> BBC2	14.4.94	Unjust or unfair treatment	DISMISSED	12.12.96
Mr David Barclay and Mr Frederick Barclay	20.11.95	<i>The Spin</i> BBC1	4.10.95	Unjust or unfair treatment Unwarranted infringement of privacy	UPHELD	16.12.96
Mr Charles Garside	29.11.95	<i>The Spin</i> BBC1	4.10.95	Unjust or unfair treatment	UPHELD IN PART	16.12.96
Mr Robin Gale	28.5.96	<i>News item</i> Radio Gemini	19.5.96	Unjust or unfair treatment Unwarranted infringement of privacy	DISMISSED	8.1.97
Professor Biddle & Magister Kjølbbye-Biddle	10.11.95	<i>Timewatch : Evidence of Vikings</i> BBC2	8.10.95	Unjust or unfair treatment	UPHELD IN PART	9.1.97
Mr Peter Coppin	8.9.95	<i>The London Programme</i> ITV (LWT)	23.4.95	Unjust or unfair treatment	DISMISSED	9.1.97
Mr C & Mrs L How	2.11.95	<i>News item</i> Central News ITV (Central Television)	10.8.95	Unjust or unfair treatment Unwarranted infringement of privacy	DISMISSED	9.1.97

Complainant	Date of Complaint	Programme	Date of Broadcast	Nature of Complaint	Commission's Finding	Date of Issue
Mr Richard Morley and Mr Jayaram Khadka	26.2.96	<i>Here and Now</i> BBC1	29.11.95	Unjust or unfair treatment	DISMISSED	9.1.97
Mrs Lydia Gladwin	7.11.95	<i>The Big Story</i> ITV (Carlton UK Television)	2.11.95	Unjust or unfair treatment	UPHELD IN PART	22.1.97
The Right Honourable Peter Lilley M.P.	21.12.95	<i>News item</i> Channel 4	7.11.95	Unjust or unfair treatment	DISMISSED	23.1.97
Ms Susan Bunce	28.5.96	<i>Meridian Focus</i> ITV (Meridian)	20.3.96	Unjust or unfair treatment Unwarranted infringement of privacy	UPHELD	23.1.97
Mr Lee Dribben	19.8.96	<i>Local News</i> Radio Wave	30.7.96	Unjust or unfair treatment	UPHELD	6.2.97
Mr John Ruane and Naturewatch Trust Limited	11.1.96	<i>Face the Facts</i> BBC Radio 4	12.10.95	Unjust or unfair treatment	DISMISSED	6.2.97
Accolade for Catering Excellence	13.5.96	<i>Food and Drink</i> BBC2	16.4.96	Unjust or unfair treatment	UPHELD	20.2.97
Mr Ian Price	25.9.96	<i>News item</i> ITV (GMTV)	25.9.96	Unwarranted infringement of privacy	UPHELD	20.2.97
Mrs Caron Read	11.6.96	<i>Teletext News</i> ITV Teletext (Meridian)	18.1.96	Unwarranted infringement of privacy	DISMISSED	20.2.97
The Derbyshire Police Authority	24.5.96	<i>Cutting Edge : Special Force</i> Channel 4	25.3.96	Unjust or unfair treatment	DISMISSED	6.3.97
Mr Machin	5.12.95	<i>The Cook Report : Can Pay, Won't Pay</i> ITV (Central Television)	14.11.96	Unjust or unfair Unwarranted infringement of privacy	UPHELD IN PART	6.3.97
Mrs Cynthia Buttmer	3.6.96	<i>Dispatches : Back On the Torture Trail</i> Channel 4	13.3.96	Unjust or unfair Unwarranted infringement of privacy	DISMISSED	6.3.97

Complainant	Date of Complaint	Programme	Date of Broadcast	Nature of Complaint	Commission's Finding	Date of Issue
Dr Cameron	24.11.95	<i>The Cook Report : Can Pay, Won't Pay</i> ITV (Central Television)	14.11.95	Unjust or unfair treatment Unwarranted infringement of privacy	UPHELD	6.3.97
Plymouth Hospitals NHS Trust	27.9.94	<i>Newsnight</i> BBC2	12.2.94	Unjust or unfair treatment	DISMISSED	6.3.97
Plymouth Hospitals NHS Trust	27.9.94	<i>Spotlight</i> BBC South West	11.8.94 15.9.94	Unjust or unfair treatment	DISMISSED	6.3.97
Plymouth Hospitals NHS Trust	27.9.94	<i>Two Phone-In Programmes</i> BBC Radio Cornwall and BBC Radio Devon	11.8.94 12.8.94	Unjust or unfair treatment	DISMISSED	6.3.97
Name withheld to protect anonymity	13.6.96	<i>Teletext News</i> ITV Teletext (STV)	17.5.96	Unwarranted infringement of privacy	UPHELD	20.3.97
Mr Kenneth Lee	1.3.96	<i>Modern Times : Bogus Callers</i> BBC2	1.11.95	Unwarranted infringement of privacy	DISMISSED	20.3.97
Mr Chris Turnbull, The Associated Examining Board & the Southern Examining Group	9.1.96	<i>Dispatches : Making the Grades</i> Channel 4	11.10.95	Unjust or unfair treatment	UPHELD	25.3.97
Mr Willem Ouwendijk	28.6.95	<i>The Cook Report : The Merchants of Death</i> ITV (Central Television)	13.6.95	Unjust or unfair treatment Unwarranted infringement of privacy	UPHELD	25.3.97
Mr Michael Mansfield QC on behalf of Miss Juliet Gellately and VIVA	1.11.95	<i>The Big Story : No Meat for Me Mum</i> ITV (Carlton UK Television)	19.10.95	Unjust or unfair treatment	DISMISSED	26.3.97

¹ This case had one adjudication for 3 separate complaints.

² This case had one adjudication for 2 separate complaints.

Complaints considered by the Commission which it decided not to entertain or decided to discontinue

a. Inappropriate to entertain complaint (e.g. no prima facie case of unjust or unfair treatment)

Programme	Date of Broadcast	Complainant	Date of Complaint
<i>News item</i> ITV (Central Television)	Date unknown	Liberty on behalf of Mr Geoffrey Peck	25.4.96
<i>The Richard Littlejohn Show</i> ITV (LWT)	23.12.94	Mr Ronald Truman	24.4.96
<i>Eye Spy</i> ITV (LWT)	12.1.96		
<i>Gordon Astley Phone-In</i> BBC Three Counties Radio	17.1.96	Mr Charles Turnock	25.3.96
<i>Crime Hour</i> ITV (Carlton UK Television)	22.1.96	Mr Ronald Truman	24.4.96
<i>Does He Take Sugar?</i> BBC Radio 4	8.2.96	Miss Jo Dodds	3.4.96
<i>Serve You Right</i> ITV (Meridian Television)	12.3.96	Mr John Birchall on behalf of the Federation of Ethical Stage Hypnotists	10.4.96
<i>East Midlands Today</i> BBC1	27.3.96	Ms Diane Harby	6.4.96
<i>Antiques Road Show</i> Penarth BBC1	31.3.96	Mr Peter Holt	23.4.96
<i>The Ian Collins Show</i> Talk Radio	10.4.96	Ms Cyd Sieff-Tiels	25.4.96
<i>Newtwork First : Inside Burma - Land of Fear</i> ITV (Carlton UK Television)	14.5.96	Total SA	14.8.96
<i>London Tonight</i> ITV (Carlton UK Television)	4.6.96	Mr Robert Everson	12.6.96
<i>The Cook Report Update</i> ITV (Central Television)	4.6.96	Dr Jonathan Caldwell-Knight	1.7.96
<i>David Gower's Cricket Weekly</i> BBC Radio 5	6.6.96	Mr Robert Henderson	28.7.96
<i>The Magazine (phone-in section)</i> Radio 5	7.6.96 11.6.96	Mr Robert McCartney	19.6.96
<i>Panorama : Drugs Olympics</i> BBC2	16.7.96	British Athletic Federation Limited	26.8.96

<i>Reporting Scotland</i> BBC1 (Scotland)	2.9.96	Mr Brian MacKinnon	28.9.96
<i>Close Up North</i> BBC2	31.10.96	Mr Jeff Wealand	6.11.96
<i>The Big Story: The Search for the Forgotten Hostages</i> ITV (Carlton UK Television)	14.11.96	High Commission for Pakistan	10.1.97
<i>Any Answers?</i> BBC Radio 4	16.11.96	Mr Robert McCartney	21.11.96
<i>The Breakfast Show</i> Scot FM	28.12.96	Mr Alan Jarvie	19.2.97

b. Complaint not made within reasonable time

Programme	Date of Broadcast	Complainant	Date of Complaint
<i>Matter of Fact</i> BBC (East)	19.10.95	Maharishi University of Management (Maharishi International University 1971-1995)	20.3.96
<i>Fifteen-to-One</i> Channel 4	1992 & 1995/96	Mr Ronald Harman	18.9.96
<i>Time Gentlemen Please</i> BBC1	January 1994	Mr Johnston Stallard	10.10.96
<i>The Planning Puzzle</i> BBC2 (Midlands)	6.1.94	Messrs Blythe Liggins Solicitors	3.4.96
<i>World in Action : BA's Virgin Soldiers</i> ITV (Granada Television)	24.4.94	Mr Brian Basham	4.1.97
<i>Esther : Not All Shoplifters Are Thieves</i> BBC2	Feb/Mar 95	Mrs Josephine Adzo Thomas	28.4.96
<i>Frontline Scotland</i> BBC1 (Scotland)	9.3.95	Mrs Margaret Watson	25.4.96
<i>Animal Detectives</i> ITV (Carlton UK Television)	25.5.95	Mr Hans Hermansen	20.6.96
<i>The Cook Report : A False Sense of Security</i> ITV (Central Television)	30.5.95	Mr Frank Rushworth	7.6.96
<i>Look East : Spiritualist Scam</i> BBC1 (East)	5.9.95 6.9.95	Mr Iain & Mrs Wanda Hunt	28.11.96
<i>Reporting Scotland</i> BBC1 (Scotland)	18.9.95	Mr Brian MacKinnon	23.4.96
<i>Barry Took</i> Channel 4	22.9.95	Mr Brian MacKinnon	23.4.96

<i>Scotland Today</i> ITV (STV)	23/25.9.95	Mr Brian MacKinnon	23.4.96
<i>Anglia News</i> ITV (Anglia Television)	17.10.95	Liberty on behalf of Mr Geoffrey Peck	25.4.96
<i>News items</i> Heart of England Radio	29.10.95 30.10.95	Mr Christopher Scott	14.10.96
<i>Face the Facts</i> BBC Radio 4	15.5.96 repeated 16.5.96 and follow up 26.6.96 repeated 27.6.96	Countess Ilona Esterhazy	20.11.96

c. Complainant not "the person affected"

Programme	Date of Broadcast	Complainant	Date of Complaint
<i>Assignment</i> BBC2	7.10.95	Mr David Walley & Co. on behalf of Mr David and Mrs Carol Moffitt	4.1.96
<i>Here and Now</i> BBC1	24.4.96	The Fresh Fruit and Vegetable Information Bureau	2.5.96
<i>The Cook Report</i> ITV (Central Television)	14.5.96	Mr and Mrs Justin Frank	18.7.96
<i>The Cook Report</i> and <i>The Cook Report Update</i> ITV (Central Television)	14.5.96 4.6.96	Mrs Suzanne Thomas	23.7.96
<i>Panorama</i> BBC1	3.6.96	Mr Mervyn Benford and the National Association for Small Schools	4.6.96
<i>3D</i> ITV (Yorkshire Television)	4.7.96	Mr Tom Hardie on behalf of the British Hang-Gliding and Paragliding Association	15.7.96
<i>Everyman</i> BBC1	17.11.96	Bishop Frans Zegers	1.12.96
<i>The Trial of Kevin Maxwell</i> BBC1	19.11.96	Mr Tony Boram on behalf of the Association of Mirror Pensioners	19.12.96

d. Inappropriate to proceed with complaint (e.g. complaint withdrawn following entertainment)

Programme	Date of Broadcast	Complainant	Date of Complaint
<i>Week In Week Out : Nothing Ventured Week In Week Out : Trouble in Store</i>	31.5.94 18.10.94	Cynon Valley Borough Council	18.1.95
BBC1 (Wales) and <i>News Items Wales Today</i> BBC Wales	12.12.94		
<i>News items</i> BBC South East News	16.6.94 19.2.96 26.3.96	Mrs Valerie Carlow	27.3.96
<i>Newsnight</i> BBC2	21.9.94	Mr Keith Vaz MP	28.9.94
<i>The Danny Kelly Show</i> BBC Radio Foyle	5.10.94	Mrs Jacqueline Devine, Mrs Rosa Martin and Mrs Ann O'Hagan	20.10.94*
<i>Watchdog</i> BBC1	17.10.94	Mr Louis De Sybaris, AAB British Book Services	7.12.94
<i>Looking into the Harris Hole</i> BBC Radio 4	6.12.94	Redland Aggregates Limited	6.1.95
<i>Breakfast Programme</i> BBC Greater London Radio and Newsroom South East BBC1	11.1.95	Hackney Council	24.1.95
<i>The London Programme : The African Mafia</i> ITV (LWT)	12.3.95	Dr E Ezedinma of New Ages	13.4.95
<i>The London Programme : The African Mafia</i> ITV (LWT)	12.3.95	Unison on behalf of Ms Cecilia Ibe	1.8.95**
<i>The London Programme : The African Mafia</i> ITV (LWT)	12.3.95	Unison on behalf of Mr Fabian Ukaegbu	30.8.95**
<i>Week In Week Out</i> BBC Wales	23.5.95	Ms Lorraine Bailey on behalf of Miss Dawn Bailey	9.6.95***
<i>Taking Liberties : A Black and White Story</i> BBC2	30.5.95	Unison on behalf of Ms Cecilia Ibe	7.8.95**
<i>Taking Liberties : A Black and White Story</i> BBC2	30.5.95	Unison on behalf of Mr Fabian Ukaegbu	7.8.95**
<i>London News Talk</i> London Radio	13.6.95	Countess of Lucan	6.7.95

World in Action : Dealing with the Devil ITV (Granada Television)	26.7.95	Mr Paul Slaughter on behalf of TASK International Limited	18.10.95
News items Look East BBC1 (East)	17.9.95 18.9.95	Mr Geoffrey Ennew	7.10.95
Anglia News ITV (Anglia Television)	17.9.95 18.9.95	Mr Geoffrey Ennew	7.10.95
World in Action : Family at War ITV (Granada Television)	2.10.95	Mr Alan Richards	19.10.95
Delta Force Channel 4	2.11.95	Shell Petroleum International Limited	24.11.95
The Cook Report : The Fixer ITV (Central Television)	28.11.95	Mr André Axford	29.11.95
Here and Now BBC1	29.11.95	Smithkline Beecham	20.12.95
Public Eye BBC2	14.12.95	Mr Andrew Eastwood	18.12.95
Watchdog : The Pet Trade BBC1	15.1.96	Kushti Dalmatian Kennels and Animal Sanctuary	16.1.96
Cutting Edge : Whistleblowers Channel 4	18.1.96	Colonial Mutual Group (UK Holdings) Limited	26.3.96**
Panorama : High Society BBC1	25.3.96	Ms Margaret Woodall	16.5.96
Central News ITV (Central Television)	1.4.96 2.4.96	Mr Louis Vianna	8.4.96
Hawlio S4C	24.4.96	Mr Stephen Williamson	23.5.96
Expert Witness : The Bomb Maker ITV (LWT)	31.5.96	Mr Keith Mann	9.7.96**
Nine O'Clock News BBC1	19.9.96	Professor Richard Lacey on behalf of Mrs Beryl Rimmer	1.10.96
Sky News Sky Television	22.10.96	World Wildlife Fund - UK	25.10.96
Close Up North : Muscle Mania BBC2 (North)	23.10.96	Mrs Muriel Redhead on behalf of Mr David Redhead	5.11.96

* Conciliation e.g. complaint withdrawn following broadcaster's apology

** Inappropriate to proceed because of legal proceedings

*** Inappropriate to proceed due to complainant's failure to respond to the Commission's correspondence

Procedural Arrangements

The arrangements set out below outline the Commission's current procedures which were adopted in December 1996.

Meetings

1. The Commission shall meet at such places on such dates and at such times as they may determine.
2. Meetings, including hearings, shall be held in private.

For the period of this Report:

3. The quorum for meetings shall be three. If the number of appointed members should at any time be less than five, the quorum shall be two.
4. Findings shall reflect the view of the majority of the members adjudicating on the complaint.
5. Except as otherwise provided in these arrangements, or in cases of urgency, decisions of the Commission under the provisions of Part V of the Broadcasting Act 1990 shall be taken at its meetings.

Delegation of Power

6. The Commission may delegate the exercise of its functions to one or more of its members or senior members of its staff.

Complaints

7. Complaints must be in writing, using the Commission's complaint form and must specify briefly the unjust or unfair treatment in a programme or the unwarranted infringement of privacy complained of.
8. Where the complaint is made on behalf of a body or a person, an authority in writing to make the complaint must be produced.
9. Complainants who did not participate nor were mentioned in the programme will need to explain in what way they have a direct interest which was unjustly or unfairly treated in the programme.
10. If a complaint is received that appears not to be within the Commission's jurisdiction, the Secretary will so inform the complainant.

11. Where a complaint has been entertained, the Secretary will inform the complainant of this and that a copy of the complaint has been sent to the broadcaster and, if any, to the appropriate regulatory body.

Provision of Transcripts and Statements

12. If, under section 145 [115] of the Act, the Commission requires the provision of a visual or sound recording of a programme, or part of it, it is to be furnished within 7 days.
13. Where under section 145 [115] of the Act, a statement in answer to the complaint, a transcript of the programme and copies of documents are required, this material is to be sent to the Commission within 29 days of the date of the Commission's notification of entertainment.
14. Any request for an extension of time for providing the material is to be made in such time that it reaches the Commission at least 7 days before the original required date of receipt.
15. On receipt of the broadcaster's statement the Commission will forward a copy of it to the complainant with a request for written comments on it to be received by the Commission within 15 days.
16. The broadcaster will then be invited to make a second and final written statement to be received by the Commission within 15 days.
17. If any of the written submissions are not received within the relevant specified period, the Commission may, if it thinks fit, proceed on the basis of the material in its possession to consider the complaint and adjudicate on it or to discontinue its consideration of the complaint.

Transmission of Statements, Letters and other Documents

18. In order to comply with the rules of natural justice each party to a complaint is given full access to the submissions and evidence of the other party. Thus all submissions and documents, including letters and other material sent to the Commission concerning a complaint, will be copied to the other party.
19. Material provided under the preceding paragraph can only be used for the purpose of Part V of the Broadcasting Act 1990 [1996] and is to be treated as confidential.

Modification of Complaints

20. A complaint cannot be added to or otherwise modified after it has been entertained without the leave of the Commission. Applications for such leave are to be made in writing. Withdrawal of a complaint must be notified in writing to, and in the form approved by, the Commission.

Consideration of Complaints

21. The Commission may decide not to entertain or proceed with considering a complaint if any of the following circumstances apply:
- the complaint has been made outside relevant time limits;
 - the unjust or unfair treatment or the unwarranted infringement of privacy referred to in the complaint is the subject of legal proceedings in the UK;
 - the complainant has a remedy by way of legal proceedings and in the particular circumstances it is inappropriate for the Commission to entertain the complaint;
 - the complaint is frivolous or for any other reason it appears inappropriate for the Commission to deal with it.
22. In addition the Commission has certain statutory discretions whether or not to proceed with the consideration of a complaint.
23. The Commission may adjudicate on a complaint:
- on consideration of all material submitted by the parties; and
 - with or without a hearing.
24. The Commission will give not less than 43 days notice of a hearing date which the parties are required to attend.

Hearings

25. On being notified that the Commission has decided to hold a hearing on a complaint, the broadcaster shall arrange for its representative(s), or other person(s) responsible for making the programme, to attend the hearing.

26. A set of case papers comprising the parties' submissions and supporting material, if any, and correspondence directly relating to the circumstances of the complaint (excluding procedural or administrative correspondence) will be prepared by the Commission and copies will be sent to the parties normally 2 weeks before a hearing.
27. Hearings are in private, and members of the public are not admitted. Attendance at hearings is therefore normally limited to the parties, their representatives and any key witnesses, to those responsible for the making or provision of the programme and to any other person who the Commission considers might be able to assist. The names of those who will attend and a description of their functions should be provided to the Commission at least 7 days before the hearing. As the hearings are in private, the proceedings at them must be treated as being absolutely confidential and are not to be disclosed, except to the extent that they are recorded in the Commission's published adjudication.
28. The procedures at hearings will normally be as follow:
- the complainant will briefly summarise his or her case;
 - the broadcaster will briefly summarise its response;
 - the Commission will hear any other person who it considers might be able to assist;
 - questions to persons present will be put by the Commission, the lead being taken by one Commissioner; in addition parties may question each other through and at the discretion of the chair.
 - the broadcaster, followed by the complainant may, if they wish, reply in a final statement to the points made by others present: the reply must be limited to those points.
29. Statements at a hearing should be confined to an outline of each party's case and to making points considered to be of particular importance. The main purpose of a hearing is to enable members of the Commission to clarify any matter which is in doubt.

Adjudications

30. After the Commission has considered a complaint and made its findings on it, an adjudication is prepared and sent to each party.

31. Adjudications shall either be signed by the members of the Commission participating, or alternatively, be authenticated by the signatures of the Chair and the Secretary.
32. Adjudications shall be treated as confidential until notice they have been published. Copies are available from the Commission.

Summary of Adjudication

33. The Commission can formally direct the broadcaster to publish and/or broadcast a summary of the adjudication, irrespective of whether the complaint has been upheld. It is however the Commission's practice to give directions only where the complaint has been at least partially upheld.
34. If the Commission determines to direct the publication of a summary of the adjudication under section 146 [119] of the Act, a draft will be prepared and sent to the complainant and the broadcasting body or the licence holder who made or commissioned the programme for comment, if any, on factual references made in it but not on the substance of the summary. A copy of the summary as approved by the Commission and of the direction to publish it will be sent by the Commission to the complainant.

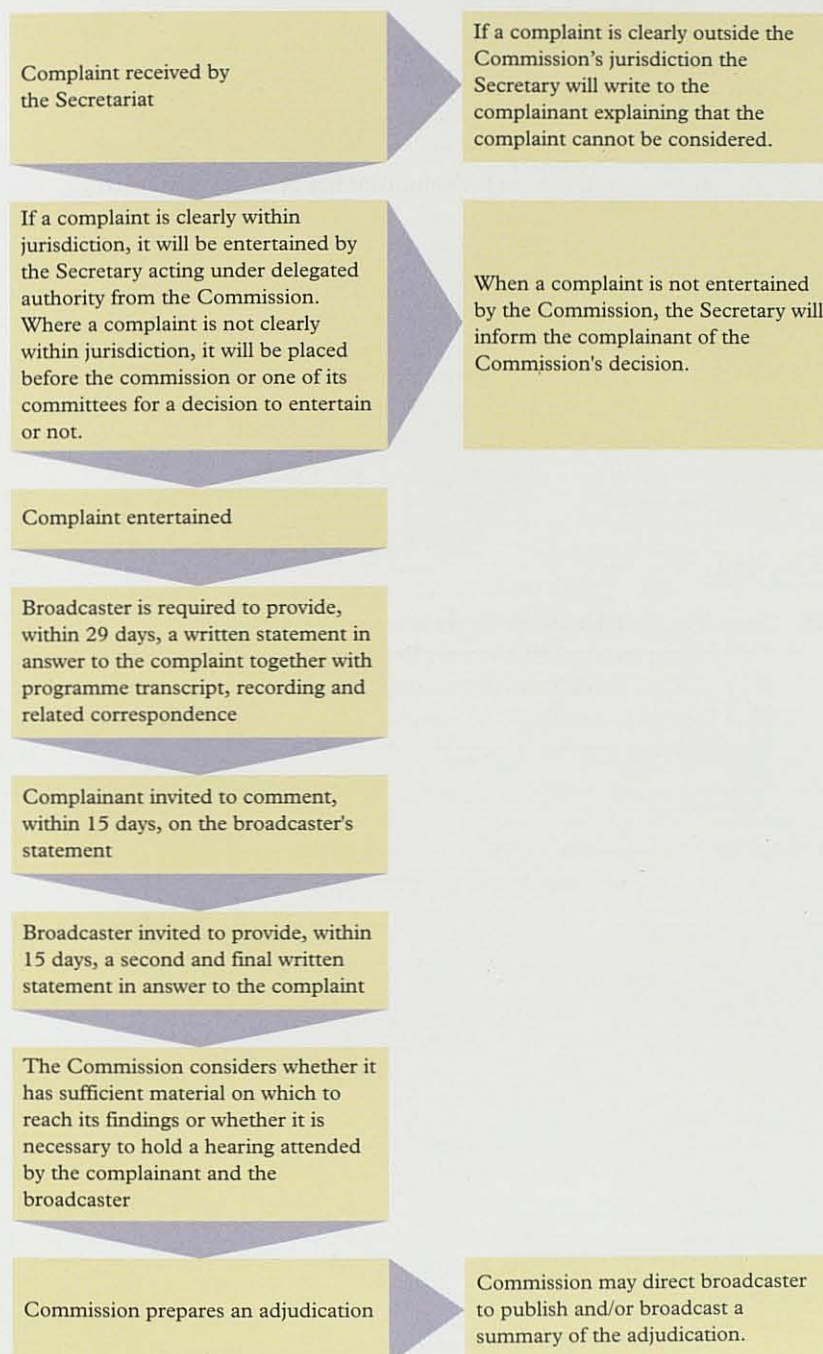
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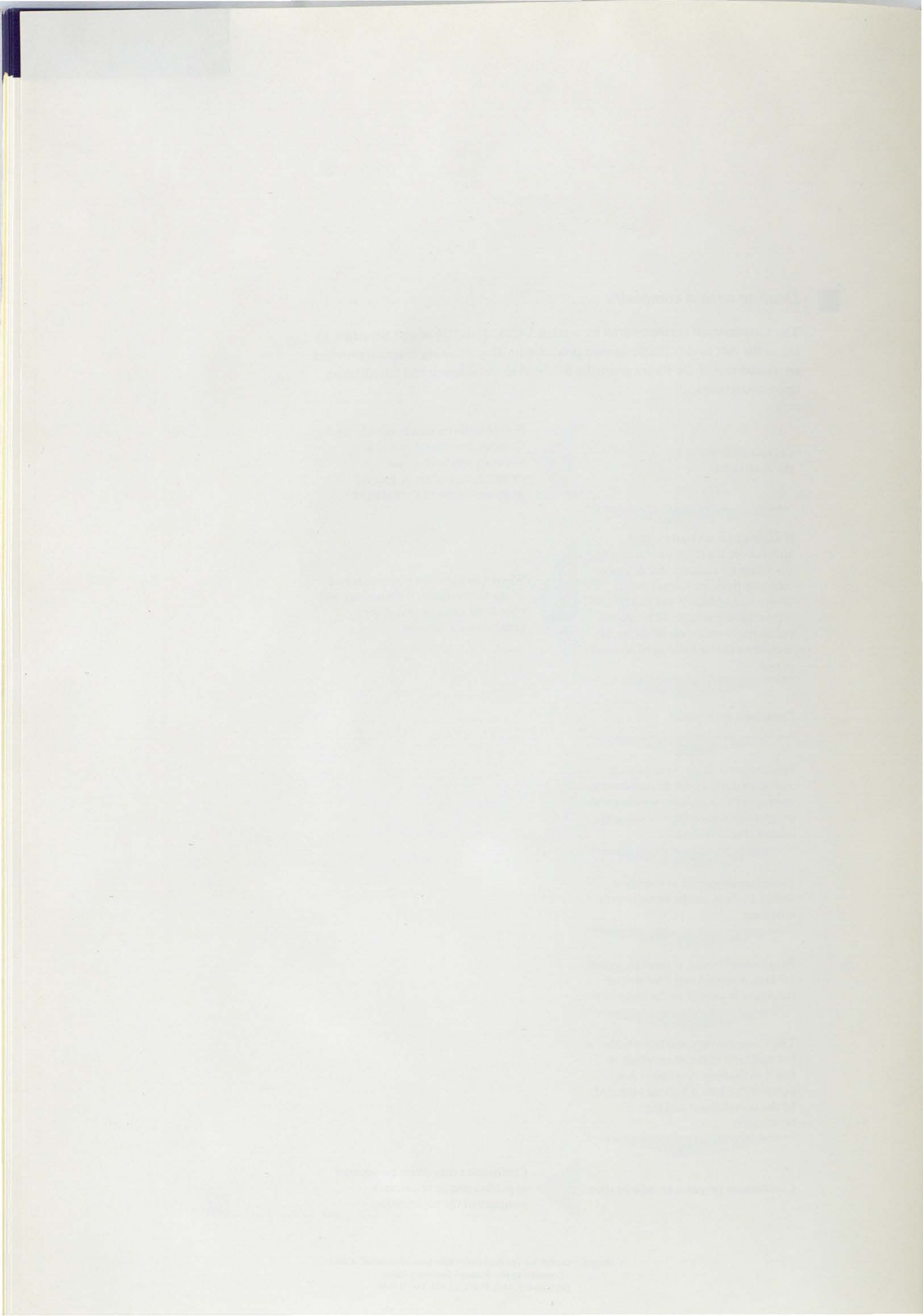
35. Sanctions available to the Commission, when it has adjudicated upon a fairness or privacy complaint, are limited to directing the broadcaster concerned to publish and/or broadcast the approved summary. The Commission is not able to obtain any financial recompense for complainants, nor can it compel the broadcaster to apologise.

See overleaf for procedural chart.

Dealing with a complaint

The Commission is empowered by section 142(4) [106(3)] of and Schedule 13 [3] to the Act to determine its own procedures. The following diagram provides an illustration of the stages normally followed in considering and adjudicating upon complaints.





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