

Reference: 01717398

Information Requests
information.requests@ofcom.org.uk

12 December 2023

Freedom of Information request: Right to know request

Thank you for your request for information as detailed below, received on 14 November 2023 and which we have considered under the Freedom of Information Act 2000 ('the FOI Act').

Your request and our response

November Request 1

In response to Request 1(ii) of the September Request¹, Ofcom have stated in the October Response that a "range of colleagues in Ofcom's Standard and Audience Protection (S&AP) Team are involved with the initial assessment of cases..."

Please confirm how many individuals there are within Ofcom's Standard and Audience Protection (S&AP) Team.

There are 47 staff in Ofcom's Standards and Audience Protection Team.

November Request 2

In response to Request 5(i) of the September Requests, Ofcom stated in the October Response the following in respect of GBNews "From January 2022 to 25 September 2023 Ofcom received 5,801 standards complaints (1,513 cases) about GB News, of which 537 complaints (17 cases) were referred for investigation (9.2% of complaints (1.1% of cases)." (emphasis added).

Within the same response to Request 5(i) of the September Requests, Ofcom stated the following in respect of "All broadcasters":

"From January 2022 to 25 September 2023 Ofcom received 71,422 standards complaints (12,894 cases), of which 1,277 complaints (129 cases) were referred for investigation (1.7 % of complaints (1% of cases))." (emphasis added).

Please confirm of the 1.7% complaints received by Ofcom from "All broadcasters" what proportion were complaints relating to the BBC.

By way of background, your client will be aware that the regulatory framework for enforcing editorial standards in BBC broadcast content is different to that of other broadcasters, where complainants can raise their concerns directly with Ofcom. Under the BBC Charter and Agreement, approved by Parliament, complaints about BBC editorial content must be dealt with under a 'BBC

¹ [GB-News-and-Ofcom-publish.pdf](#)

First' framework. This means that other than in exceptional circumstances, complainants need to complete the BBC complaints process before coming to Ofcom. Therefore a number of complaints relating to BBC content will have been resolved by the BBC without consideration by Ofcom. This framework is outlined in our published procedures for investigating breaches of content standards on BBC broadcasting services².

Noting the above, in response to your question, since January 2022 there have been seven complaints – resulting in two investigations – raised with Ofcom about BBC programmes, both of which were found not in breach of the Code.. In the same period, Ofcom considered 210 complaints (181 cases) about BBC programmes which we did not consider warranted investigation.

November Request 3

(i) Noting the action taken by Ofcom which caused the suspension of Ofcom's director of Online Safety Supervision, please provide the associated policy and/or policies that were breached in those circumstances.

This investigation is not concluded therefore we are unable to disclose which policy or policies may have been breached.

(ii) Please provide details in respect of any disciplinary action that Ofcom has taken in relation to the conduct of its officers in breach of the 7 principles of public life.

We do not separately hold data on disciplinary action involving the seven principles of public life. Therefore, although we expect any such issue would have been extremely rare if it has occurred at all, to establish the number with certainty we would need to search individual records. We note you have not provided a time period for this question. Under Section 12 of the Freedom of Information Act ('the FOI Act'), Ofcom is not obliged to comply with a request for information if we estimate that the cost of complying with the request would exceed the 'appropriate limit'. The appropriate limit is set out in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 ('the Regulations'), and is, for Ofcom, £450. The Regulations provide that costs are to be estimated at a rate of £25 per person per hour, which equates to 18 hours of time. That sum is intended to cover the estimated costs involved in determining whether Ofcom holds the information requested, identifying, locating, retrieving and extracting the information from any document containing it. Ofcom estimates that it would take at least 18 hours to search for and retrieve the information, in particular any information held prior to 2022. Due to the manner in which this information was recorded prior to 2022, it would require a manual search of older systems in order to identify any information which may be relevant to the request. As such the cost of complying with your request will exceed the appropriate limit. We have therefore been unable to fulfil this question under Section 12 of the FOI Act.

Whilst you may wish to consider submitting a narrower, more focused request, for example by reference to a limited date range, please note that further exemptions may apply to some of the requested information, in particular, Section 40(2) of the FOI Act which covers personal information.

² See: https://www.ofcom.org.uk/data/assets/pdf_file/0002/100100/Procedures-for-investigating-breaches-of-content-standards-on-BBC-broadcasting-services-and-BBC-on-demand-programme-services.pdf

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