

News-watch response to Consultation Document “How Ofcom regulates the BBC”

1. It appears (paragraph 3.40) that the consultation review does not intend to consider the BBC’s obligation of “due impartiality”. This is an error. Failure to comply with due impartiality is at the core of complaints to the BBC and how such complaints are dealt with is fundamental to effective regulation by Ofcom.

This appears to conflict with the “Overview ” at page 3 which expressly refers to “content standards (notably ,due impartiality) and complaints handling ”.

It is essential, in order to maintain public confidence, that the review covers “impartiality”.

2. The current system of “BBC First” leads to considerable delay in handling complaints. The BBC three stage complaints procedure (1a,1b and 2 ECU) is unnecessarily time-consuming particularly when the next stage of the process is an appeal to Ofcom.

3. Neither “BBC First” nor Ofcom provide the necessary degree of independence in determining complaints. Rather than Ofcom itself performing the appellate role ,an independently constituted tribunal should be created to determine complaints against the BBC. Only an independent body can provide the required degree of public confidence in how complaints are determined. Ofcom has a duty to ensure that effective procedures to handle and resolve complaints exist (paragraph 3.29) so that the creation of an independent tribunal falls within its jurisdiction.

4. If such an independent body can be created there will be no requirement for Ofcom to participate in the complaints process which is a role that it is not suited for in addition to its regulatory obligations.

5.It is important that Ofcom’s power to issue formal direction to the BBC in the most serious and urgent cases is retained (paragraph 3.25).

6. Ofcom should review the BBC’s history of determining complaints with a view to considering whether a sufficient proportion of complaints have been upheld to maintain public confidence.

September 14th, 2021.