

Freedom of Information Internal Review decision

Internal Reviewer	Lawyer – Legal Workplace and Information Rights
Reference	RFI20180218 / IR2018028
Date	25 April 2018

Requested information

On 6 February 2018, you requested that the BBC provide the following information under the Freedom of Information Act 2000 ('the FOI Act'):

"Through personal experience and those of others, it is rather clear that a tried a trusted technique of BBC Complaints/ECU when all other measures to impede legitimate concerns being voiced or adequately explained is to finally concede, and suggest that the complaint matter has been noted and shared with staff to avoid repetition before closing out.

Only to see it repeated, often involving the same staff, shows, guests and/or issues.

Please provide details of:

- 1) How many times this has happened*
- 2) How it is logged*
- 3) What tangible penalties exist*
- 4) Why, if created, they appear to be ineffective."*

On 20 February 2018, the BBC responded that:

"Under section 1(1) of the Act, I can confirm that the BBC does not hold this information."

On 20 February 2018, you sought internal review of the BBC's original decision on the basis that you were not happy with the BBC's response. In particular, you said that:

"There can be no question BBC Complaints/ECU, when conceding, confirm that the complaint matter has been noted and shared with staff to avoid repetition before closing out.

In which case, it seems unlikely that number of times this has happened is information not held by the BBC. Otherwise how does it get circulated and referred to to prevent duplication or repetition?

The other questions remain unanswered, with is not the same as not being held.

- 2) How it is logged*
- 3) What tangible penalties exist*
- 4) Why, if created, they appear to be ineffective.*

It would appear I need to pursue this further and hence request an internal review.”

The issue for review

The issue for review is whether the BBC handled your request in accordance with its obligations and duties under the FOI Act. In particular, as required by sections 1(1)(a) and (b), did the BBC confirm or deny that it holds the requested information and, if held, have that information communicated to you?

Decision

I am satisfied that the BBC complied with its obligation under section 1(1)(a) of the FOI Act in informing you that it does not hold the requested information. My reasons are set out below.

The requested information

The FOI Act provides a general right of access to recorded information held by public authorities. Section 1 of FOI Act provides that any person making a request for information is entitled to be told whether the public authority holds the information requested and, if held, to be provided with it.

Your FOI request is for information relating to how often the BBC has employed a technique of conceding to a complaint as a means of closing the complaint when all other measures to impede a legitimate concern have been exhausted.

Your FOI request, in essence, seeks information to confirm a particular subjective point of view.

After liaising with the Executive Complaints Unit (the ECU) as part of undertaking this internal review, I confirm that the BBC does not hold the information you have requested.

Nevertheless, to assist you in terms of providing information about the BBC's complaints framework, the ECU has said:

“We do not have a template which would be relevant to this request but information on how the BBC handles complaints can be found at bbc.co.uk/complaints. Within that, the most detailed explanation of how the BBC handles and assesses complaints can be found in the Complaints Framework. It maps the route for how complaints escalate through the BBC and how and when Ofcom become involved.

https://ssl.bbc.co.uk/complaints/forms/assets/complaintsnew/resources/BBC_Complaints_Framework.pdf¹

¹ Also accessible under ‘Related Links’ on

http://www.bbc.co.uk/aboutthebbc/insidethebbc/howwework/accountability/consultations/complaints_framework
[k](#)

All editorial complaints either upheld or resolved by the ECU are reported to the BBC Editorial Standards and Complaints Committee. The Committee is attended by representatives of all relevant Divisional Boards who in turn are expected to note and pass on the findings to their teams. If there is anything which looks like an accumulation of similar cases, the Committee will discuss whether further action is appropriate. The Editorial Guidelines and Standards Committee of the BBC Board may also take a view depending on the issue.

It is worth stressing that advisory notes of the kind mentioned in this request are not confined to issues where the BBC has fallen short. Programme makers are encouraged to read feedback, critical or otherwise, to help them understand what audiences expect from the BBC and complaints are part of that process. It does not necessarily mean there's been a breach of the BBC's editorial standards."

Conclusion

I am satisfied that the BBC complied with its obligation under section 1(1)(a) of the FOI Act in informing you that the BBC does not hold the requested information. Therefore, the obligation under section 1(1)(b) of the FOI Act to disclose any information held is not triggered.

Appeal Rights

If you are not satisfied with the outcome of your internal review, you can appeal to the Information Commissioner. The contact details are: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF; Telephone 01625 545 700 or <https://ico.org.uk/>