

Complaints Procedures for Media Regulatory Bodies

Forum Against Islamophobia and Racism

May 2002

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FORUM AGAINST ISLAMOPHOBIA & RACISM

Complaints Procedures for Media Regulatory Bodies

Disclaimer: This summary of the complaints procedures is intended as a user-friendly fact file, and **it is not a substitute for the full codes**, which we strongly recommend should be consulted, if you are considering making a formal complaint. At the time of writing (May 2002), the information given was up to date and accurate.

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Press Complaints Commission

The Press Complaints Commission (PCC) is a self-regulatory body that deals with complaints regarding articles printed in newspapers, periodicals and magazines. The PCC has a Code of Practice, written by editors to maintain the highest professional and ethical standards.

Code of Practice:

The Code of Practice covers the way in which news is gathered and reported. It also provides special protection to vulnerable groups at risk of discrimination.

There are sixteen clauses to the Code of Practice:

1. Accuracy
2. Opportunity to Reply
3. Privacy
4. Harassment
5. Intrusion into Grief or Shock
6. Children
7. Children in Sex cases
8. Listening Devices
9. Hospitals
10. Reporting of Crime
11. Victims of Sexual Assault
12. Misrepresentation
13. Discrimination
14. Financial Journalism
15. Confidential Sources
16. Payment for Articles

Complaints Procedure

1. Before approaching the PCC it is recommended that you first write to the editor of the offending publication within one month of the article being published. For help with this, see 'Letters to the Editor'.
2. Make sure that the complaint contains the following points of information:
 - where the article appeared
 - the date the article appeared and by whom it was written.
 - specific details of your complaint comment or enquiry, including, if possible, direct quotes.

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3. Send a cutting of the complete article, making sure the name of the publication is clear. Complaints can also be made on-line or by email, in which case you must send a copy of the article with your home address.
4. When making your complaint, specify which clauses of the PCC's Code of Practice have been broken. You will have to provide evidence to show this, and so, it is a good idea to quote directly from the article you are complaining about.

If you do not give any evidence, then your complaint will not get a proper response. Writing to say that you don't like an article or that you don't agree with it are not grounds for a proper complaint that will be treated seriously.

5. The PCC usually only handles complaints from those directly affected by newspaper articles, although general complaints about accuracy can be made by anyone.
6. The PCC must respond to the first letter within 5 days of receiving it. If your complaint does not fall under the areas the PCC deals with, you will be informed immediately. Every 15 days, you should be informed of the progress of your complaint.
7. If the PCC decides your complaint is valid, a copy will be sent to the editor of the publication you are complaining about. You will be asked for comment on the Editor's reply.
8. You will be given the name of the person dealing with your complaint who you may contact.
9. The PCC aims to deal with most complaints in 40 working days, by obtaining an explanation from the Editor, a publication of a correction, an apology or a letter from yourself.
10. If your complaint is successful, the publication concerned is obliged to publish the PCC's ruling at that time and also in its quarterly reports.
11. If you are not happy with the outcome of the complaint, you can ask for the complaint to be reconsidered. There is no formal appeals system.

The Public Interest

When the clauses of the Code of Practice are applied, there may be exceptions where a violation of the Code can be demonstrated to be in the public interest.

1. The public interest includes:
 - Detecting or exposing crime or a serious misdemeanour.
 - Protecting public health and safety.

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- Preventing the public from being misled by some statement or action of an individual or organization.
- 2. If your complaint is rejected because of public interest, the PCC will ask the editor to provide a full explanation of how public interest was served.
- 3. There is a public interest in freedom of expression itself. The Commission will therefore have to consider the extent to which material has, or is about to, become available to the public.
- 4. In cases involving children, editors must show an exceptional public interest to over-ride the normally paramount interests of the child.

Contacts

Press Complaints Commission
1 Salisbury Square
London
EC4Y 8JB

Helpline: 020 7353 3732
Scotland Helpline: 0131 2206652
Fax: 020 7353 8355
Email: complaints@pcc.org.uk
Website: www.pcc.org.uk

Complaints can also be made through the PCC website using the on-line complaints form.



The Broadcasting Standards Commission

The Broadcasting Standards Commission deals with complaints relating to all broadcasting services within the UK, including radio, T.V, cable, terrestrial, text and digital services.

The Broadcasting Standards Commission is an independent organisation, established under the 1996 Broadcasting Act, which began its operations in 1997. Currently, its members are appointed by the Secretary of State for Culture, Media and Sport. Funding for the Commission comes from both the Government and the broadcasting industry.

The three main responsibilities of the Broadcasting Standards Commission are to:

Produce codes of conduct relating to standards and fairness.

To consider and adjudicate on complaints.

To monitor, research and report on standards and fairness in broadcasting.

Complaints either fall under the Code on Standards or the Code on Fairness.

Code on Standards

The Code on Standards relates to the following matters in a TV/radio programme or advertisement:

- violence
- sexual conduct
- taste and decency issues
- bad language
- community standards
- religious sensibilities
- race
- stereotyping

Code on Fairness

The Code on Fairness relates to the following matters in TV and radio programmes:

- Unjust or unfair treatment.
- Unwarranted infringement of privacy in, or in connection with, the obtaining of material included in programmes.

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1. Make sure that the complaint contains the following points of information:
 - the name of the programme and the station or channel on which it was broadcast
 - the date and time of the broadcast or the Teletext page number.
 - the exact nature of your complaint, comment or enquiry, including, if possible, direct quotes.
2. Complaints about unjust or unfair treatment can only be made by those who took part in the programmes and were unfairly treated, or by those who have a direct interest in the subject matter of unfair treatment.
3. In the case of unwarranted infringement of privacy, your privacy or the privacy of the person for whom you are complaining must have been infringed.
4. If you are complaining on behalf of another person, you need to include a letter from them stating you have their permission to make a complaint on their behalf.
5. Complaints about standards (violence, sex, religion, issues of taste and decency, etc) can be made by anyone who has seen or heard the broadcast.
6. You must make your complaint in writing within 3 months of a TV broadcast or within 6 weeks of a radio broadcast and must provide full details of the offending broadcasts. Complaints may also be made through the BSC website using an on-line complaints form.
7. If the Commission is satisfied that your complaint is worthy of investigation it will ask the broadcaster to respond in detail to the points you have raised. You will have opportunity to comment on the response.
8. If the complaint is not resolved through verbal or written communication, the BSC may hold a formal hearing.
9. You may attend the hearing at which you and the broadcaster will be able to make your case to the Commission.
10. If your complaint is successful, the Commission may ask the broadcaster to broadcast on TV or radio and in the press, a summary of your complaint and a summary of the Commission's findings.
11. The Commission does not have the authority to provide an apology or other any other form of action.
12. There is no formal appeals system and no form of financial compensation although your costs for attending the hearing will be met.



Contacts

Broadcasting Standards Commission
7 The Sanctuary
London
SW1P 3JS

Tel: 020 7808 1000
Fax: 020 7233 0397
Email: bsc@bsc.org.uk
Website: www.bsc.org.uk

Complaints can also be made through the BSC website using the on-line complaints form.



Independent Television Commission

The ITC licenses and regulates all television services broadcasting in or from the UK, other than the BBC license fee funded services and S4C in Wales.

The Independent Television Commission is a statutory body established by the Broadcasting Act 1990. The body is independent of the government and broadcasters and is funded by the license fees paid by broadcasters.

The functions of the ITC are to:

- issue licenses
- regulate services
- ensure fair and effective competition
- investigate complaints

Members of the ITC are appointed by the Secretary of State for Culture, Media and Sport.

The Programme Code

All ITC licensed services have to abide by the ITC's consumer protection codes – the Programme Code, the Code of Advertising Standards and Practice, and the Code of Programme Sponsorship.

The Programme Code covers:

- the use of strong language
- the portrayal of sex and violence
- privacy and impartiality
- treatment of minorities
- balance and fairness
- religion

Complaints Procedures

1. The ITC advises that, in the first instance, the complaint should be made to the television company concerned directly as they must reply to all complaints they receive, as well as pass them on to the ITC. Contact details for all licensees can be found on the ITC website.



2. If you want to complain to the ITC, complaints can be made by letter, email, through the ITC website using the on-line complaints form, or by telephoning the ITC's Viewer Relations Unit.
3. Make sure that the complaint contains the following points of information:
 - the name of the television service and the programme which you were watching. (i.e. was it an ITV station, Channel 4, Channel 5, Teletext, or a cable or satellite channel?) Also state whether you were watching it on an analogue or a digital service?
 - the date and time of the broadcast or the Teletext page number
 - the exact nature of your complaint, comment or enquiry
 - in the case of an advertisement, the name of the product advertised
4. You should get a reply to your complaint within four to six weeks of sending it.
5. If your complaint is successful, the findings will be published. In cases where the ITC Code has been breached, the ITC has the power to impose penalties, which include a direction to apologise on-air, financial penalties or, in severe cases, the shortening or revoking of licenses.

Contacts

ITC
33 Foley Street
London
W1W 7TL

Tel: 020 7255 3000
Fax: 020 7306 7800
Email: publicaffairs@itc.org.uk
Website: www.itc.org.uk

Complaints can also be made through the ITC website using the on-line complaints form.



The Radio Authority

The Radio Authority licenses and regulates all commercial radio services within the UK, in accordance with the statutory requirements of the Broadcasting Acts 1990 and 1996.

The main tasks of the Radio Authority are to plan frequencies, appoint licenses, and enforce ownership rules and to regulate programming and advertising.

Licensees are obliged to abide by the Radio Authority's Codes for Programmes, News and Current Affairs, Advertising and Sponsorship, and Local License Engineering.

The Programme Code

Broadly speaking, stations must not broadcast anything that is unfair, inaccurate, harmful or likely to cause offence. The Programme Code has guidelines regarding the following areas:

- Taste, decency, offence to public feeling and portrayal of violence
- Accuracy and misleading of listeners
- Privacy and gathering of information
- Crime, terrorism and anti-social behavior
- Appeals for donations and editorial publicity for charities
- Religious and spiritual matters and coverage of paranormal and supernatural issues
- Emergencies, obituaries and royalty
- Competitions and premium rate telephone services
- Public accountability
- Programme sponsorship

Complaints Procedures

1. Before contacting The Radio Authority, you are expected to first make your complaint to the station that broadcast the programme
2. If you are unhappy with the response you get from the broadcasting station, the Radio Authority will investigate your complaint, providing that you give full details of the complaint and when and by whom the offending programme was broadcast.
3. If your complaint is successful, the Authority may ask the station to broadcast an apology or correction. Serious offences may result in a fine or the reduction or withdrawal of a license.
4. Written complaints must be received within five weeks of the date of the broadcast.

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5. Complaint forms can be downloaded from the Radio Authority website.
6. Please make sure you include the following points of information:
 - on which station(s) the item was broadcast
 - the date and time when the item was broadcast
 - full details of your complaint
7. The Radio Authority will acknowledge your complaint in writing and will decide whether or not to proceed with a full investigation by referring to the Broadcasting Act 1990 and the Codes of Practice to see if your comments fall into areas covered by them.
8. If the Radio Authority finds there has been a breach of the rules, the complaint will be published in the quarterly complaints bulletin which gives full details of all complaints and rulings.
9. In more serious cases, the Authority can issue a formal warning and can also request a broadcast apology or correction, or impose a penalty which may include a fine or the shortening, suspending or taking away of a station's license to broadcast.
10. When an advertising complaint is successful, the commercial concerned can be withdrawn immediately or amended.
11. The Radio Authority aims to deal with complaints within 3 weeks, although some more lengthy or complex cases may take slightly longer. If your complaint is not completed within a month, you will normally be told why there has been a delay.
12. If your complaint is not upheld and you wish to take the matter further, you can appeal to the Chief Executive to re-examine the way in which a complaint has been dealt with. That issue can then also go to the full Authority for major cases raising serious points of principle. The Authority is also subject to judicial review.
- 13.

Contacts

The Programming and Advertising Department
The Radio Authority
Holbrook House
14 Great Queen Street
London
WC2B 5DG

Tel: 020 7405 7052

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Fax: 020 7405 7062

Email: prog&ad@radioauthority.org.uk

Website: www.radioauthority.org.uk

Complaint forms can also be downloaded from the Radio Authority website.



The British Broadcasting Corporation (BBC)

The BBC Programme Complaints Unit (PCU) investigates serious complaints about BBC license funded programmes on T.V, radio and online.

The BBC has a set of Producer's Guidelines that sets out the BBC's values and standards. The Guidelines cover a large range of areas including:

- Impartiality
- Accuracy
- Fairness
- Editorial Integrity and Independence
- Respect for Privacy
- Respect for Standards of Taste and Decency
- Fairness to Interviewees

Complaints Procedure

1. Written complaints must be received in writing, within five weeks of the date of the broadcast.
2. Make sure you include the following points of information:
 - on which station or channel the item was broadcast
 - the date and time when the item was broadcast
 - full details of your complaint showing how it breaches the standards set out in the Producer's Guidelines
3. If your complaint falls into the remit of the PCU, then it will be investigated impartially and the PCU recommends appropriate redress.
4. If you are unhappy with its decision you may ask the Governors to review it at the Programme Complaints Appeals Committee. If the complaint falls outside the areas the PCU covers, then the PCU requests the relevant area of the BBC to respond.

Contacts

For complaints about:

Any UK license-funded public service (TV, radio and BBCi) write to:
Head of Programme Complaints,
BBC Broadcasting House,
London W1A 1AA.



Tel: 020 7580 4468

Fax: 020 7756 5176

International, UK Commercial (BBC Worldwide Ltd and BBC Resources Ltd) or beeb online services write to:

Chief Executive,
BBC Worldwide,
80 Wood Lane,
London
W12 0TT.

BBC World Service or World Service online write to:

Director,
BBC World Service,
Bush House,
The Strand,
London WC2B 4PH.

For further information on complaints procedures and guidelines, see

<http://www.bbc.co.uk/info/editorial/prodgl/contents.shtml> and

<http://www.bbc.co.uk/info/commercial/index.shtml>



The Advertising Standards Authority

The ASA is the independent, self-regulatory body for non-broadcast advertisements in the UK. It administers the British Codes of Advertising and Sales Promotion to ensure that advertisements are legal, decent, honest and truthful.

The ASA's remit covers the following:

- print advertisements in newspapers or magazines
- outdoor posters
- direct mail leaflets and brochures
- sales promotions
- electronic media, including videos, computer games and CD-ROMs
- cinema advertisements
- advertisements on the internet, including banner and pop-up advertisements and commercial e-mails

Advertising Code

The Advertising Code carries guidelines which includes the following areas:

- Decency – includes offences on the grounds of race and religion
- Honesty
- Truthfulness - including inaccuracies, ambiguities, exaggerations, omissions or otherwise
- Matters of opinion
- Safety
- Violence and anti-social behaviour
- Political advertising
- Protection of Privacy
- Testimonials and endorsements
- Price, free offers and availability of products
- Guarantees
- Comparisons
- Denigrations
- Exploitation of goodwill
- Imitation
- Identifying advertisers and recognising advertisements

Sales Promotion Code

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The Sales Code has guidelines under the following areas:

- Principles
- Public interest
- Substantiation
- Legality
- Honesty
- Truthfulness
- Protection of consumers by promoters
- Suitability
- Availability
- Children
- Participation
- Administration
- Free offers and promotions
- Promotions with prizes
- Advertisement promotions
- Charity linked promotions
- Trade incentives

Complaints Procedures

1. All complaints must be made in writing and can also be made using an online complaints form.
2. You must enclose a copy of the advertisement, if possible stating where and when it appeared.
3. Include name and address so that your complaint can be acknowledged and you can be kept informed of the progress made on your complaint.
4. You will receive an acknowledgement of your complaint within five working days of receiving it.
5. You shall be kept informed of progress with the handling of your complaint every fifteen days.
6. You will be given the name of the person dealing with your complaint whom you can use as your point of contact.
7. Unless someone else has already made the same complaint, you will be given the opportunity to comment on the draft recommendation before arriving at adjudication.

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8. If you are dissatisfied with the ASA's decision on your complaint, then you may be able to request a review by the Independent Reviewer of ASA Adjudications. You can write to the Reviewer at: Bloomsbury House, 74-77 Great Russell Street, London WC1B 3DA, within 14 days of receiving the formal adjudication.

Contacts

The Advertising Standards Authority
2 Torrington Place
London
WC1E 7HW

Tel: 020 7580 5555
Fax: 020 7631 3051
Email: inquiries@asa.org.uk
Website: www.asa.org.uk