

**Governors' Programme Complaints Committee: Terms of Reference  
(Revised February 2005)**

**1. Constitution**

- 1.1 The Board of Governors has established a committee of the board known as the Governors' Programme Complaints Committee (GPCC). The Committee is responsible for fulfilling the Charter requirement that the BBC Board of Governors *"ensure that any comments, proposals and complaints made by viewers and listeners of the Home Service<sup>1</sup> are given due consideration by, and are properly handled by the Corporation."*
- 1.2 In delivering this responsibility, the Committee provides independent oversight of the BBC's strategic approach to complaints handling, and monitors the effectiveness of its processes, to ensure the public interest is served and that best practice is followed.

**2. Membership and attendance**

- 2.1 The Committee is appointed by the Board of Governors and comprises five governors one chairperson and four committee members.
- 2.2 The Committee is advised by an independent Editorial Adviser who informs the Committee about the range of editorial issues relating to the complaint and the concerns and/or considerations raised by the complainant. The Editorial Adviser is appointed by the Committee for a three-year term, renewable for a further two years by mutual agreement of the Chair of the GPCC and the Advisor. The Advisor attends all meetings.
- 2.3 The Complaints Advisor, Governance Unit shall act as Secretary to the Committee.

**3. Quorum**

- 3.1 The quorum necessary for the transaction of business is three Governors. A duly convened meeting of the Committee at which a quorum is present shall be competent to exercise all or any of the authorities, powers and discretions vested in or exercisable by it.

**4. Frequency of Meetings**

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<sup>1</sup> This primarily concerns the BBC's public services on radio and television and online, but it may also include commercial services operated by the BBC.

4.1 The Committee meets once a month, and at other times as required.

**5. Notice of Meetings**

5.1 Meetings of the Committee are summoned by the Secretary of the Committee at the request of the Chair, or any other Governor member thereof.

5.2 Unless otherwise agreed, notice of each meeting confirming the venue, time and date together with an agenda of items to be discussed, shall be forwarded to each member of the Committee, and any other person required to attend, not fewer than five days prior to the date of the meeting.

**6. Minutes of Meetings**

6.1 The Secretary shall minute the proceedings and findings of all meetings of the Committee, including recording the names of those present and in attendance.

6.2 The Secretary should ascertain at the beginning of each meeting the existence of any conflicts of interest and minute them accordingly. Committee members should also advise the Secretary of any conflicts, as they arise, outside the meetings.

6.3 Minutes of the Committee meetings shall be circulated to all members of the Committee and to the Chairman and to all members of the Board of Governors.

**7. Authority**

The Committee is authorised by the Board to:

7.1 Investigate any activity within its terms of reference rigorously and impartially

7.2 Seek any information that it requires from any employee of the Corporation that it considers necessary to determine an appeal fairly. All employees are directed to co-operate with any request by the Committee.

7.3 Make any further enquiries of the appellant it considers necessary to determine the appeal fairly.

7.4 Obtain outside legal or independent professional advice as required. Such advisors may attend meetings as necessary.

**8. Responsibilities**

The Committee undertakes a range of responsibilities in fulfilling the Charter requirement identified above. These include:

- 8.1 To ensure complaints are handled promptly, are investigated rigorously and impartially, and that the process is informed by good practice
- 8.2 To monitor the BBC's processes for handling audience comments and proposals
- 8.3 To undertake an annual review of the BBC's complaints handling processes and performance. As a result of issues raised in the annual reviews, undertake a periodic review of the complaints handling strategy, and make recommendations to the Board of Governors concerning any changes it deems necessary arising from these reviews.
- 8.4 To raise broader editorial issues arising from its consideration of appeals with, as appropriate, the Director General, or the Deputy Director General through the Complaints Management Board<sup>2</sup>.
- 8.5 To consider appeals against decisions and actions of the Editorial Complaints Unit (ECU) in relation to complaints about programmes transmitted, or material carried by services for which the BBC has editorial responsibility. This primarily concerns the BBC's public services on radio, television and online, but may also include commercial services operated by the BBC.
  - 8.5.1 The Committee will also consider appeals against the actions and decisions of a Director of a BBC Division (a "Divisional Director" or a person nominated by them) in dealing with an editorial complaint that falls outside the remit of the ECU and includes evidence to suggest a serious breach of editorial standards.
- 8.6 Appeals to the GPCC must set out the reasons why the appellant is dissatisfied with the response received from the ECU or the decision of a Divisional Director. If the appeal concerns material transmitted on BBCi, the GPCC will normally only consider an appeal if a copy of the material concerned is supplied with the appeal.
  - 8.6.1 To notify programme executives, divisional management and the Complaints Management Board when the Committee upholds an appeal.
  - 8.6.2 To ensure that when the Committee upholds an appeal, the complaint and the finding are taken into account by programme executives in the framing of future programming.
  - 8.6.3 To ensure that where a complaint is upheld, the BBC apologises for the breach in programme standards and takes remedial action to guard against

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<sup>2</sup> The Complaints Management Board is the principal management forum for consideration of the learning the organisation should make from upheld complaints

the breach occurring again and/or, where appropriate, to initiate disciplinary process in respect of the individual(s) responsible. The GPCC may also require an on-air apology or correction.

- 8.6.4 To require that when a complaint is upheld, BBC management report to the Committee the remedial action taken. If the Committee considers the remedial action taken is inappropriate or insufficient, it can inform, as appropriate, the Director General, or the Deputy Director General (as chair of the Complaints Management Board) who will review the issues raised and report their findings to the Committee.
- 8.7 To review the quarterly complaints report submitted to the Board of Governors by the Complaints Management Board, chaired by the Deputy Director General.
- 8.8 To review the quarterly Complaints Bulletin published by the Editorial Complaints Unit.

## **9. The Committee's Criteria For Considering A Request For An Appeal**

- 9.1 The GPCC will consider appeals concerning complaints which allege that:
  - the complainant has suffered unfair treatment either in a transmitted programme or item, or in the process of making the programme or item
  - the complainant's privacy has been unjustifiably infringed, either in a transmitted programme or item, or in the process of making the programme or item
  - there has otherwise been a failure adequately to observe the BBC's editorial guidelines
- 9.2 Appeals concerning decisions or actions by the ECU or a Divisional Director (as specified in 8.5.1) will be considered by the GPCC. This includes appeals against the decision by the ECU that a complaint does not fall within the remit.

## **10. Appeals Which The GPCC Will Not Consider**

- 10.1 The GPCC will not consider an appeal which
  - is vexatious or trivial
  - relates to the content of a programme or item which has not yet been broadcast

- relates to matters which are the subject of, or relevant to, legal proceedings. The GPCC also reserves the right to decline to hear an appeal where it relates to matters which are likely to be the subject of, or relevant to, legal proceedings.

10.2 The GPCC will not normally consider an appeal unless it is made within two months of the final correspondence with the ECU or Divisional Director on the original complaint. The date of the final correspondence is the date when the ECU or Divisional Director informs the complainant of the right of appeal to GPCC.

## 11. Communication of the GPCC's Decisions

11.1 The GPCC will aim to reach a final decision on an appeal within 12 weeks of receiving the request.

11.2 The GPCC will communicate its decisions to the appellant, and to those responsible for the programme or material concerned, in writing. It will also inform the Complaints Management Board of its findings. The Committee will set out its reasons for its decision.

11.3 Within the BBC's complaints handling process, once the Committee has come to a conclusion concerning an appeal, its decision is final.

11.4 Decisions on appeals considered by the GPCC are also published in the quarterly bulletin, "Programme Complaints: Appeals to Governors". This bulletin includes a statement on any remedial action taken. The bulletin is published on BBCi ([www.bbc.co.uk/complaints](http://www.bbc.co.uk/complaints)) or available from

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