
BBC

VANILLA BEEB

Has the BBC lost its bottle? **Naomi Gryn** assesses the impact of recent scandals and hostile media coverage on policy and programme making

'Do you want to get me fired?' exclaimed one usually fearless BBC executive when I asked him if the corporation's urge to control was getting out of control. 'I like my job too much,' another staffer demurred. Since the fallout from the Brand-Ross fiasco last year, compliance with editorial standards is being meticulously monitored and an internal examination is underway to determine the limits of taste. How far have programmes been affected? Are programme makers becoming more risk averse? 'I'd prefer not to discuss the subject,' said an executive producer. 'It's all quite sensitive.' A number of in-house and independent producers, BBC compliance managers and policy advisers also declined to be interviewed for *Index*. Most of the people who agreed to be quoted did not want to be named. Has a culture of timidity pervaded Britain's state broadcaster?

'There's nothing that you can't say or see on the BBC,' reassures David Jordan, the BBC's director of editorial policy and standards, 'but there are things that we would be very careful about saying or seeing or letting people see or hear.' For instance: 'You won't get the use of the word ''fuck'' in one particular circumstance as used by Jonathan Ross in relation to

Bonfire effigy of Jonathan Ross and Russell Brand, November 2008
Credit: Mark St George/Rex Features

Gwyneth Paltrow.' Indeed those now infamous pranksters, BBC presenter Jonathan Ross and comedian Russell Brand, have become new benchmarks for transgressions of Taste & Decency, or Harm & Offence as it's been known since 2005, when Ofcom's broadcasting code guidelines came into effect. Brand and Ross's phone calls last year to the actor Andrew Sachs, where they discussed details of his granddaughter's sex life and which were broadcast on BBC Radio 2, sparked a new crisis for the corporation. But David Jordan is adamant that the BBC does not shy away from programming that may cause offence.

'We showed *Jerry Springer – The Opera* because we thought it had a very strong artistic justification,' Jordan continues. 'We showed the Danish cartoons, which were offensive to some Muslims. We thought it was important to see them in some form or another in order to tell our audiences that story, and no national newspaper showed those cartoons at that time. We were prepared to cause offence to some in order to make sure our audiences understood things, and we're always prepared to do that where there's a strong justification. The problem with the Brand-Ross incident was that it's very hard to think of editorial justification for what was done on that programme, either what was done in the studio – phoning someone up and leaving lots of messages on their voice mail – or broadcasting it, and that's why we wouldn't do that kind of thing again. We shouldn't have done it in the first place.'

The BBC guards its world-famous reputation with mastiff vigilance. 'Nothing matters more than trust and fair dealing with our audiences,' maintained the BBC's director general Mark Thompson in July 2007. 'The vast majority of the 400,000 hours of BBC output each year, on television, radio and online, is accurate, fair and complies with our stringent editorial standards.'

But mistakes sometimes happen. Such is the BBC's public prominence that these can easily blow up into storm-force gales and its situation is becoming ever more fragile, despite the compulsory licence fee that protects it from the financial wipeout now jeopardising commercial broadcasters,

'Once again, the BBC finds itself in a mess of its own making,' the *Daily Mail* reported in January when Thompson justified his decision not to screen the Disasters Emergency Committee appeal to relieve humanitarian suffering in Gaza, on the grounds that it was incompatible with the BBC's duties of impartiality. The public outcry this triggered fed a media frenzy for several days and publicised the charity appeal way beyond the reach of a single television screening.

The current wave of mistrust began in 2003 with Andrew Gilligan's report on the government's Iraq dossier for Radio 4's Today programme, which was followed by the death of Dr David Kelly, the Hutton Inquiry and Greg Dyke's resignation as director general. More recently, there was the 'Crowngate' incident when the BBC clashed with the Queen, and a number of high-profile humiliations over faking competitions.

To prevent such mishaps, there are procedures in place. There is a 'compliance conversation' at the point of commission for every independent production. Following the establishment of Ofcom as communications regulator in 2003, a compliance form must be completed for all pre-recorded programmes. It requires the signature of a BBC-approved executive producer who can verify that the programme has been made in compliance with BBC editorial guidelines. The form indicates whether the programme is scheduled for transmission before the nine o'clock evening watershed for television, if there are any legal issues, sexual or violent content, 'imitative behaviour' such as solvent-abuse or suicide or smoking, any interactivity with the programme's audience, or if it includes language, gestures, portrayals or any other element that might disturb or offend. It also flags up if any personal views have been aired or, for drama, if real people have been portrayed, if the programme makes use of secret recordings, interviews with criminals or leaders of political parties, if it features branded products or commercial references, if there are any sensitive or controversial issues, or potential conflicts of interest amongst presenters, guests or the production team.

Non-English language programmes on BBC World Service are exempt from filling in the compliance form, but they are supposed to be listened to in full by a senior editorial figure prior to broadcast. Aside from Gaelic and Welsh programming, 11 BBC local radio programmes are broadcast in non-English languages: Urdu, Hindi, Punjabi, Gujarati, Bengali, Cantonese, Mandarin, Polish and Romani. Compliance for these is the responsibility of managing editors. Programmes with identifiable editorial risks are put on a 'managed risk programme list' to highlight that 'extra care is being taken when handling that programme'.

'A BBC person is responsible for each piece of output that goes onto the BBC,' explains David Jordan. 'If it's a pre-recorded piece they must make sure that it's been listened to and we're happy that it complies with our editorial guidelines and our other editorial requirements. If it's live, we have a series of other guidance that makes sure that programmes comply with our editorial guidelines and other obligations.'

These far-reaching guidelines (see www.bbc.co.uk/guidelines/editorialguidelines/edguide/ for the full text) are updated regularly and additional guidance has been issued to avoid repetition of recent scandals. The BBC's creative director Alan Yentob and director of archive content Roly Keating have been at the helm of an examination to determine 'where the appropriate boundaries of taste and generally accepted standards should lie across all BBC output' with a report expected this summer, in advance of a revision of the editorial guidelines to be completed later in the year. The online commissioning process for BBC Audio and Music now requires that producers indicate any potential compliance issues when they first submit a programme proposal. And in the wake of the Brand-Ross affair, it will no longer be possible for on-screen and on-air 'talent' to double up as executive producer of the programme in which they appear – save in 'exceptional circumstances' – nor for a talent agent to act as executive producer.

Experienced executive producers are pivotal to this new regime of compliance monitoring and accountability. But as Neil Gardner, chairman of the Radio Independents Group and an independent radio producer, points out: 'Budgets haven't gone up. In fact, in radio they've been falling year on year. Money we might have spent on travel or on an extra contributor now goes on an executive producer or legal help. For many independent producers, ever since executive producers became a requirement, we've ended up paying for it ourselves as a business expense.'

An independent television producer adds, 'Programme budgets don't stretch to the time needed to tackle sensitive subjects when there is constant and hugely time consuming pressure to check and double-check everything.'

Roy Ackerman, until recently creative director of Diverse Production and about to become managing director of Fresh One, Jamie Oliver's production company, holds that stricter accountability does not have to be a bad thing. 'Editorial policy do a pretty good job if you don't treat them as the enemy.' Ackerman was executive producer on *Rocket Science*, a recent television series that featured schoolchildren learning about fireworks. Initially, it raised alarm for BBC editorial policy advisors. 'Understandably they were worried about ''imitative behaviour'' – that kids around the country might blow themselves up. But as long as you talk to editorial policy and legal, they will help it happen.'

Unlike other broadcasters under Ofcom's jurisdiction, fines against the BBC for breaches of the broadcasting code are limited to a maximum of £250,000. The first fine Ofcom levied against the BBC, £50,000, was for a 2006 edition of Blue Peter in which a child studio guest was asked to pose as

BBC workers demonstrate after Greg Dyke's resignation, February 2004
Credit: Matthew Fearn/PA Photos

the winner of a viewer telephone competition – and for repeating the show on CBBC without making clear that the competition was closed. The fines are starting to mount up. Last July, the BBC had to pay £400,000 for other instances of faking winners and misleading the audience, with a further penalty of £95,000 in December 2008 for inviting listeners to enter competitions in pre-recorded programmes that were broadcast 'as live'.

In April, after investigating the two misbegotten episodes of *The Russell Brand Show*, Ofcom fined the BBC £150,000 for failing to apply generally accepted standards, causing offence without justified context, and unwarranted infringement of privacy, a sum sufficiently substantial to 'ensure the BBC continues its efforts to make its compliance with the Code appropriately robust, and to act as an incentive to other broadcasters'. The sanction – nine-and-a-bit days' pay for Jonathan Ross – is equivalent to six years' salary for Nic Philps, *The Russell Brand Show*'s 25-year-old producer who mistakenly believed that he had secured Andrew Sachs's consent to broadcast Ross and Brand's smutty remarks.

It's open season on the BBC and newspapers are leading the outrage

True, the money is going back into the public purse. But it drains funds that could have gone on making programmes. In 2007-8, from total expenditure of £4.477 billion, the BBC incurred compliance costs estimated at £15.3m (including an annual subscription of £3.3m to Ofcom) – up from £14.8m in 2006-7. Approximately half a million pounds went on a Safeguarding Trust course designed to teach 17,000 programme makers how to draw the line between artifice and deceit, with a range of multiple choice modules to suit different programme genres. The course will be updated on an annual basis and copies of certificates to verify that all production personnel have completed the appropriate Safeguarding Trust modules are now part of a programme's delivery requirements.

'I think it's bollocks,' said one exasperated executive producer when I asked her about the Safeguarding Trust course. Nor did she think much of

the other mandatory training courses she has to squeeze into her already jam-packed working week. 'Then there are all these ''efficiency'' cuts and staff cuts and we're still supposed to keep up standards.' With annual efficiency savings of three per cent and 1,800 redundancies being made over six years, the BBC's belt can't get much tighter. In March, director general Mark Thompson announced a further £400m 'painful cuts'.

'Every household in the UK pays for the BBC,' David Jordan says. 'Every household has a stake in it, and they have every right therefore to take a great interest in what we do and to criticise if they feel that we've got things wrong.'

But BBC audiences seem more disposed to complain about programmes than they were in the past. It's never been easier: you can do it by telephone, email or by posting a message on the BBC's website.

'It's open season on the BBC. And it's newspapers that are leading the moral outrage,' says a BBC insider, speculating that this is due in part to the success of the online operation at a difficult time for the newspaper industry. 'Perhaps because their readers are consuming their news elsewhere. Anything the BBC does comes under fire – and that makes it a nervous institution rather than a bold one. If it is constantly defending itself, rather than trying to innovate and push the creative boundaries of cultural Britain, then the whole nation is worse off, not just the BBC.'

'The press is very hostile to the BBC,' confirms Jean Seaton, professor of media history and the official historian of the BBC. 'It regards the BBC as bloated and something that has different values to it. These days, when they get somebody within their sights they go for the kill. They'd like to get Mark Thompson's scalp because that's a measure of success.'

'Sack Them!' roared the *Daily Mail*, rousing a lynch mob of readers many thousand strong to register their disapproval of Jonathan Ross and Russell Brand. Seaton sees a paradox here. '*Daily Mail* readers are the biggest watchers of the BBC and listen to vast quantities.'

The Russell Brand Show had an audience of 400,000. Initially, two listeners complained. Once the press had escalated the incident into a national rumpus – kicking off with the *Mail on Sunday*'s front-page spread – the BBC logged another 42,849 complaints.

Outside Britain, Seaton argues, the BBC is better known than Britain itself. In some ways, the BBC *is* Britain. 'The BBC is an

institution through which we think our way through problems: whether or not we want our children to see things, issues of private and public morality, sexual innuendo and divorce and big constitutional issues about holding government departments to account.' As an example of double standards, she cites British attitudes towards sexual behaviour in public life. 'Nowadays we mostly don't get married, and if we do, we divorce. Everybody has affairs. Yet while a British prime minister might survive a divorce, if not in office at the time, he certainly wouldn't survive an affair. So they're all monogamous. They don't swear. They don't drink. They never took cannabis when they were 15. The life we now require of our leaders is at odd variance with the life we require of ourselves.' The BBC lives in the shadowlands of these contradictions. 'The crises arise because Britain is uncomfortable with itself. And when the nation is uncomfortable, then the BBC is uncomfortable.'

It's like a rocket up the arse of a frightened rabbit

Andrew Gilligan's claim that the government had 'sexed up' its dossier on Iraq's military capabilities provoked a battle between the BBC and the government. The Hutton Inquiry's criticisms of the BBC shocked the organisation. In consequence, editorial standards in the BBC's news and current affairs department were fortified, particularly issues relating to impartiality and conflict of interest. But events over the past two years – fakery, competitions, votes – affected many parts of the BBC, says director of editorial policy, David Jordan, not just the news division. One of the difficulties that Jordan and his colleagues face is the need to instil those values into the minds of everyone involved in making programmes for the BBC, from the lowliest researcher to millionaire celebrity presenters. 'It's critical that we get over to programme makers that these things are not in the margins of their concerns but central to the way in which they do their jobs and make their programmes.'

The row over manipulation of shots for the promotional trailer of *A Year With The Queen* was, like the Gilligan saga, played out through a debate over journalistic integrity, but as one independent television producer stresses, the BBC's recent troubles 'are not about reporting or journalism. They are about poor taste, falsification and cheating'. He feels that the compliance procedures at the BBC used to be 'sensible and managed tactfully' and though good judgment still exists, editorial policy has become 'suffocatingly comprehensive, as privacy legislation and Ofcom structures cloud the atmosphere in which sensitive issues are discussed'. The compliance requirements have 'become way out of proportion, a matter on which executives and film makers agree, though they may not agree to say so publicly'. According to an in-house producer, 'It's like a rocket up the arse of a frightened rabbit.'

Addressing a recent gathering of independent radio producers, Mark Damazer, controller of Radio 4, thanked producers for tolerating the new measures that have been introduced. 'Even without [Jonathan] Ross, this was becoming a serious enterprise. The need to demonstrate compliance is now of an enormous magnitude. We have to live with that as a non-negotiable fact.' He then issued a plea to producers that they should not respond with self-censorship, that they should continue to offer their boldest ideas. 'I don't want a vanilla Radio 4.'

Neil Gardner, chairman of the Radio Independents Group, argues that the onus lies with the broadcaster rather than with the programme makers: 'As producers, we're not the ones choosing to make less controversial programmes. It's up to the networks to be brave enough to commission potentially controversial programming. It'll be interesting to see over the next couple of commissioning rounds what the impact of the current compliance climate has on results – whether networks are not commissioning difficult programming or whether producers are not bothering to pitch it. There needs to be an evaluation of the impact of this. We've moved into the heart of the process.'

But who is to know if producers are censoring their own work rather than risk creating a fuss over editorial standards? As an anonymous senior executive confided: 'You don't know what ideas are *not* coming your way. Purely anecdotally, we feel that people are much more conscious of how the programmes they make go into this machine of compliance and that affects the decisions they make. While the BBC expects responsible programme making, it's the job of programme makers to push creative

boundaries and of executives and editors to determine what's acceptable and what isn't.'

Self-censorship is not the only threat to the BBC's output. 'There's definitely a danger that creativity and innovation are threatened by the amount of time we have to spend on compliance,' the senior executive continued. 'In a time of ever diminishing resources, the time editors and executive producers now have to spend on programmes that are absolutely not controversial, following quite stringent procedures, inevitably cuts into time they might be spending thinking about bigger ideas and innovation. And that's the real issue. It's impossible to gauge. People are expected as part of their daily workload to do more and more checking, with almost farcical duplication.' But it's a conundrum. 'From Mark Thompson's point of view it's crucial that he moves fast and reassures the public that the BBC is both responsible and trustworthy. I don't see an alternative.'

If the BBC loses the trust of its audience, says David Jordan, 'it calls into question the whole of the BBC model and the whole public service model in this country'.

When the BBC was launched in 1922, its purpose was to educate, inform and entertain. These 'Reithian values' – a shibboleth for public service broadcasting that memorialises the BBC's first director general, Lord John Reith – are in danger of being corroded as the government, Ofcom, the BBC Trust, the press and licence fee payers all demand greater control over its content. The BBC, together with so many public institutions, has encouraged this populism, replacing bow-tied presenters with programme genres that engage more directly with audiences. But quality radio and television programmes are made by talented individuals, not by plebiscite, and the BBC has to convince this nexus of regulators that it can be trusted with the public interest.

The BBC hopes to avoid making errors by introducing systems that induce caution and there is growing concern that its attitudes towards taste and freedom are narrowing. Rules and checklists stifle originality. It would be tragic if broadcasting became any blander.

Media historian Jean Seaton takes the long view: 'The assumption that there is a progressive trajectory in which expression must always be freer than it was in the past, and that this equals a positive and benign state of affairs seems to me palpably untrue. But at least you can interrogate the BBC's processes. At least you can say it's not getting the balance properly.'

There are no other media organisations in Britain about which we can have this kind of discussion, 'let alone ask that it do something about it'.

Neil Gardner sums up the mood at the coalface. 'I'm sick and tired of broadcasters allowing the print media to control the issue of compliance, particularly since the print media has a spotted history as regards issues of truth and trust. For producers it's very depressing because all we're trying to do is to make great programmes for the licence payer.' ❐

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Naomi Gryn is a writer and film maker. She has written and presented a number of fully compliant radio documentaries for the BBC. She is a former chairman of the Society of Authors broadcasting group