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**To:** [debbiekennett@aol.com](mailto:debbiekennett@aol.com)

**Sent:** Thu 01/05/2014 15:50

**Subject:** BBC Complaints - Case number CAS-2661021-0QVP81

Dear Ms Kennett

Thank you for your email to the ECU – my apologies again for the slight delay in our response.

I should take this opportunity to explain our role and the terms of my investigation. I can consider your complaint that the programme contained inaccurate and misleading information and that it amounted to undue promotion for Mr Moffat's business. However it isn't open to me to look at the circumstances which led to Mr Moffat being booked to appear, or the question of whether others might have been booked instead. Generally speaking, the choice of guests is a matter of editorial discretion and does not fall within the remit of the ECU. In practice that means I can consider whether what was said during the broadcast met the BBC's editorial standards but not whether the programme ought to have invited him to participate.

You have also raised the issue of Mr Moffat's appearances across the BBC over a number of years. Again, this falls outside our remit – we are limited to considering specific items broadcast or published by the BBC and are not able to investigate claims of editorial breaches over time and across output. I should also note that the complaints framework asks that complaints are logged within 30 days of broadcast, whereas most of the examples cited in the document you point to were aired some time ago.

As I am investigating whether this programme promoted Mr Moffat's business you may of course consider that this will go to your concerns on the approach of the BBC more generally. You may choose to raise this matter with the BBC Trust following my investigation into your particular concerns about the Mark Forrest Show should you wish. Full details of the editorial complaints procedure are here:

[http://downloads.bbc.co.uk/bbctrust/assets/files/pdf/regulatory\\_framework/protocols/2012/complAints\\_fr\\_work\\_ed\\_complaints.pdf](http://downloads.bbc.co.uk/bbctrust/assets/files/pdf/regulatory_framework/protocols/2012/complAints_fr_work_ed_complaints.pdf)

On the subject of the accuracy of Mr Moffat's statements, I note that you have said that he made untrue and grossly misleading claims. I am not however clear from your correspondence what those claims were and you do not appear to have cited them at any point in the complaints process. I would appreciate your comments on this point.

I will aim to respond to you with the provisional results of my investigation by 23 June.

Yours sincerely  
Richard Hutt  
Complaints Director