

Chapter 9 - BBC Guilty

The Edinburgh Agreement, signed by both the Scottish and UK Governments made it clear that impartiality was to be at the centre of any referendum coverage. According to the signed agreement:

“The governments agree that it will be important to ensure that broadcast coverage of the Referendum is impartial. Broadcasters, Ofcom and the Electoral Commission will discuss the best way to achieve this.”

Clause 44 of the BBC Agreement said:

“The BBC must do all it can to ensure that controversial subjects are treated with due accuracy and impartiality in all relevant output.”

They were fine words but ultimately worthless in terms of the independence referendum. The BBC was trampling all over its own charter and appeared to have even less respect for the Edinburgh Agreement. The corporation was just too big a beast to amend its approach to politics. It was also set-up to deflect criticism, not to address it and perhaps adapt. This was best demonstrated in 2013 when the BBC was pursued for almost a full year by a licence payer unhappy at the corporation’s handling of one of the key issues of the referendum. The complaint centred on the issue of membership of the European Union.

You’ll recall in chapter seven I covered the scandal of the Lucinda Creighton episode.

To recap:

On January 25th 2013 the BBC sent Raymond Buchanan to Ireland to cover a trip by Deputy First Minister Nicola Sturgeon. During the visit, the BBC Scotland reporter conducted a pretty non-descript interview with Irish European Minister Lucinda Creighton.

When the interview aired on that evening’s Reporting Scotland a careful edit and not so careful voiceover by Mr Buchanan suggested to viewers that the Irish Minister and UK Government Minister Michael Moore shared the same view on a newly independent Scotland’s status within the EU.

Immediately after hearing the Lucinda Creighton interview, viewers heard Michael Moore say:

“Scotland would be outside the EU having to negotiate its way back in.”

It was never explicitly said by Raymond Buchanan, but the result of his poorly edited piece, which saw the two interviews almost spliced together, was that viewers were left with the impression that here was a foreign minister who backed the Unionist view that a newly independent Scotland would find itself outside the EU.

Within a day of the programme airing, Ms Creighton issued several statements denying she believed Scotland would be thrown out of the EU. In her clarification comments, the Irish Minister made it clear her views chimed more with those of the Scottish government than those of the Westminster Government.

The Minister insisted her original comments given to BBC Scotland reporter Raymond Buchanan had been "misconstrued or perhaps manipulated by some quarters" that they had been "spun" and "seem to have been presented or taken out of context."

She said:

"I was asked about the future of negotiations with the EU in the event that Scotland votes for independence. I thought that my reply was largely in line with that of the Scottish government. I certainly did not at any stage suggest that Scotland could, should or would be thrown out of the EU. Scottish people are citizens of Europe."

The statement was clear cut. Lucinda Creighton did not say that an independent Scotland would be thrown out of the EU. There was more:

"My understanding is that the Scottish government has already committed to a negotiation with the EU between 2014 and 2016, if you vote for independence in 2014. If my interview suggested something other than that, this was not my intention. I think my comments have been misconstrued – if so I sincerely regret this."

As SNP Westminster Leader, Angus Robertson said 'Negotiations on the terms of membership would take place in the period between the referendum and the planned date of independence', and that 'The EU would adopt a simplified procedure for the negotiations, not the traditional procedure followed for the accession of non-member countries'.

I think that sums up the situation quite well."

BBC Scotland never reported the clarification statements despite the fact they contradicted the thrust of the Reporting Scotland broadcast. A complaint was raised by a licence payer, angry at the misrepresentation of Ms Creighton's views. It was an open and shut case. The BBC had, perhaps unwittingly, misled viewers into believing Lucinda Creighton held views that she clearly did not.

Here is the initial complaint in full:

“On Thursday January 24th (sic) BBC Scotland ran a series of news reports across its radio, TV and online spectrum based on an interview with Irish European Minister Lucinda Creighton who was asked about the EU membership of an independent Scotland. In the initial BBC Scotland news reports, it was claimed by Mr Buchanan that Ms Creighton's views 'chimed' with those of Scottish Secretary of State Michael Moore who had claimed that an independent Scotland would be 'outside the EU trying to negotiate back in'.

The BBC reports were used by the Better Together pro-Union campaign in a series of press releases and interviews that attacked Deputy First Minister Nicola Sturgeon. However the Irish Minister subsequently claimed her BBC interview had been 'spun', 'misconstrued' and 'taken out of context'.

Clarification emails sent by Ms Creighton to Scotland's Deputy First Minister and online news site Newsnet Scotland made it clear that Ms Creighton had never claimed that an independent Scotland would find itself out of the EU. Indeed Ms Creighton made it absolutely clear that she believed the SNP's position, that Scotland would negotiate from within as a continuing member, reflected her position 'quite well'.

BBC Scotland gave significant coverage to some aspects of the initial interview, which was bad enough. However the corporation has thus far - one week after Ms Creighton's email clarification - failed to report ANY of her very important statement. This is partial reporting.”

The BBC replied:

“In a subsequent message to the Deputy First Minister, Ms Creighton said she was concerned that the interview was being “misconstrued”: she does not say by whom, but I can assure you it was not the BBC - we asked a question, she gave an answer, and we broadcast her saying it.

[...]

Some believe that Mr Buchanan said that Scotland would be thrown out of the EU on independence. He did not say that. The Irish European Affairs Minister said that she had not said that, which does not imply that he did. It simply means she didn't say it.

Finally, a number of people have said that it was wrong to suggest that Ms Creighton and the Scottish Secretary, Michael Moore, had views which “agreed” or “chimed” with each other. I understand from what they said on Reporting Scotland that both agree that Scotland would...

Continued:

...have to go through an application and negotiation process common to all candidate countries.

At all points in this story we have reported what was said in interviews on tape accurately and fairly. We stand by the integrity of our journalism and our journalists.

Thank you again for taking the time to be in touch.”

Of course, Ms Creighton did not deny the comments she gave in the interview; how could she given that they were recorded and broadcast. What Ms Creighton complained about was that they had been “misconstrued”. In other words, a meaning had been, or was being, applied to her interview that was inaccurate.

In the Reporting Scotland broadcast of January 25th, an edited clip of the interview was played showing the Irish Minister saying that an independent Scotland would have to “apply” and that negotiations could be “lengthy”.

But what did she mean by ‘apply’ and what did she mean by ‘lengthy’. It all depended on what interpretation you placed on her words. Both sides in the independence debate could take whatever meaning they wished.

The Yes camp would claim that ‘apply’ was shorthand for the renegotiation that would make place from *within* the EU following the referendum. The Unionists would claim that it was proof that Scotland would be *outside* the EU and having to re-apply for admission. At the time of the interview, both were legitimate interpretations.

For the interview to carry any significance in terms of the independence debate required Lucinda Creighton’s remarks to be clarified - precisely what Raymond Buchanan had failed to do. Instead, faced with how to interpret the Irish Minister’s words, the BBC Scotland reporter chose to apply a pro-Union spin. He quite deliberately told viewers that the opinion was “shared by the UK Government”.

Reporting Scotland conveniently played a clip of Scottish Secretary Michael Moore in which he is heard to say that.

“Scotland would be outside the EU having to negotiate its way back in”

Mr Buchanan didn’t say it explicitly, but to say Ms Creighton’s view chimed with that of a man who quite clearly *did* say it (and was broadcast saying it) was tantamount to misleading the public.

In the meantime, leading No campaign figures were making hay with the BBC broadcast, and they were using the BBC to mount their attacks. On February 1st in a BBC interview with Raymond Buchanan, Blair McDougall, who was the communications chief of the Better Together campaign, cited EC President Jose Manuel Barroso in defence of Unionist claims on the EU.

“It's not a mystery what the European Commission's position is. Mr Barroso has said on countless television interviews,”

McDougall then added:

“He's been backed up by many other European figures, including in your interview with the Irish Foreign Minister recently ...”

On the same day, a Scottish Labour MP appeared on the BBC Scotland weekly radio show *Brian Taylor's Big Debate*. Michael Connarty was taking part in an edition of the programme when the issue of EU membership was raised.

The MP for Linlithgow and East Falkirk claimed that an independent Scotland would require a new application to re-join the EU and that the country might find itself waiting in line behind other countries which had already applied.

Connarty told the radio audience:

“The Irish Minister was quite clear and she was correct, Scotland would have to leave the EU and negotiate entry.”

The claim was false, and demonstrably so. Had Connarty been misled by the Reporting Scotland item or was he wilfully misrepresenting Lucinda Creighton? Newsnet Scotland contacted the Labour MP seeking clarification.

Below is the email exchange:

Hello Mr Connarty

Following your appearance on Brian Taylor's Big Debate on BBC Radio Scotland where you claimed that Irish European Minister Lucinda Creighton had said that a newly independent Scotland would be out of the European Union, we have copied Ms Creighton's email to us which clarifies her stance.

Ms Creighton's email to us followed her interview on the BBC. We would draw your attention to the section in bold and would welcome any response from yourself.

Kind Regards
NNS

The email contained the response from Lucinda Creighton that the Irish Minister had sent to Newsnet Scotland. Newsnet had highlighted the following section:

“I certainly did not at any stage suggest that Scotland could, should or would be thrown out of the EU.”

Here is Michael Connarty’s response:

So - the SNP cyber bullies are even bullying Ministers of other small countries. Even this little attempt at muddying the waters again will not change the reality.

Should the very unlikely situation come about that Scotland's residents choose to separate from the rest of the UK the fact will be that Scotland will be a new applicant country for EU membership. All the spin from Angus Robertson will not make the conditions of entry any easier, nor will it guarantee Scotland will be allowed to move ahead of other countries already in entry negotiations.

If Scotland, for example tries to repatriate sole or even shared competence on fishing (apart from the new regional agreement won by the UK Government) there would be real problems and even delays.

Does anyone really think as a separate country Scotland could have won the concessions on the Lockerbie inquiry from Libya that the UK recently won? Don't bother to reply - we Scots get enough false propaganda from SNP sources without you lot adding to it.

*Regards,
Michael Connarty MP*

The reply was abrasive in tone and in areas bizarre. Rather than acknowledge, and perhaps disagree with Lucinda Creighton, the Scottish Labour MP had instead chosen to level accusations against Newsnet Scotland. In Connarty’s view, sending a polite communication to Lucinda Creighton seeking her response to the BBC’s presentation of her interview, was bullying. The same claims had already been made in the Scottish Parliament the day before by Scottish Labour leader Johann Lamont. Lamont was taking part in First Minister’s Questions and had brought up the issue of Lucinda Creighton.

During exchanges, which were broadcast live by BBC Scotland, Ms Lamont said:

“When the BBC reported Lucinda Creighton’s comments they were accused by the SNP of misconstruing what she said.”

The Scottish Labour leader claimed Creighton and others had been “pilloried by the cybernats”, and added:

“What does it say about Scotland, when the Minister of a foreign country is bombarded with abuse for telling the truth and news organisations from the Scotsman to the Herald to the BBC are traduced for reporting facts that turn out to be true.”

It was extraordinary. Unionist politicians were wilfully misrepresenting a foreign official. If there had been any dubiety over Lucinda Creighton’s opinion immediately after the Reporting Scotland broadcast, it had disappeared when she issued her clarification statements. Both Lamont and Connarty clearly knew Lucinda Creighton had issued statements clarifying her position. Their response though was to demonise those who had contacted the Irish Minister.

But who was Johann Lamont claiming had accused the BBC of ‘misconstruing’ what Lucinda Creighton had said? The person was Scottish Minister Fiona Hyslop. The SNP Minister had appeared on a BBC politics show the day after the Irish Minister had clarified her position. Whilst discussing the Creighton interview, Fiona Hyslop had highlighted the comments made by the Irish Minister who had claimed her words had been “misconstrued”. It was clear that Lamont was erroneously attributing comments made by the Irish Minister to Fiona Hyslop.

Some newspapers seized on Lamont’s attack on the SNP MSP. Within the topsy-turvy world of the pro-Union media, Fiona Hyslop found herself accused of attacking the BBC.

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SNP go on attack against BBC Scotland over EU interview

The SNP unleashed an extraordinary offensive on the BBC yesterday as ministers scrambled to salvage their claims a separate Scotland would enjoy an easy entry to the European Union.

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But still BBC Scotland remained silent and refused to report the clarification emails Lucinda Creighton had issued. It was outrageous. A foreign minister had been misrepresented and now a Scottish government minister was being similarly misrepresented. BBC Scotland had not only broadcast the interview at the centre of the row, it had broadcast attacks which were based on misrepresentations of the interview. The BBC could have killed the falsehoods at a stroke by informing the public of Lucinda Creighton's clarification statements, but it did nothing.

In the meantime the BBC was stonewalling on the complaint. On the 27th of April 2013, over three months after the interview was broadcast and following countless Unionist attacks, the BBC issued another response to the complainant:

“Thank you for being in touch again about Reporting Scotland at 1830 hours on 25th January. I am sorry it has taken so long to reply.

I explained to you in my first response the BBC's position on the claim that Ms Creighton's interview had been 'misconstrued' and on Raymond Buchanan's linking remarks to the Secretary of State's comments, in the light of both Mr Moore and Ms Creighton agreeing that Scotland would need to go through an application and negotiation process.

In your second complaint you say that Ms Creighton 'clarified her statement' (that is, her interview with Mr Buchanan). In her email to the deputy First Minister, she reiterated her comments to BBC Scotland that Scotland would be welcomed by its EU neighbours and that negotiations would have to take place and they could take some time. She did not retreat from her position in our interview that “Scotland would have to apply for membership” and that there would be an 'application and negotiation process'.

In view of what I say above, you will, I hope, understand why there were no good journalistic reasons to have deviated from the coverage we gave to this story across our output.”

Let me make something clear here. Lucinda Creighton hadn't been misquoted by BBC Scotland or Raymond Buchanan. The Irish Minister very clearly did say that an independent Scotland would have to apply for membership and that negotiations could be lengthy.

The story became an issue when the corporation refused to report her *subsequent* remarks in which she made it clear she believed that Scotland would not be forced out of the EU after a Yes vote. Lucinda Creighton also said she believed that the SNP's proposed timetable and plan for continuation of EU membership “sums up the situation quite well”.

The charge against the BBC was that it chose to highlight only one aspect of Lucinda Creighton's statements on the issue of EU membership of an independent Scotland - and it favoured the anti-independence campaign. This, argued the complainant, was not balanced and impartial, as required by the BBC's own charter.

Moreover, in sending official statements to Nicola Sturgeon and Newsnet Scotland, Lucinda Creighton had become the first senior European Foreign Minister to signal support for the Scottish government's EU stance. For a news organisation to claim, as the BBC did, that "there were no good journalistic reasons" to give the statements any news coverage was unbelievable.

Throughout this period, as I have already covered, BBC Scotland had managed to coax several other European foreign ministers from countries including Latvia, the Czech Republic and Luxembourg into expressing their own views. These remarks were then turned into major news items by BBC Scotland. Not surprisingly these interviews were also reported in a similar fashion to that which followed Creighton's interview. They were not helpful to the Yes campaign. In at least one instance, Luxembourg, the BBC Scotland reporter involved - Glenn Campbell - was subsequently accused of misrepresenting a statement given by the foreign official.

Unhappy with the BBC's response, on May 3rd the complainant escalated the matter - as required by the BBC's own procedure - to the BBC's own Editorial Complaints Unit. Six weeks passed with no acknowledgement from the ECU. On June 19th the complainant asked the BBC Trust to look into the matter.

The following email explaining the thrust of the complaint was sent to the Trust:

"It has been over six weeks since I tried to move a complaint against the BBC moved onto the next stage, yet I am still awaiting acknowledgement.

The complaint reference number is: CAS-1933833-93VNNP

Below, in bold, is the complaint I asked the Editorial Complaints Unit at the BBC to investigate on May 3rd. I would be grateful if someone at the Trust could look into this matter."

Hello

This a continuation of my complaint – Reference Number CAS-1933833-93VNNP

The complaint is effectively in two parts:

Continued:

1. BBC Scotland reporter Raymond Buchanan misled viewers in his report of an interview given to him by Irish European Minister Lucinda Creighton.

2. The coverage of the interview and the subsequent clarification statements provided by Ms Creighton was selective and lacked balance.

The complaint can be read in full by reviewing earlier communications.

Issue 1:

An interview broadcast by the BBC showed Irish Minister Lucinda Creighton giving her views on the status within the EU of a newly independent Scotland. Ms Creighton stated that Scotland would have to apply for membership should Scots vote Yes in the 2014 referendum.

This was related to viewers and listeners by Mr Buchanan who correctly reported that the Irish Minister had claimed that Scotland would have to apply. However in a radio interview the BBC reported informed listeners that Ms Creighton's view "chimed" with that of Secretary of State for Scotland Michael Moore.

In a TV report Mr Buchanan claimed that both Ms Creighton and Mr Buchanan "shared" the same view. Viewers and listeners then heard Mr Moore state that: "Scotland would be outside the EU having to negotiate its way back in".

This is a clear and unambiguous statement from Mr Moore. The problem for Raymond Buchanan was that at no point had Lucinda Creighton remotely suggested that Scotland would be outside of the EU.

The Scottish government themselves have acknowledged that a period of negotiation would have to follow a Yes vote and that Scotland will remain a member throughout this period. Whether the word 'apply' or 'negotiate' is used is semantic, the key point is that Scotland will not be outside.

There was therefore no basis for Mr Buchanan making the claim he did.

Continued:

Raymond Buchanan's report received widespread coverage across the entire BBC spectrum. Every BBC Scotland news programme carried the report and the claims, online TV and Radio. The coverage led to opponents of the SNP mounting several high profile attacks.

Issue2:

If there was any ambiguity regarding Ms Creighton's view on whether Scotland would be outside or inside throughout the period of application or negotiation, then this was dispelled when the Irish Minister responded to queries from Newsnet Scotland and Scotland's Deputy First Minister Nicola Sturgeon - amongst others.

In the official responses it was made abundantly clear that Ms Creighton did not claim that Scotland would be out of the EU following a yes vote. Moreover the Irish Minister made it clear that her views chimed, not with Mr Moore, but with SNP MP Angus Robertson.

Ms Creighton also levelled some very serious allegations against those who she said had "spun" her interview and "misconstrued" her comments.

The BBC did not report Ms Creighton's clarification statement in any news report. Further, the BBC carried several subsequent broadcasts where Unionist politicians repeated the now erroneous claims that the Irish Minister had said an independent Scotland would be out of the EU.

An edition of BBC's Question Time showed one audience member make the same claims.

The BBC has claimed in replies to complaints, that the clarification statements from Ms Creighton were not news. It has also, rather bizarrely claimed given Michael Moore's comments, that nobody on the Reporting Scotland programme said that Scotland would be thrown out of the EU should it become independent.

An official statement from a Foreign Minister to the Deputy First Minister of Scotland that contains information that directly contradicts claims made by a BBC Reporter and several high profile Unionist politicians in one of the most contentious areas of the independence debate, is indeed news.

Continued:

That in this, and several other communications, the Minister complains that she has been misrepresented is also very clearly news.

BBC Scotland has since been the target of complaints from another Foreign Minister [Luxembourg] who also claims his comments on the EU status of an independent Scotland were misrepresented.

The result of the selective reporting by the BBC, of Lucinda Creighton's interview and official communications, has been that a great many people in Scotland are now hopelessly misinformed on this issue.

The BBC has selectively reported an area of significant importance to the independence debate. Unionist politicians and commentators continue to misrepresent the views of Lucinda Creighton to this day.

An apology is the least the broadcaster should provide.

On June 21st, the following reply was received from the BBC Trust:

"Thank you for your email of 19 June. We have spoken with the Editorial Complaints Unit and they have advised that they will send a reply to you by the end of this week.

If you are unhappy with their response then it is open to you to write to us again (trust.editorial@bbc.co.uk) to request an appeal."

A further ten day delay ensued before a response was forthcoming from the Editorial Complaints Unit. The Complaints Manager wrote:

"I should also explain that the remit of the ECU is limited to the investigation of specific items, broadcast or published by the BBC, which give reason to believe there may have been a serious breach of the standards expressed in the BBC's Editorial Guidelines on issues such as taste, decency, fairness, accuracy and impartiality."

In a reference to the complaint, the Complaints Manager added:

*"If your complaint had been about the **Reporting Scotland** report in isolation then the ECU could have looked into your complaint, but we cannot consider complaints that there has been an imbalance in the coverage of an issue across a range of output.*

Continued:

Responsibility for that lies with the relevant area of BBC management at stage 2 of the complaints process, which is explained in full at:

http://www.bbc.co.uk/complaints/complaints_process.shtml

I have therefore agreed with the Head of Public Policy for Scotland that he will provide you with a further response on this issue, and he tells me he will do so at the earliest opportunity.

I hope you'll accept my apologies once again for the delay in getting back to you."

So the Complaints Manager at the BBC's Editorial Complaints Unit had refused to even consider the complaint which was being passed to the Head of Public Policy for Scotland, whoever that was. We were now into July, almost six months after Reporting Scotland had broadcast the Lucinda Creighton interview. An earlier complaint against BBC Scotland had taken over two years to reach a conclusion and the Trust had criticised the obfuscation and delay.

Scotland was in the middle of the most important debate in the nation's history, yet there was no sense of urgency from the BBC to address a complaint which related to an issue of significant constitutional importance.

On July 29th the complainant formally asked the BBC Trust to investigate the issue. It prompted some action from BBC Scotland. Two days later, on July 31st, the complainant received an email from the Head of Public Policy for Scotland. It was almost one month after the Complaints Manager at the BBC's Editorial Complaints Unit had informed the complainant that such a reply would be sent "at the earliest opportunity."

The email was from someone called Ian Small. In his response to the complaint, Small denied that the public had been misled by BBC Scotland's reporting of the Lucinda Creighton interview. The BBC Scotland official also denied there had been any news blackout of her subsequent emails to the Deputy First Minister and Newsnet Scotland. This was despite the emails never having been reported by BBC TV, Radio or Online news.

Later that day the complainant received a formal acknowledgement from a Complaints Adviser at the BBC Trust Unit. The email read:

"I wanted to formally acknowledge receipt of your appeal but I also understand that BBC Scotland has now responded to your complaint. I don't know whether they emailed their response to you or whether it was sent by post but the date of their response is 29 July 2013.

Continued:

Could you let me know whether you have received BBC Scotland's response and whether, in the light of this response, you wish to amend your appeal to the Trust in any way?"

The complainant responded:

"Thank you and yes, by remarkable coincidence BBC Scotland have indeed replied. I will first digest the reply before deciding whether to amend my appeal, which I intend to pursue. I may add more information to the appeal and will be in touch."

On August 10th, in an email to the BBC Trust, the complainant spelled out, in great detail, the reasons and justification for the complaint:

"Having considered BBC Scotland's most recent response I am minded to appeal to the Trust in order to find satisfactory resolution - Reference Number CAS-1933833-93VNNP

For me the issue can be broken down to three key areas:

- 1. Are the views of Lucinda Creighton newsworthy*
- 2. Did Raymond Buchanan mislead viewers and listeners*
- 3. Did the BBC provide impartial and full coverage of Ms Creighton's views*

1. Newsworthy

The first is straightforward given that BBC Scotland provided headline coverage across its news spectrum of Ms Creighton's initial remarks contained in the interview she gave to Mr Buchanan.

2. Misleading

The second question revolves around Raymond Buchanan's reporting of the interview.

That some people were misled over the opinion of Ms Creighton is not in doubt. Members of the public have been heard in several BBC broadcasts citing the Lucinda Creighton interview as 'proof' that an independent Scotland would find itself outside the EU.

Political opponents of Scottish independence have also been heard making the same claims – again, some on BBC broadcasts as this article demonstrates: [\[link to an article\]](#)

Mr Buchanan's best defence may be that he unwittingly misled viewers and listeners.

Continued:

The opinions expressed by Lucinda Creighton and Michael Moore were separately given with each saying different things.

It's clear that Lucinda Creighton was making the point that in her view, any application for EU membership would be lengthy. At no point does Lucinda Creighton clarify what this length of time might be, nor is she asked to clarify.

The Irish Minister also makes no mention of whether this process will take place with Scotland still in the EU and again, Raymond Buchanan fails to ask a question so obvious that a first year trainee would have asked it.

Michael Moore gave his own view that a Yes vote will mean Scotland having to "negotiate" from outwith the EU, in an attempt to get back in. Ms Creighton chose the word "apply" to describe the process. This though is a semantic difference for something all sides agree on - that there will be a process to go through should Scots vote Yes in 2014.

When Mr Buchanan told viewers and listeners that both views "chimed" and that Ms Creighton "shared" Mr Moore's view, then it created the false impression that Ms Creighton held the more controversial view that Scotland would be outside the EU.

This is absolutely central to this complaint and something the BBC has helped cultivate through its one sided selective reporting of Lucinda Creighton's comments.

When presented with Lucinda Creighton's clarification statement which contained the following: "I certainly did not at any stage suggest that Scotland could, should or would be thrown out of the EU."

The BBC responded by saying: "Nor did anyone else - so not a news line".

This claim by the BBC that nobody said Scotland would be thrown out of the EU is self-evidently false. It was made by Michael Moore's clear statement that Scotland would find itself outside the EU trying to negotiate its way back in. The Scottish government will not volunteer its own exit and thus, only by being compelled to do so will Scotland leave the EU.

Indeed, it was this very aspect of the coverage that led to attacks being launched on Deputy First Minister Nicola Sturgeon. It compelled the Deputy FM to contact the Irish Minister seeking clarification.

Continued:

3. Impartiality and news blackout

This brings me to the third, and most serious, aspect of the reporting by the BBC, and my complaint that the coverage was not impartial and the BBC should have reported Ms Creighton's clarification statements in its news output.

Lucinda Creighton's views on Scottish independence had been given high profile cross-spectrum coverage by the BBC. Juxtaposed with the claim by Michael Moore, it helped cultivate an impression that Scotland would lose its EU membership in the event of a Yes vote and that this senior Foreign Minister endorsed this view.

However, within two days of the initial interview, Lucinda Creighton issued a number of statements challenging the interpretation placed on her comments from the first interview. One of these statements was received by and published by the Deputy First Minister herself.

The statements were controversial. The Irish Minister complained that her interview had been misconstrued, spun, taken out of context and manipulated. Given the context of the issue, which at that time centred on the BBC coverage, it is reasonable to assume she was referring to the BBC.

An Irish Minister who has made headline news across Scotland in one of the key areas of the independence debate had now very publicly complained that her views had been misconstrued and spun.

This wasn't just a story, it was now a bigger story than the initial interview. For a diplomat to issue such strongly worded statements is rare. In the context of the independence debate this was a highly controversial development to the Creighton/BBC story.

Further, the Irish Minister made it clear she backed the view held by the Scottish government that a newly independent Scotland can negotiate/apply for EU membership whilst still in the EU. Whilst there may have been ambiguity after the initial interview over whose views Lucinda Creighton shared, there was now none.

This was a very significant development. Ms Creighton was the first European Minister to publicly endorse the Scottish government's EU membership timetable.

She also made it clear that in her view, Scotland would not be thrown out of the EU as claimed by Scottish Secretary Michael Moore.

Continued:

It blew a hole in the narrative that was being cultivated across the Scottish media, something the BBC had helped to cultivate. Many pro-Union politicians and commentators would now have to modify and even retract statements that had made it into the media since Raymond Buchanan's interview first aired.

But it was never reported in any BBC radio bulletin, BBC TV news programme or BBC online article. A news blackout ensued. Given the BBC gave a high level of importance to Lucinda Creighton's initial interview it was incumbent on the public service broadcaster to report in similar fashion anything that may have challenged, or indeed significantly added to, the initial reports.

On February 1st on Reporting Scotland, BBC reporter Glenn Campbell, despite Ms Creighton's very clear follow up statements, said only that she "seemed to accept an application could be completed within the SNP's timetable for independence by May 2016".

That was the sole mention on the BBC news of Lucinda Creighton's statements following her interview - a one sentence reference. In keeping with their handling of the whole issue, even it failed to report Ms Creighton's sentiments accurately - the Irish Minister very explicitly said that she believed that the SNP's position, that they would negotiate conditions after independence from within, as a continuing member, "summed up the situation quite well".

In reply to my complaint that the coverage had not been impartial and that a news blackout had been employed, the BBC responded:

"In view of what I say above, you will, I hope, understand why there were no good journalistic reasons to have deviated from the coverage we gave to this story across our output."

Lucinda Creighton's statements following her interview contained new and crucial information as well as highly controversial accusations. There were very clear and very obvious journalistic reasons to have reported them in the same manner as that of the initial interview.

In their final response to my complaint the BBC wrote:

"Ms Creighton has not retracted what she said; she has not complained that our reporting was inaccurate; she has not said by whom she thinks the reporting was 'misconstrued'; and BBC Scotland did not, as you suggest, impose a 'news blackout' on any subsequent remarks made by her - in fact it was discussed at

length, two days after the original interview with Lucinda Creighton was broadcast, on the Sunday Politics programme (of 27 January) in a live interview, conducted by Andrew Kerr, with the Cabinet Secretary for Culture in the Scottish government, Fiona Hyslop MSP. As noted in the earlier response sent to you on this issue, it is our view that there were no good journalistic reasons for deviating from the coverage which was given to this story."

Ms Creighton may not have retracted what she said because there is no need. She believed, and continues to believe, that Scotland will have to apply for EU membership in its own right. She also believes that this process may be lengthy.

Whether she complains directly to the BBC or not is neither here nor there. Indeed, given the furore over the handling of the initial interview by the BBC, Ms Creighton may well have decided it best to give the BBC a wide berth.

She has however complained that her opinions expressed in the interview have been misconstrued, taken out of context, manipulated and spun. She has also added to our understanding of her views by making it clear she backs the Scottish government's timetable on EU membership and not the view of Michael Moore who believes Scotland will be forced out of the EU if opting for independence.

In replies to queries about her stance and the initial interview, Lucinda Creighton said: "I think my comments have been misconstrued or perhaps manipulated by some quarters. I sincerely regret this."

She added: "I regret that my words seem to have been spun or taken out of context."

The BBC mentions a live interview conducted by Andrew Kerr. This interview undermines the BBC's own claim that it was not accused by Ms Creighton.

The issue was indeed discussed on a Sunday Politics show. Interestingly, the discussion saw the BBC appear to accept that it was indeed the subject of Lucinda Creighton's complaint and, accordingly sought [to] defend its original reporting of the interview.

It was clear that Cabinet Secretary Fiona Hyslop herself believed that BBC was being accused of misconstruing the Irish Minister's interview. So, both participants in the studio discussion adopted a stance consistent with the BBC, at least in part, being the target of Ms Creighton's accusations.

Continued:

If the BBC, as it claims, felt that they were not the one being accused then why did Andrew Kerr feel the need to defend the BBC's initial coverage? Surely the BBC should have endeavoured to find out who Ms Creighton was accusing and put the accusations to them?

The result of the selective reporting by the BBC, of Lucinda Creighton's interview and official communications, has been that a great many people in Scotland are now hopelessly misinformed on this issue. The BBC has selectively reported an area of significant importance to the independence debate. Unionist politicians and commentators continue to misrepresent the views of Lucinda Creighton to this day.

The BBC's Editorial Complaints Unit refused to investigate complaints of a lack of impartiality and that the BBC employed a news blackout.

The Trust must decide whether accusations by Lucinda Creighton, that her initial interview had been misconstrued, spun, taken out of context and manipulated, was news.

It must also decide whether Ms Creighton's endorsement of the Scottish government's EU timetable – the first EU Minister to do so – was news. [Glenn Campbell's very brief veiled reference to Lucinda Creighton's follow up statements suggests the BBC knows this was indeed news.]

If both are considered news then the BBC must answer why neither was reported in its news output.

The complainant had essentially destroyed BBC Scotland's defence of its handling of the Lucinda Creighton interview. The matter was now in the hands of the BBC Trust. Or was it?

Five days passed but there was no acknowledgement of the appeal. On August 15th another email was despatched to the Trust.

"I sent a revised appeal to your organisation five days ago and received a receipt of delivery. Can you please confirm you are aware of the revised appeal?"

Also, given that this appeal has already been delayed (by the BBC) and the subject matter it deals with (independence referendum) I would greatly appreciate it if you could provide me with an indication of how long your deliberations might last before a decision is reached.

Continued:

Also, if - as expected - the BBC is to be given an opportunity to respond to this appeal, will I be given access to their reaction in order to make my own responses prior to a final judgement?

Should you require to speak to me then I can provide a contact telephone number.”

One day later the appeal was acknowledged. It had ‘gone to the wrong department’.

The Trust official wrote:

“We did not receive an email in the Trust Editorial Unit but having now checked with my colleagues it appears that you sent your email to ‘Trust Enquiries’ and I now have a copy of your email.

The editorial complaints procedures explains that we will write to you within 40 working days with a decision as to whether your appeal qualifies for consideration by the Trust. If we decide that your appeal qualifies for consideration we will appoint an Independent Editorial Adviser to investigate your complaint. He or she will prepare a paper for the Committee which would be sent to you and the BBC for comment in advance of distribution to Trustees.”

There would be a further forty day delay before the complainant would even know whether the appeal would be heard. It was now seven months since Raymond Buchanan’s interview. The BBC complaints procedure appeared to be designed to kill off complaints rather than address them. But then, thirteen days later, a surprise. The appeal would indeed be heard by the Trust.

“Further to my email of 16 August, I am writing to let you know that your complaint will now be considered by the Committee at its 7 November 2013 meeting. Their decision is likely to be ratified at their December meeting and you will be given the decision shortly afterwards.”

On November 8th a BBC Trust official confirmed that the appeal had been considered and that a decision would be made in early December. If the appeal was successful then almost a full year would have passed. However by mid-December the complainant had received no verdict.

He emailed again:

“As we are now entering mid-December I wonder if you could confirm whether I can expect to know the outcome of the appeal in the first half of December?”

He received a reply:

“Thank you for your email. The finding is currently with the Trustees for ratification but I hope to be able to send it to you by Thursday 19 December 2013.”

On December 19th the complainant received a short email from the Trust informing him that a decision had been reached.

It read:

“The Editorial Standards Committee (ESC) has now ratified its decision on your appeal and I attach a copy of the draft finding now for your comments on matters of accuracy and process.”

The document contained the following:

“The Committee, on balance, agreed with the complainant in relation to this particular broadcast...”

...The Committee concluded that this piece was therefore, in breach of the BBC’s Editorial Guideline on Accuracy.”

BBC Scotland had been found guilty of breaking its own guidelines on accuracy. In short, the public had been misled, although the Trust concluded that the BBC had not *knowingly* misled its audience. It was, or should have been, a devastating blow to the credibility of BBC Scotland. But there was to be a further delay before the verdict could be published. The email from the Trust contained the following:

“This finding will be included in the next edition of the monthly bulletin ‘Editorial Standards Findings’, which is due to be published on 14 January 2014. The Committee’s finding is embargoed until 11am on this date...”

The complainant, concerned about another significant delay, sent the following email:

“I appreciate there is an embargo on this appeal decision but I believe the huge public interest in this decision overrides any such attempt to delay the findings.

I am also extremely unhappy, given the seriousness of the subject matter (independence debate) with the length of time this process has taken.

I will therefore be forwarding this and all other correspondence to media outlets, including Newsnet Scotland.”

An additional email was sent to the Trust:

“I note, with alarm, that the Trust has not addressed the most serious aspect of my complaint that the BBC employed a news blackout of Ms Creighton's comments issued after the initial interview.

Can you explain why they did not address this?”

The Trust, despite having found in favour of a key part of the complaint relating to accuracy, appeared not to have considered the news blackout that followed Lucinda Creighton's emails to the Deputy First Minister and Newsnet Scotland. It instead had taken a view that attempts on the part of Raymond Buchanan to contact Lucinda Creighton after the interview constituted a willingness on the part of the BBC to clarify the situation. The Trust also decided that Fiona Hyslop's appearance on a BBC current affairs show constituted 'reporting' of the emails.

A senior Trust official responded:

“We note that you have chosen to breach the embargo on the ESC's finding and have made public the ESC's draft finding, and details of the appeal. You will appreciate that, as a draft, the finding may not represent the final views of the Committee, and its publication is therefore premature. As you know, the final version of the finding will be published on 14 January.

You say that you have done this because you believe the 'huge public interest in this decision overrides any such attempt to delay the findings'. That may be your view, but we believe there is also a public interest in the orderly conduct of appeals about BBC content, and in the practice of sharing draft findings with all parties – including programme-makers – to ensure that they are accurate and that due process has been followed.

We therefore regard it as regrettable that you have brought about the premature publication of such material. To protect the integrity of our processes, please be aware that Trust Unit will in future be circumspect about sharing appeal paperwork with you, and in particular will be unlikely to send you findings ahead of publication.

Turning to the point you have raised in relation to the content of the finding; the allegation that the BBC failed to report adequately the further statement by Lucinda Creighton was considered by the Committee and is addressed at Point (B). The finding notes that it was BBC Scotland's judgement that Ms Creighton's statement clarified little and did not constitute a further news story in its own right.

Continued:

The finding also notes that the Committee considered that there was some new information in Ms Creighton's statement. The issue the Committee was required to consider was whether or not the lack of coverage had resulted in a breach of the editorial guidelines.

Overall on this point of complaint, the Committee decided that the further interview opportunities and invitations to comment that Raymond Buchanan had offered, plus the extensive interview with Fiona Hyslop on Sunday Politics Scotland the following day, meant that there had been no breach of the Accuracy or Impartiality guidelines.

The Chairman of the ESC has been made aware of your concerns and is satisfied that this point of complaint was appropriately addressed, both at the Committee meeting and in the draft finding."

On December 21st 2013, the complainant, now having lost patience with the body, sent his final communication to the BBC Trust. The contempt he felt for the body was palpable.

He wrote:

"Thank you for this prompt response to my concerns regarding the news blackout that followed Lucinda Creighton's statements issued after the BBC interview.

You say:

'Turning to the point you have raised in relation to the content of the finding; the allegation that the BBC failed to report adequately the further statement by Lucinda Creighton was considered by the Committee and is addressed at Point (B).

The finding notes that it was BBC Scotland's judgement that Ms Creighton's statement clarified little and did not constitute a further news story in its own right. The finding also notes that the Committee considered that there was some new information in Ms Creighton's statement.

The issue the Committee was required to consider was whether or not the lack of coverage had resulted in a breach of the editorial guidelines.

Continued:

Overall on this point of complaint, the Committee decided that the further interview opportunities and invitations to comment that Raymond Buchanan had offered, plus the extensive interview with Fiona Hyslop on Sunday Politics Scotland the following day, meant that there had been no breach of the Accuracy or Impartiality guidelines.'

The reference to Raymond Buchanan's attempts to engage further, members of the Scottish government and Ms Creighton, are interesting and commendable, but cannot in any way shape or form be classified as coverage because there was no news coverage of Lucinda Creighton's statement to the Deputy First Minister. The Politics Show discussion between Andrew Kerr and Fiona Hyslop saw the BBC defend a news report we now know was misleading. This is the only reference to Lucinda Creighton's statement anywhere on the BBC.

That the Committee itself agrees with me that - contrary to BBC claims - there was indeed new information in Lucinda Creighton's statements, is welcome. Why didn't the BBC report the developments in its news output and simply (as is the norm) inform viewers/listeners that further comment was not forthcoming? Creighton's views on the Scottish government's EU timetable for continued membership were a significant development to the EU debate and were counter to interpretations that had, and continue to be placed, on her original interview.

So I bring you back to the most disturbing part of the BBC's handling of this episode, and that is the news blackout, something I note that neither the BBC nor the Committee challenge. The committee's refusal to condemn such a news blackout is deeply, deeply concerning. The BBC will now, if this ruling stands, be allowed to report issues critical to the independence debate in a manner which is effectively biased.

Finally, your response to my breaking the embargo says that this ruling may in fact change. I would hope that the apparent endorsement of the news blackout will indeed be altered and that the final report will condemn the news blackout that the BBC employed. I would also hope that the committee will call for those who took this decision to justify their actions.

Notwithstanding the draft nature of the ruling as it currently stands, the fact is that it does indeed constitute the current stance of the committee, and that is newsworthy.

Continued:

It is vital, given the independence debate, that this ruling is publicised as soon as possible because the original Reporting Scotland broadcast has now seeped into the public consciousness. The news blackout has ensured that the misinterpretation of Lucinda Creighton's views has been accepted as fact.

Two weeks ago in the Scottish Parliament the leader of the Scottish Conservatives, Ruth Davidson, again cited Lucinda Creighton as someone who supported the view that an independent Scotland would find itself out of the EU. Davidson's claims were broadcast on the BBC.

A broadcast that took place in January 2013 is STILL being used as currency by those opposing independence. The committee ruled in November that the BBC had misled viewers. Throughout this ten month period until the ruling, the debate on EU membership has raged and Lucinda Creighton's views have been repeatedly misrepresented. The general public have never once heard the BBC report Ms Creighton's real views, clearly stated in emails to Scotland's Deputy FM and Newsnet Scotland.

I was initially told I would receive this November ruling on December 5th, the Trust delayed further claiming minutes had not yet been drafted. This process of delay has also been employed by the BBC. The result is that a misleading news report will have been allowed to stand unchallenged for almost one year.

The Trust has the power to deny me access to any future appeal paperwork 'to protect the integrity of our processes'. If you fail to condemn this news blackout then you will be left with no integrity to protect."

GUILTY

The BBC was found to have misled viewers with their January 25th broadcast on Reporting Scotland. The explanation given by the Trust was complex and torturous in places but it was there in black and white. There was a softening of the blow for BBC bosses as the Trust Committee found no evidence that the inaccurate nature of the broadcast was deliberate. Indeed this was something readily conceded by the complainant who acknowledged that Raymond Buchanan may not have intended to mislead. Radio and online broadcasts were also deemed not to have broken any guidelines.

But what of BBC Scotland's claim that no news blackout of Lucinda Creighton's follow up statements was employed and that there was nothing new in her statements? Here the Trust came down on the side of the BBC.

The Appeal Committee appeared to bend over backwards to accommodate the BBC. It should be recalled that BBC Scotland claimed an “extensive” interview that took place on the Sunday afternoon and featured Scottish Minister Fiona Hyslop, constituted news coverage. The discussion between Hyslop and studio presenter Andrew Kerr actually saw the BBC host *defend* the broadcast that the Trust Committee ruled to be inaccurate. How could a discussion that saw the BBC defend a broadcast that broke its own guidelines be considered balanced and informative news?

Here is what the Appeal Committee concluded:

“The Committee agreed that there was some new information in Ms Creighton’s statement about what Ms Creighton understood in relation to the Scottish government’s intended timetable for negotiations.”

So the committee disagreed with BBC Scotland that there was nothing new, but it rather curiously added:

“It noted that BBC Scotland’s judgement had been that this clarified little and did not constitute a further news story in its own right.”

The committee appeared not to understand that it was this very judgement it should have been looking into and not merely ‘noting’. It’s worth examining how BBC Scotland decided to interpret Lucinda Creighton’s clarification emails and what the corporation told the Trust as it sought to defend itself.

The BBC evidence to the Trust Committee

Here is what Lucinda Creighton said in one of her emails:

“As SNP Westminster Leader, Angus Robertson said ‘Negotiations on the terms of membership would take place in the period between the referendum and the planned date of independence’, and that ‘The EU would adopt a simplified procedure for the negotiations, not the traditional procedure followed for the accession of non-member countries’. I think that sums up the situation quite well. I hope this clarifies my position...”

Here is how BBC Scotland interpreted this very clear endorsement of the Scottish government’s EU timetable following a Yes vote:

“We do not think that it does [clarify her position]. In the interview she clearly says that the application for membership ‘can be a lengthy process, as we see even with the very advanced and well-integrated countries like Iceland’ (which is not in the EU), which she says ‘has a task’ in ‘transforming its legislation and fitting into the European requirements for (EU) membership’.

Continued:

Instead of clarifying her position, she seems now to be offering two arguments that are difficult to reconcile – that the process will be lengthy, but simplified... “Consequently we do not believe that the subsequent statement by Lucinda Creighton offered clarification.”

This was staggering in the extreme and indicative of an organisation in denial. If BBC Scotland bosses were unable to discern support for the Scottish government in Lucinda Creighton’s statement then it did not augur well for the remainder of its referendum coverage. But what of the BBC’s defence against the allegation it employed a news blackout? Here is what the BBC said of the Sunday Politics Show disagreement between presenter Andrew Kerr and Scottish government Minister Fiona Hyslop.

“If there were substantive elements introduced by way of the Lucinda Creighton email, the Cabinet Secretary had ample time to focus on those (within the seven minutes Politics Scotland interview). That she chose not to do so was entirely her decision.”

In short, according to the BBC it was up to Fiona Hyslop to highlight Lucinda Creighton’s statements. In the space of seven minutes when continually interrupted and challenged by a presenter intent on defending a broadcast we now know was misleading, Fiona Hyslop was expected to do the BBC’s job for them. That was the only time Lucinda Creighton’s emails were mentioned on BBC Scotland. The refusal of BBC Scotland to draw attention to the emails on its standard news programmes was simply ignored by the Trust.

Here is the Appeal Committee’s conclusion on claims that a news blackout was employed:

“In the Committee’s view, a significant opportunity to set the record straight, in so far as that had been needed, was presented to the Scottish government on the following day.

The Committee noted that the Sunday Politics Scotland programme on 27 January 2013 carried an interview with Fiona Hyslop, Scottish Cabinet Secretary for Culture and External Affairs, whose brief included Europe. The interview, conducted by Andrew Kerr, included film of the full interview with Ms Creighton and discussion with Ms Hyslop about Ms Creighton’s further statement.

In the Committee’s view, Ms Hyslop had plenty of opportunity, which she employed to some extent at least, to emphasise that Ms Creighton understood the Scottish government’s timetable and that Scotland would not be ‘thrown out’ of the EU.”

The Appeal Committee found BBC Scotland not guilty of failing to provide adequate coverage, despite acknowledging there was new information in the emails. Astonishingly it supported the BBC's claim that a discussion on a Sunday afternoon when few people would have been watching was "adequate" coverage.

The misleading report had been watched by half a million people who tuned in to the flagship tea time news programme Reporting Scotland. A political discussion broadcast early on a Sunday afternoon would have garnered a fraction of the audience. Bizarrely, the committee also claimed that attempts by Raymond Buchanan to contact both Lucinda Creighton and the Scottish government in order to further question them, also constituted coverage.

The Appeal Committee added:

"...the Committee decided that the further interview opportunities and invitations to comment that Mr Buchanan had offered, plus the extensive interview with Ms Hyslop the following day, meant that there had been no breach of the Accuracy or Impartiality guidelines."

The BBC Trust had effectively given a green light to BBC Scotland to selectively report news, based not on what was said, but on the corporation's interpretation of what the words meant. It's worth looking at one last statement provided by the BBC in defence of the accusation it had misconstrued Lucinda Creighton's initial interview. Many people who initially complained to the BBC would have received a response from the broadcaster in which it insisted that it was *not* the target of Ms Creighton's claim to have been misconstrued. Speaking on the Sunday Politics Show, Culture Secretary Fiona Hyslop had said:

"I think it's unfortunate for the BBC that a minister from another government has stated that the BBC has misconstrued her position."

In early responses to similar charges, BBC Scotland wrote:

*"In a subsequent message to the Deputy First Minister, Ms Creighton said she was concerned that the interview was being 'misconstrued': she does not say by whom, **but I can assure you it was not the BBC** – we asked a question, she gave an answer, and we broadcast her saying it." [my emphasis]*

But that's not quite what BBC Scotland chiefs told the Trust in their evidence, as can be seen from the image at the top of the next page. The BBC did indeed believe that Lucinda Creighton had alluded to Scotland being out of the EU in the event of a Yes vote. The corporation had essentially said so in its evidence to the Trust.

It's worth emboldening the key section in order that it can be seen clearly:

“Consequently the whole issue of EU membership, from a position outside the EU, with specific reference, by way of comparison, to the case of Iceland, was one which Ms Creighton herself raised. In this respect, there is far greater alignment between her comments and those of Mr Moore than there is between what she says and the position of the Scottish government, as articulated by Ms Sturgeon.”

Below is a copy of part of the BBC's evidence to the Trust

91. The BBC also pointed to the example of Iceland given by Ms Creighton in her interview [see Extract 2, above]. The BBC said the comparator used by Ms Creighton clearly referenced a country which was not an EU member having *"a task in terms of...fitting into the European requirements for membership...and that would be the case, I think, for Scotland as well."*

92. The BBC concluded the following in relation to this element of the complaint:

"Consequently the whole issue of EU membership, from a position outside the EU, with specific reference, by way of comparison, to the case of Iceland, was one which Ms Creighton herself raised. In this respect, there is far greater alignment between her comments and those of Mr Moore than there is between what she says and the position of the Scottish Government, as articulated by Ms Sturgeon."

The BBC very clearly *had* misconstrued what the Irish Minister had said. This was the complete opposite of what the corporation had told licence fee payers who initially complained about the BBC's reporting of Lucinda Creighton's interview. The corporation had always denied it believed or had even suggested Creighton and Moore shared this view. It had stuck rigidly to this line right up until it was forced to answer to the Trust.

The question of course is why BBC Scotland should have said what appears to have been something completely different to the Trust. Was it possible that BBC Scotland chiefs knew the broadcast was indeed misleading but sought to give the impression that they were reflecting a belief they honestly held? This of course allowed the Trust to rule that the corporation had not *knowingly* misled viewers. However it was mere speculation. What wasn't in doubt was that the BBC, in submitting its own evidence to the appeal, appeared to have changed its story. It told members of the public one thing and its own watchdog another.

Finally, BBC Scotland claimed that no-one from the corporation was able to question Lucinda Creighton on the issue after she issued her clarification emails.

However the claim wasn't entirely accurate. The BBC did indeed interview Lucinda Creighton. The interview took place on February 13th, a mere two weeks after the Reporting Scotland broadcast. The Irish Minister was interviewed in a twenty five minute edition of the BBC political programme Hard Talk. She was not asked to clarify her stance on the EU status of Scotland after a Yes vote.



The BBC had been found guilty of misleading the public over one of the most crucial issues of the independence debate. It had taken almost a full year for the official watchdog to recognise the failing. It should have led to serious repercussions for BBC Scotland management. But it had no impact.

In January 2014, the individual whose complaint led to BBC Scotland to be found guilty of breaking guidelines asked the Trust if it would be requesting an apology be issued by BBC Scotland.

In a response, a Trust spokesman wrote:

“I have discussed your further point of enquiry with Alison Hastings, Chairman of the ESC, and she has agreed this reply.

The Committee found that the Reporting Scotland item had not been duly accurate and that a breach of the BBC’s Editorial Guidelines had occurred.

The Committee expressed regret for this breach in its published finding, which is linked on the BBC’s Corrections & Clarifications website. The Committee considers these actions to be a sufficient remedy to this complaint and will not be instructing BBC Scotland to issue an apology.”

The individual who had lodged the initial complaint and who had pursued the BBC for almost a year, said:

“The broadcast centred on one of the key issues of the independence debate and has influenced comment and views from members of the public and politicians alike.

Lucinda Creighton’s BBC interview has been used by opponents of independence in order to back their claim that a newly independent Scotland will be thrown out of the EU.

For eleven months BBC Scotland has denied any wrongdoing. The BBC has a responsibility to apologise for this broadcast and must do so on the very programme that started off the Lucinda Creighton myth.”

The BBC never issued an apology. It never issued any correction. And it wasn't surprising. The ruling by the BBC Trust was the second guilty verdict against BBC Scotland in eight months. In May 2013 BBC Scotland Head of News, John Boothman had faced questions after senior management at the Scottish broadcaster were found guilty of having distorted the news on Radio Scotland.

Following another complaint from a member of the public, an investigation by the BBC Trust found senior management at Pacific Quay in Glasgow had issued false information after they were alleged to have interfered in the editorial decision making of a morning news programme. The Trust also found that decisions taken by senior management at Pacific Quay had broken guidelines on conflict of interest and that statements issued on behalf of BBC Scotland had “misled” the complainant who had to endure an “extremely long time” before his complaints were addressed.

What of Raymond Buchanan who had carried out the interview with Lucinda Creighton? On September 6th, before the Trust delivered its judgement, the BBC quietly announced that one of its most senior political reporters was leaving the corporation.