

Lord Laird of Artigarvan
House of Lords
London
SW1A 0PW

22 December 2011

Dear Lord Laird,

The Baroness Garden of Frogmal has asked the BBC Trust (of which I am the Director) to write to you in connection with a Parliamentary Question that you tabled for Written Answer. You asked Her Majesty's Government (further to the Baroness Rawlings's Written Answer on 5 December 2011 – WA 109-10) "what is the practical effect of an action being defined as 'inappropriate' under the [BBC Trust's] code of practice?" The Baroness Garden of Frogmal answered that question on 22 December, stating that this is a matter for the BBC Trust, and that she would be asking the Trust to write to you directly.

The phrase you refer to appears in paragraph 7.1 of the Code, which provides that it is "inappropriate for a Member of the Trust to hold office in a political party or be actively involved in partisan political activities of a significant and continuing nature".

The Trust's Code of Practice reflects the Trust's commitment to observe the highest standards of propriety involving integrity, impartiality and objectivity with respect to the stewardship of public funds and the governance of the BBC and to be open, responsive and accountable to licence fee payers. Members of the Trust (also known as "Trustees") have agreed that when undertaking their Trust duties they will comply at all times with the Code, and act in good faith and in the best interests of licence fee payers. The Trust will also follow the Seven Principles of Public Life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership, as set out by the Committee on Standards in Public Life.

The Code contains a procedure for managing Trustees' interests, which includes an obligation (on taking office) to declare any relevant interests in the published Register (and to keep their entry up to date, including a formal review every six months); and to consult the Chairman before taking up new appointments. The Trust Unit will also offer advice to Trustees about existing or proposed appointments or other interests. Under the procedure outlined above, a Trustee will give formal consideration to the compatibility of their interests with their role on the Trust when they are appointed and at regular intervals thereafter, and also when considering a new appointment.

Compliance with the Code is a matter for the individual Trustee. After taking appropriate advice from the Trust Unit and the Chairman, they must decide for themselves whether an existing or proposed interest is compatible with their Trust role. Thus, in the case of paragraph 7.1, it is the individual Trustee who must decide whether a particular political office or activity is "inappropriate" and, if it is, they must decide what steps to take. Specifically, they would need to decide whether to resign from the political office concerned (or decline the offer of appointment), or cease the incompatible activity, or alternatively resign from the Trust.

The BBC's Complaints Framework does, however, contain a procedure for complaining about Trustees alleged to have breached the Code. Such complaints should be made in writing to the Chairman (or the Vice-Chairman, if the complaint is about the Chairman). The complaint will be considered by the Chairman, the full Trust or a Trust committee, who will decide what action should be taken. It should be noted, however, that the Trust cannot dismiss a Trustee: the Charter specifies the only grounds on which a Trustee's appointment can come to an end which, in summary, are on the expiry of their term of appointment; by resignation; on bankruptcy; in the event of mental incapacity; or by resolution of the Trust after three months' absence from meetings. A Member can, however, be removed by Order in Council.

I hope that you find this information useful.

Yours,

Nicholas Kroll

Nicholas Kroll
Director, BBC Trust