



Channel Four Television Corporation

Fair Competition Complaints Process

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INTRODUCTION

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COMPLAINT SUBMITTED
TO CHANNEL 4

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Introduction

This procedure should be used where production companies working with Channel Four Television Corporation (C4C) have complaints relating to application of the processes for ensuring fair competition between external suppliers and Channel 4 in-house production (referred to for the purposes of this document as C4P), and/or a production company in which C4C has a majority stake, as set out in Channel 4's Commissioning Guidelines.

There are four stages to the complaints procedure:

Stage One: Complaint submitted to Channel 4

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Stage One: Complaint submitted to Channel 4

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Complaints should be submitted in writing to the Business Assurance team (contact details below).

In order for a complaint to be accepted it must relate to an issue where the complainant believes that C4C's treatment of C4P has breached the framework for fair competition between external producers and C4P and/or a production company in which C4P has a majority stake, as set out in Channel 4's Commissioning Guidelines.

If the complaint does not meet this criterion the complainant will be informed in writing of the reasons why and, where relevant, referred to an alternative complaints route if one exists. Complaints should clearly set out:

- The specific facts and events which give rise to the complaint
- How they believe the Commissioning Guidelines have been breached as a result of C4C's actions or inactions
- The specific outcome(s) being sought.

Channel 4's Business Assurance team will take an impartial view of the case with reference to C4C's Commissioning Guidelines, discuss it with both the producer concerned and the relevant C4C commissioning representative(s), and seek a resolution. They will undertake an impartial investigation of the issues raised in the context of the Commissioning Guidelines. The issues forming the basis of the complaint and investigation will be agreed with the complainant in writing and will be discussed with all relevant C4C commissioning representatives and any wider C4C personnel before reaching a conclusion. This stage of the process should typically be completed within six weeks¹.

Complaints should be addressed to:
faircompetition@channel4.co.uk

¹Note six weeks is typically the length of time taken for an investigation stage. However, please note that in specific cases an investigation may take longer, in which case the complainant will be notified of any likely delay.



Stage Two: Referral to the Chief Commercial Affairs Officer

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Should the complaint remain unresolved and/or the complainant believe they have not received a full or fair outcome from Stage One, the complainant can request a referral to C4C's Chief Commercial Affairs Officer to present their case as to how they believe Channel 4 has breached the Commissioning Guidelines in relation to its treatment of C4P.

The complainant should request such a referral in writing² within six weeks of receiving the findings of Stage One.

The complainant should identify:

- Which elements of their complaint they consider to be unresolved by the findings of Stage One and why; and
- The specific outcome(s) being sought.

The Chief Commercial Affairs Officer will review the submissions from the complainant and the findings of Stage One and where appropriate, at their discretion may:

- Hear evidence in person from the complainant;
- Hear evidence in person from relevant individuals at C4C; and/or
- Request more information or evidence from any of the relevant parties.

The Chief Commercial Affairs Officer will provide their conclusions and recommendations in writing and where relevant, ensure that any lessons learned are fed into Channel 4 and reflected in its annual review for the Commissioning Guidelines and their application.

This stage of the process should typically be completed within six weeks³.

²Complaints should be addressed to: faircompetition@channel4.co.uk

³Note six weeks is typically the length of time taken for an investigation stage. However, please note that in specific cases an investigation may take longer, in which case the complainant will be notified of any likely delay.



Stage Three: Mediation

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Should the complainant believe that the response from the Chief Commercial Affairs Officer does not adequately address any issue(s) of fairness relating to Channel 4’s treatment of C4P and/or a production company in which C4C has a majority stake vs external producers, which the complainant views as being in breach of the Commissioning Guidelines, they may request that the matter is referred to an independent external mediator agreed by Channel 4 and the complainant, in accordance with the Centre for Effective Dispute Resolution (CEDR) Model Mediation Procedure.

The request for a referral to mediation should be made to the Controller of Legal & Compliance within six weeks of receipt of the decision of the Chief Commercial Affairs Officer. That request should set out the reasons why Stages One and Two have failed to adequately address the issue(s) of fairness relating to Channel 4’s treatment of C4P and/or a production company in which C4C has a majority stake vs external producers, as well as the specific outcome(s) being sought.

The independent mediator will share the Mediation Procedure with the complainant ahead of commencement and will agree a Mediation Agreement with both parties. The independent mediator will work with the complainant and C4C to achieve a conclusion to the matter. Channel 4 and the Producer must both agree to enter into any mediation process in good faith and must agree the length of time to commit to the process.

The Mediation Agreement referred to in the CEDR Model Mediation Procedure shall be governed by the substantive law of England and Wales.

CEDR’s fees, and those of the mediator together with other expenses of the mediation, will be borne equally by the parties. Each party will bear its own costs and expenses of its participation in the mediation.



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Stage Four: Arbitration

If a resolution of the dispute is not reached within the agreed number of days from delivery of the relevant Mediation Agreement, either party may refer the Dispute to arbitration and the dispute shall be referred to and finally resolved by arbitration, with each party meeting costs as directed by the arbitrator.

