

Annual Review

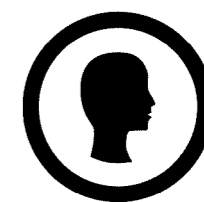


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41%
increase in resolved
complaints

Report of the Chairman of the Commission



As I start a second term as Chairman of the PCC, I am more aware than ever of the privilege of holding this position. The PCC is a window on real life. An extraordinary cross-section of people comes to us with unique and personal stories and complaints. It gives, in particular, real satisfaction to help those unused to the media, who find themselves briefly and unwillingly thrust into the public gaze because of their proximity to a newsworthy death or crime. It is, I think, the best thing we do.

It is impossible not to be struck by how the debate on self-regulation has shifted over the last three years. When I first took this job, there were challenges from Parliament, from the legal profession and from inside the newspaper industry itself. Some of the criticism was merited: which was why we embarked on a series of reforms to the PCC to enhance its independence, effectiveness and transparency.

There is now more public involvement with and scrutiny of the Commission's work than ever: not just on the board of the Commission, where the lay majority has increased, but also through the work of the independent Charter Commissioner and the Charter Compliance Panel. The Code Committee now meets every year to review the Code and make changes, where necessary – often following suggestions from members of the public.

There is now more public involvement with and scrutiny of the Commission's work than ever

We mounted a major campaign – now a permanent feature of our operations – to raise the visibility of the PCC throughout the country so people are aware of how we can help them. Twice a year the PCC takes its road-show to the great cities of the UK. In 2006 it will be Liverpool and Glasgow.

One result of this activity has been to increase by 40% the number of people coming to us with their complaints and concerns.

Last year we hit a record figure of 3,654. In addition, several thousand people get in touch with us each year with all kinds of requests for advice and information.

Another result is that the campaign in some quarters to replace self-regulation with something else has, for the most part, gone quiet. But this cannot be taken for granted: I am not so complacent as to think that this is, as it were, the disease cured. It is in remission. One really contentious, high-profile case is all it takes to ignite the fires of controversy and breathe new life into those who, for example, would like us to be replaced by a statutory body. That is why it is in their own best interests for editors to stay well within the spirit and letter of the Code of Practice.

What is the agenda for the next three years?

At one level it is more of the same: make the system of self-regulation work better; convince people that this is happening. The latter is easier said than done: I have noted before that the success of the PCC is, in part, measured by the story that is not published and the individual who is not harassed. By definition these are things we cannot publicise.

But there are other areas which we can and should publicise. There is an ingrained view that if you can get an editor to agree a correction or apology, it will be hidden away at the back of the newspaper. The truth is rather different. It is an area where we have worked hard with editors. In fact, as we point out on page 10 of the Report, 82% of corrections and apologies appear either on the same page as the original article, or further forward, or in a dedicated corrections column.

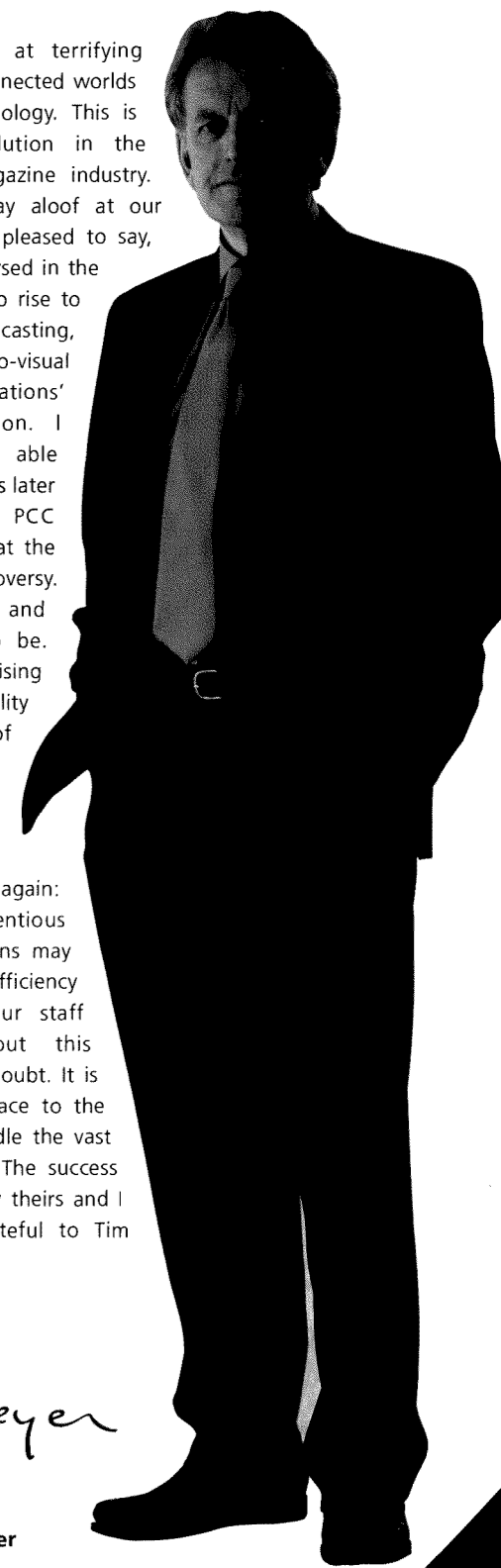
Take also resolved cases. Some people say that the relatively small proportion of complaints formally adjudicated is a sign of weakness. Actually it is a sign of effectiveness. The number of cases resolved amicably between complainant and publication rose by 40% in 2005 alone. The formal adjudication is, of course, indispensable to the development of our case law and where there has been a serious breach of the Code. But our core mission is to deliver effective, speedy and cost-free solutions to complainants with a minimum of fuss.

We must also raise our eyes to the wider horizon. That means keeping an eye on developments in Dublin where the debate about the appropriate machinery for press regulation continues to blaze. It means keeping an eye on the European Commission in Brussels in case the regulating reflex should start to threaten press self-regulation through the back door. Above all we must try to anticipate the meaning for the PCC of the phenomenon of media convergence.

Things are moving at terrifying speed in the interconnected worlds of media and technology. This is generating a revolution in the newspaper and magazine industry. We at the PCC stay aloof at our peril. We are, I am pleased to say, already deeply immersed in the debate about how to rise to the challenge of podcasting, transmission of audio-visual material on publications' websites and so on. I hope we shall be able to say more about this later in the year. The PCC stands permanently at the crossroads of controversy. It is an exciting and interesting place to be. It would be a hair-raising one without the quality and commitment of Tim Toulmin and the full-time staff of the PCC. Our feedback tells us the same thing over and over again: that however contentious some of our decisions may be, the helpfulness, efficiency and courtesy of our staff (pictured throughout this report) are beyond doubt. It is they who are our face to the world and who handle the vast bulk of complaints. The success of the PCC is largely theirs and I am enormously grateful to Tim and his team.

C.R. Meyer

Sir Christopher Meyer
KCMG,
Chairman



Complaints Statistics

The most notable headline figure, in terms of complaints statistics for 2005, is not the 3,654 complaints the PCC received over the course of the year, although that is (by 5 complaints) the highest in the Commission's history. It is the increase by more than 40% in the number of complaints that were resolved following offers from publications: the highest ever number of resolved complaints in the fifteen-year history of the PCC.

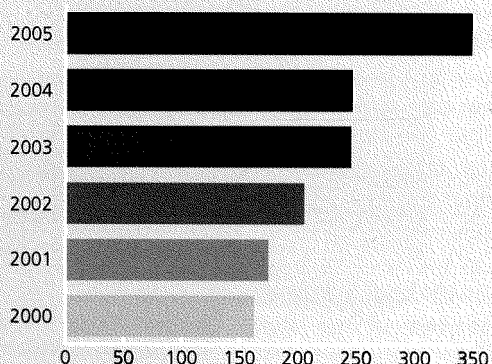
So, although the number of complaints increased by less than 1%, and the total number of rulings under the Code by less than 3% (to 924), the number of complaints in which PCC complaints officers negotiated settlements that were to the satisfaction of the complainant rose by an impressive 41%.

The PCC also declined to deal with fewer complaints because of a delay in their being lodged. In the last three years, the number of complaints rejected for delay reasons has decreased by 70%. This is because of increased awareness of PCC procedures and an increase in the time within which complaints must be lodged (from one to two months, in 2004).

In spite of this greater work load, complaints investigations were on average 12 days shorter in 2005 than in 2004, being completed in just 48 days. And although there was a slight increase in the overall handling time for all complaints, the average across the board was only 23 days.

Resolved complaints

The graph below charts the increase in resolved complaints over the last 6 years:



These figures testify to the effectiveness of the conciliation culture that the PCC has sought to foster across the industry. Editors will now routinely seek to make appropriate offers to resolve possible breaches of the Code.

76% of all possible breaches of the Code were resolved in 2005, up 12% on 2004. In a further 22% of cases, PCC staff negotiated offers from the publication that, while not acceptable to the complainant, were judged by the board of the Commission to represent appropriate remedial action under the terms of the Code. In just 2% of possible breaches of the Code did editors not offer an acceptable remedial response to a complaint; these cases were all upheld.

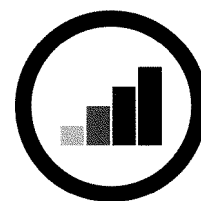
The rise in overall complaints numbers has been matched by an increase in the number of complaints investigated by the PCC – up by 5% in 2005 to another record high in the PCC's history.

Possible breaches of the Code - by Clause

In 2005, approximately two thirds of complaints specified under the Code concerned the accuracy of articles, around 20% related to issues of privacy, 10% to discrimination and the remainder to newsgathering issues. In terms of possible breaches of the Code – the most significant complaints – the breakdown was as follows:

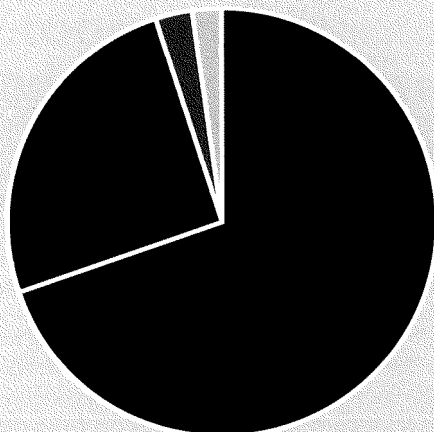
Rulings under the Code by Clause

Clause 1	Accuracy	67.4%
Clause 2	Opportunity to reply	2.3%
Clause 3	Privacy	12.5%
Clause 4	Harassment	2.9%
Clause 5	Intrusion into grief or shock	5.2%
Clause 6	Children	3.4%
Clause 7	Children in sex cases	0.1%
Clause 8	Hospitals	0%
Clause 9	Reporting of crime	1.3%
Clause 10	Clandestine devices and subterfuge	0.9%
Clause 11	Victims of sexual assault	0%
Clause 12	Discrimination	2.7%
Clause 13	Financial journalism	0.4%
Clause 14	Confidential sources	0.4%
Clause 15	Witness payments in criminal trials	0%
Clause 16	Payment to criminals	0.5%



Investigated complaints by type

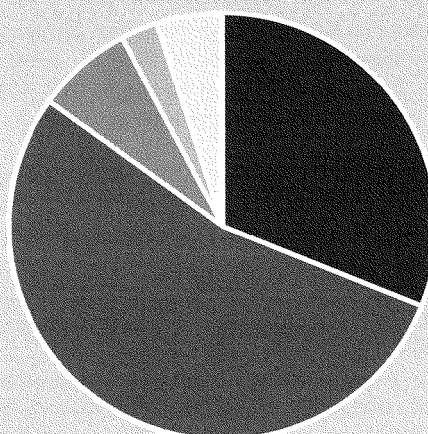
- Accuracy and opportunity to reply: 69.8%
- Private lives: 25.4%
- Discrimination: 2.7%
- Newsgathering: 2.2%



The PCC made over 200 privacy rulings in 2005, the clear majority of which related to regional and local publications.

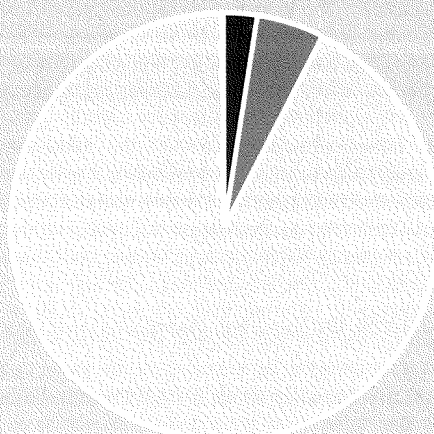
Privacy – rulings

- National: 31.2%
- Regional: 54%
- Scottish: 7.2%
- Irish: 2.7%
- Magazine: 4.9%



All complaints – by type of complainant

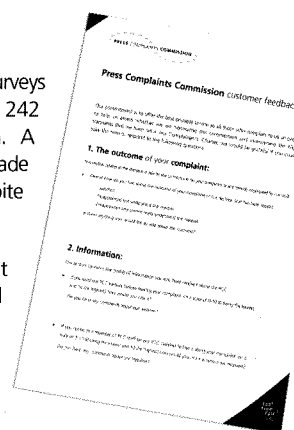
- People in the national or public eye: 2.7%
- Organisations and public bodies: 4.8%
- Members of the public: 92.5%



Customer survey

To monitor its service, the PCC annually surveys hundreds of complainants. In 2005, 242 people returned the anonymous form. A significant number of these people had made complaints that had not prospered. Despite this, the figures encouragingly reveal that:

- 66% of complainants overall found that their complaint had been handled satisfactorily or very satisfactorily (up 6% on last year).
- 94% of complainants found the PCC's printed information clear or very clear;
- 88% found PCC staff helpful or very helpful.



Following a recommendation from the Charter Compliance Panel, the Commission began a new way of surveying complainants at the start of 2006. This will hopefully lead to an even more rounded picture of complainant opinion emerging. The results will be published in the 2006 annual review, when the different methodology will mean that it will not be possible to make direct comparisons with previous years.

Privacy

Redress for privacy intrusion: the PCC and the law

It is eight years since the Human Rights Act was passed into law, and six since it became effective. In each of those years, some commentator or other has predicted that the reference to privacy in the Act would render the Commission's role as protector of privacy obsolete. It was suggested that potential complainants would choose the law, rather than the PCC – which cannot award compensation – for redress. This analysis consistently ignores two key facts: what the public wants, and what the evidence shows.

The first point is a common-sense one. If someone complains that a piece of information has intruded into their privacy, this generally means that they do not wish to see it repeated. Unfortunately, not only does the legal process often involve the public repetition of the information if the complaint goes to trial, it will also virtually guarantee more widespread dissemination of it than the original piece under complaint. This is an unattractive feature of taking a privacy action to court. It is not a feature with a complaint to the PCC. Damages in court are likely to be small – and come at the end of a lengthy legal process, which sometimes lasts several years. The Commission cannot award a complainant a few thousand pounds, but on the other hand it can deliver meaningful resolutions in a matter of days or weeks, at no cost to the complainant and in the spirit of conciliation rather than confrontation. There is a clear choice for potential complainants, and the figures show that those coming to the PCC for sensible, discreet resolutions to privacy complaints far outnumber those who seek alternative remedies.

In the last six years, a small handful of individuals have used the legal route. Their cases are celebrated and frequently discussed publicly. This sits oddly with a desire to keep information private.

By contrast, in that time the Commission has dealt with well over a thousand privacy cases under the nine clauses of the Code that protect individual privacy, including those that deal with the physical behaviour of journalists in researching stories.

In 2005, the Commission received 228 complaints about privacy from those directly affected by an alleged breach of the Code, a small increase on the 2004 figure. Of these, the Commission found 119 possible breaches of the Code, of which it successfully resolved 97 to the express satisfaction of the complainant. It obtained proportionate offers to resolve the matter in 17 more, which were not immediately accepted by the complainant, and adjudicated 18.

Privacy adjudications

Formal adjudications are important for developing the Commission's case law, reminding editors and others of the existing rules, and as a means of public rebuke in particularly serious cases. There were several significant rulings in 2005. One, involving the health of the wife of a government minister, drew a stinging criticism from the Commission. The 500-word ruling, which the newspaper had to publish in full and with due prominence, said that the information concerned:

"...was highly personal. In order to have a legitimate reason for putting it into the public domain, the newspaper should either have had explicit consent from the complainant for doing so, or a convincing public interest reason for over-riding her wishes. Neither was a feature here. The newspaper's justification that consent had been implied because a family friend had spoken to a reporter in America was feeble. There was no apparent reason to think that the friend was speaking with the authority of the complainant.

Neither was obtaining a non-committal response from a government press officer late on a Saturday night any sort of justification for publishing such private details about the complainant. Moreover, whether or not the newspaper had handled the story sympathetically was irrelevant. The fact was that the paper had put into the public domain – without consent – a highly intrusive story. The result was a serious breach of the Code. The Commission had no hesitation in upholding the complaint."

Fulfilling its obligations under the Code to publish the Commission's adjudications prominently, the ruling was placed on a news page further forward in the newspaper than the original article.

Another case involved the publication of a picture of the home of JK Rowling. Building on previous cases about the identification of the homes of high profile people, the Commission was not persuaded that the address was in the public domain to such an extent as to warrant publication in a national newspaper. It accepted that well-known people may be exposed to particular security problems if their precise addresses are published, and upheld the complaint.



● Photographs and freedom of expression

These two rulings illustrate how intrusive information can be disseminated both through photographs and words. One element of freedom of expression is the right to publish photographs of people taken in public places, providing there is no harassment. An exception to this – as the Commission made clear in its 2004 Annual Report – is when a published photograph, taken in circumstances which otherwise would not breach the Code, reveals something about a complainant's health that is not in the public interest. On the other hand, an individual's right to respect for their private life includes the right to protection from the publication of photographs taken in places where there is a reasonable expectation of privacy, or when there is harassment. But the Commission does not accept that there is anything about a photograph that makes the information contained within it innately more intrusive than written information. Whether or not there has been a breach of the Code depends on the nature of the information, not the manner in which it is conveyed.

● False privacy

There has been recent comment about the notion of 'false privacy', which litigants in a very small number of cases – one or two – have tried to introduce in order to take legal action against newspapers for intrusion into privacy without saying whether the claims that have been made about them are true or not. It would be a matter for the courts to decide whether publishing an inaccuracy can be intrusive. The Commission has not taken this view, although it has previously dealt with similar issues.

Because the Code of Practice contains rules on both accuracy and privacy, complainants can be in the position of arguing that a story is either untrue or intrusive, in breach of Clause 1 (Accuracy) or 3 (Privacy) of the Code. This has two advantages. First, the process is discreet and Commission hearings held in private, although its findings are of course published. Second, the alternative to the complaint about privacy is that the story is inaccurate – a less difficult threshold for the complainant to cross than a complaint about libel, which would be the legal alternative. As long ago as 1998 the Commission upheld a complaint on this basis, without needing to resolve whether the allegations in the story were true or not. (*Billington v Sunday People*, Report 43).

Pre-publication support

In addition to the formal rulings and resolutions, the Commission's staff handled hundreds of enquiries from members of the public, lawyers and representatives of public figures about the application of the Code and requests for advice about how to make a case directly to a newspaper or magazine.

The Commission also passed on a number of formal requests for journalists from newspapers and magazines to desist from asking questions, following, or photographing individuals under Clause 4 (Harassment) of the Code. In each case, a formal complaint was averted. The PCC, as a conciliation service, is well-suited to resolving such difficulties amicably, without the need for a time-consuming investigation, and before anything has been published. This is part of self-regulation working 'invisibly' in action.

Published findings

Details of all the Commission's adjudications and resolved complaints can be found on its new website – www.pcc.org.uk – which breaks news daily about the outcome of complaints.

The website also contains the annual reports of the Charter Commissioner and the Charter Compliance Panel. The Charter Commissioner, Sir Brian Cubbon, investigates cases where complainants have concerns about the manner in which their complaints have been handled by the Commission. The Charter Compliance Panel is an independent audit committee charged with overseeing the work of the PCC; its task is to examine cases selected at random to ensure that the PCC is meeting its service commitments to complainants. The reports can be accessed in full at www.pcc.org.uk/reports/index.html

54%
of privacy rulings concern
the regional press

Complaints in Action

A month in the life of a complaint

Much is made of the Commission's success at resolving complaints. But how is such an outcome reached?

Here is a case study and chronology of an actual complaint that was resolved during the course of 2005:



31st May 2005

A woman contacts the PCC to complain about articles in her local newspaper. The complaint concerns articles about a care home in the town, run by the company of which the complainant is operations manager.

2nd June 2005

The PCC acknowledges receipt of the complaint, but asks the complainant to specify precisely how the articles breach the Code of Practice.

7th June 2005

The Commission receives the further information. The complainant has alleged that the articles are inaccurate in saying that a patient at the care home had been admitted to hospital as a result of neglect by the home's carers. An initial assessment by one of the Commission's assistant directors reveals that there is a possible breach of Clause 1 (Accuracy) of the Code requiring investigation.

10th June 2005

One of the Commission's team of five complaints officers is assigned the case. She writes to the editor of the newspaper for his response to the complaint.

17th June 2005

The Commission receives the editor's reply. In it, he admits that the statement under complaint was inaccurate. He is prepared to publish either an apology, or an article featuring positive coverage of the home's staff and their work.

20th June 2005

The complaints officer sends the newspaper's offer to the complainant and asks whether she regards this offer as an appropriate remedy. It is pointed out that an additional benefit of the complaint being resolved is that a summary of the case – with a wording to be agreed by the complainant – would be published on the PCC's website and in its biannual report.

30th June 2005

The complainant contacts the PCC to suggest that, in light of the damage done to the care home, an apology and a positive follow-up piece on the institution would be appropriate to resolve the matter. The Commission puts this to the editor for his response.

8th July 2005

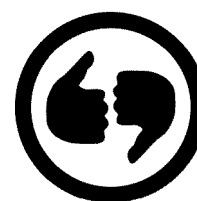
The editor tells the Commission that he will agree in principle to resolve the complaint on this basis. After some discussion between the parties, the statement below is agreed for publication on page 1 of the newspaper. A double-page feature on the care home will appear on pages 8-9.

In our editions of May 13 and May 20 this year we reported on an investigation carried out by the Commission for Social Care Inspection at X House care home, following concerns raised after one of the home's residents was admitted to hospital.

Our reports, which included recommendations made by the Commission, did not reflect the full details of the circumstances involved. Our coverage lacked the full facts of the matter and was therefore likely to misrepresent the situation at, and standards of care provided by, X House.

We regret any misunderstanding caused and apologise to all those connected to X House for any embarrassment and distress which resulted from our reporting of this investigation and its findings.





Snapshots of the PCC

In 2005, the PCC resolved very nearly one complaint for every day of the year. When a complaint is resolved, the Commission publishes a summary of the case prominently on the front page of its website and in its biannual report. This summary acts as an important public record – to which a complainant can refer in future – of the details of a complaint, and the action obtained from a newspaper or magazine.

The summaries also act as useful snapshots of the PCC in action over the year, showing the sort of cases in which it has been involved. A selection now follows:

Mr Tim Perry, the Deputy Head of Abbeyfield School, complained that a reporter from the newspaper had spoken to children while they were at school in breach of Clause 6 (Children) of the Code. The complaint was supported by parents of two pupils from the school.

The complaint was resolved when the newspaper – which accepted that it had acted in breach of the Code – sent personal letters of apology to the school and parents and published an apology.

Mr I W Ray of Southampton complained that approaches by the newspaper – accompanied by the taking of photographs of him inside his doorway – were in breach of Clause 3 (Privacy) and Clause 4 (Harassment).

The complaint was resolved when the newspaper – which accepted that the complainant should not have been approached a second time nor been photographed without his permission – sent the complainant a private letter of apology. The editor made clear that he had reprimanded the staff responsible and had destroyed the photograph in question.

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complaints resolved

Mr Eric Richard complained, through Mr Robin McGibbon of Celebrity Features, that an article on the death of his grandson in the Asian tsunami disaster was inaccurate and, as such, intruded into his family's grief.

The complaint was resolved when the newspaper published a follow-up article in which the inaccuracies were corrected. The editor also wrote privately to the complainant to apologise for any distress caused.

David and Victoria Beckham complained, through Harbottle & Lewis solicitors, that an article had inaccurately claimed that they had bought their son Brooklyn a £25,000 pair of diamond earrings. The jeweller allegedly commissioned by the complainants also made clear that he had not been asked to make any earrings for Brooklyn Beckham.

The complaint was resolved when the newspaper published an apology.

Complaints in Action

Mr David Johnson, the Director of Communications for the Diocese of Liverpool, complained that the newspaper had published remarks from him that had been given off-the-record. He was also concerned that the article inaccurately stated the Church of England's position in regard to the running of a school in Liverpool.

The complaint was resolved when the newspaper undertook to remind all of its reporters of the need for the greatest clarity and accuracy in regard to recording all conversations and checking that confidentiality is not an issue. It also amended its database records regarding the alleged inaccuracies in order to prevent the publication of the contentious material in future.

Mr Nick Lowenstein of London complained that an article intruded into his privacy when it published the full text of an advertisement which featured his full address.

The complaint was resolved when the newspaper made clear that it was not its usual policy to publish full addresses and wrote a private letter of apology to the complainant. The newspaper also removed the article from its website and assisted in its removal from separate internet sources.

Ms Angela Climie complained on behalf of North Lanarkshire Council that an article was inaccurate in reporting that the Council was housing sex offenders from outwith its boundaries in return for cash grants from other local authorities.

The newspaper published the Council's denial of the claims and publicly withdrew the allegations, accepting that they had relied entirely on sources and that there was no evidence to substantiate the story. The newspaper also apologised for any distress its report may have caused to the residents of North Lanarkshire.

A woman from Rugby complained that an article, which reported details of a court trial, provided sufficient information for her daughter to be identified as the victim of sexual abuse.

The matter was resolved when the editor of the newspaper wrote directly to the complainant to apologise profusely if any reader had identified her daughter from the article. He indicated that the newspaper's ongoing coverage of the trial would be completed with the minimum amount of further detail.

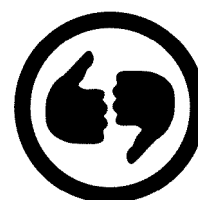
John Cryer MP complained that an article was likely to mislead readers into thinking that he was not opposed to a recommendation that three Alzheimer drugs should not be available on the NHS.

The matter was resolved when the newspaper published a letter from the complainant. The managing editor also contacted him directly to discuss the matter.

Ms Kate Moss complained through Harbottle & Lewis solicitors that an article had contained her full address and thereby invaded her privacy and risked her security.

The newspaper admitted the details should have been removed before the article was published. It made clear that the story had been removed from its internet site and its electronic archives. The managing editor wrote directly to the complainant to apologise for the distress caused by the mistake.

Further examples can be viewed on the PCC website www.pcc.org.uk



Prominence: a myth exposed

A common comment, and criticism, about negotiated corrections and apologies is that they are buried in the back of the publication, in a position scarcely proportionate to the original article.

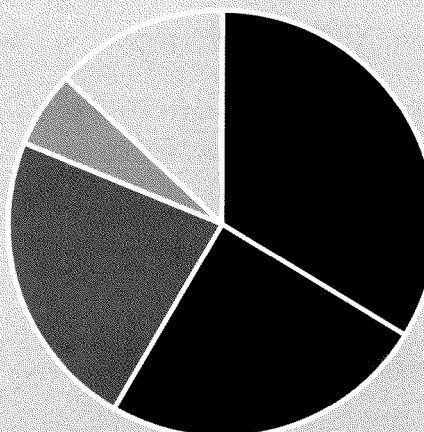
However, the Code requires that newspapers and magazines publish corrections and apologies 'with due prominence', which is to say in a proportionate position in regard to the original piece. This will take into account a number of factors: the scale of the breach of the Code; the speed of the action taken by the publication; whether the publication has a clearly defined corrections column.

Throughout 2005, the Commission examined the position of its negotiated corrections, clarifications and apologies in relation to the original item under complaint. The results rebutted the myth that such texts are buried by the newspaper industry.

From the available information, we discovered that publications without a corrections column printed **76%** of all texts on the same page, or earlier, than the original. **84%** were published no further than 5 pages away from the original.

In total – including those publications which have a corrections column – the PCC negotiated the publication of the resolution on the same page, further forward or in the corrections column in **82%** of cases. The Commission will continue to monitor the outcome of such cases.

- 34% appeared further forward than the original piece
- 25% appeared on the same page as the original
- 22% appeared in corrections columns
- 6% appeared within 5 pages of the original
- 13% appeared more than 5 pages further back than the original



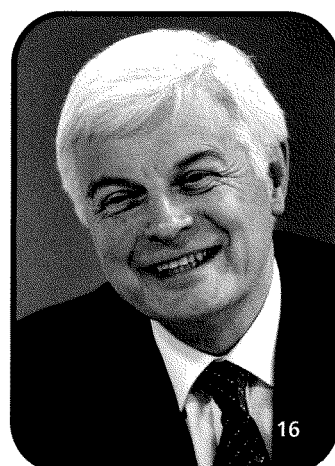
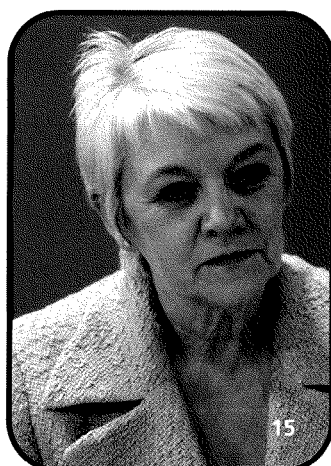
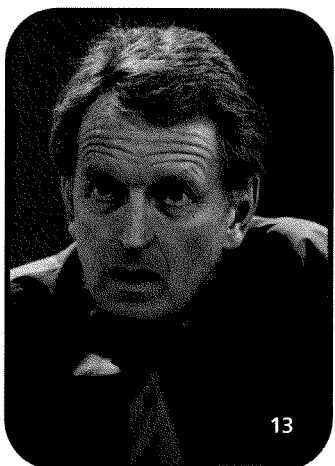
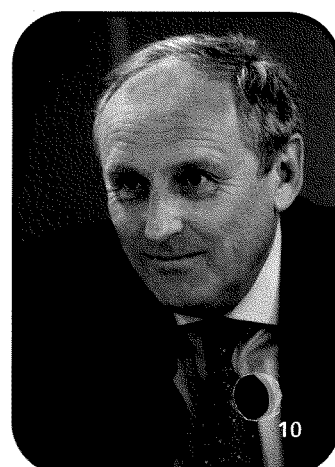
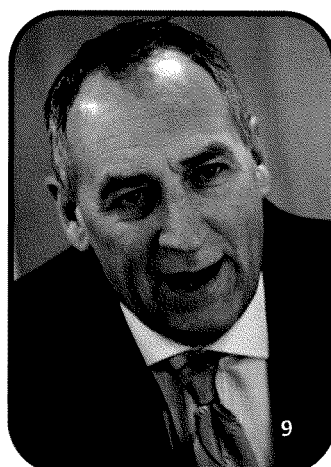
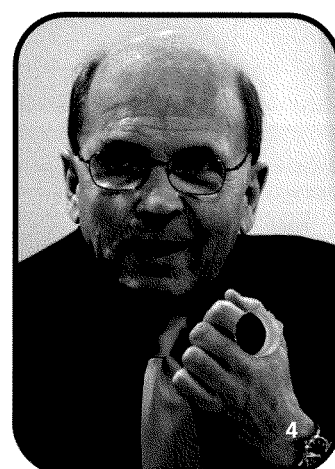
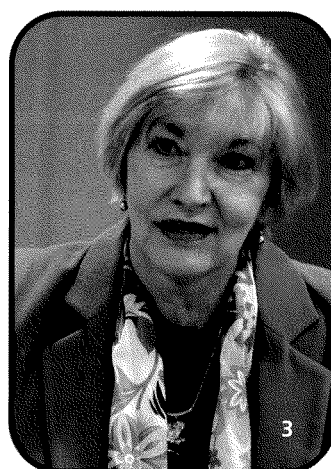
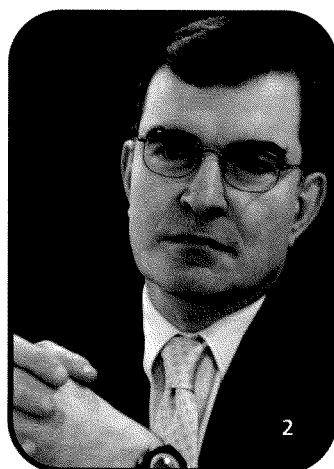
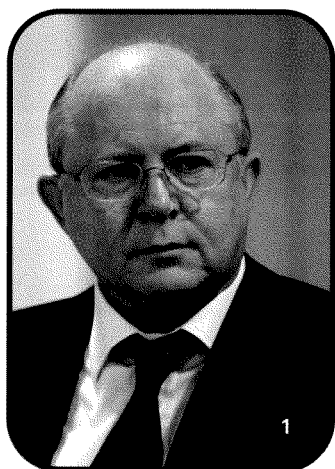
New media

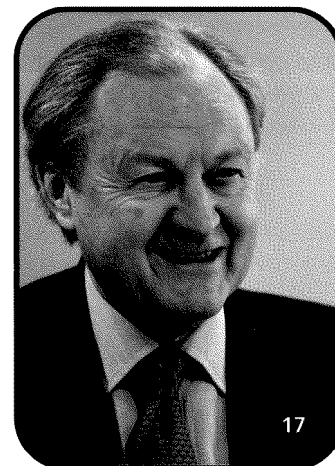
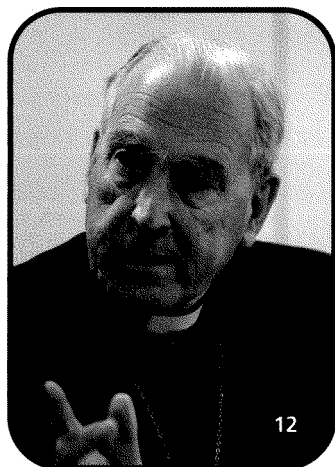
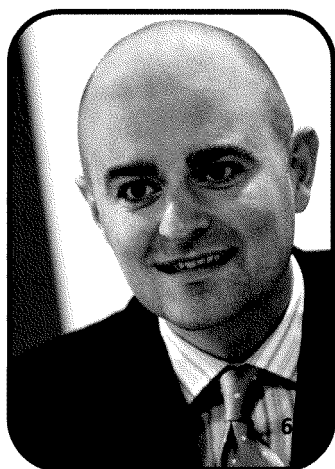
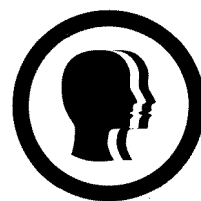
In 1997 the Commission made clear that it would deal with complaints about articles on newspaper and magazine websites in the same way that it dealt with editorial material in the paper versions. Indeed, by accepting complaints via email (provided that a link to the relevant article is included) the PCC has enabled people to complain immediately about something they may have seen on the Internet.

The vast majority of complaints about on-line material relate to articles that also appeared on paper. In fact, there has been no noticeable rise in the number of complaints concerning articles not available in the actual newsprint versions over the last few years.

However, one aspect of the Commission's acceptance of complaints about on-line pieces is significant. In general terms, the Commission will only investigate a complaint if it has been lodged within two months of the material being published (or of direct correspondence between complainant and newspaper coming to an end). But equally, the Commission has generally regarded downloading an article as republication. Therefore, material that is freely available in a newspaper's website archive can generally be complained about even if it was not originally published within the last two months. As a result, the Commission is refusing fewer complaints on grounds of undue delay.

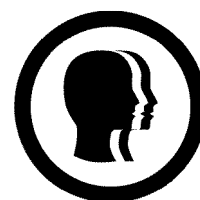
Commission Members





1. **Peter Hill:** Editor, Daily Express
2. **Ian Nichol:** Accountant, Member of the Criminal Cases Review Commission
3. **Matti Alderson:** Member of the Direct Marketing Authority and the Removals Industry Ombudsman Scheme
4. **Roger Alton:** Editor, The Observer
5. **Spencer Feeney:** Editor, South Wales Evening Post
6. **Tim Toulmin:** Director, PCC
7. **Derek Tucker:** Editor, Press & Journal
8. **Vivien Hepworth:** Chief Executive, Grayling Political Strategy
9. **Paul Horrocks:** Editor, Manchester Evening News
10. **Paul Dacre:** Editor-in-Chief, Daily Mail
11. **Jane Ennis:** Editor, NOW Magazine
12. **The Rt Rev John Waine KCVO:** Chairman of the University of Essex Foundation
13. **Sir Christopher Meyer KCMG:** Chairman, PCC
14. **Eve Salomon:** Commissioner on the Better Regulation Commission and the Gambling Commission
15. **Dianne Thompson CBE:** Chief Executive, Camelot Group plc
16. **Adam Phillips:** Chairman, ESOMAR Professional Standards Committee
17. **Rear Admiral Nick Wilkinson CB:** Director of the Victory Service Association and the Greenwich Foundation

Commission Information



There have been a number of recent changes to the membership of the Commission. Charles McGhee, editor of the Glasgow Evening Times (since appointed editor of the Glasgow Herald), left the Commission after two years and was replaced on January 1st 2006 by Derek Tucker, the editor of the Press & Journal in Aberdeen. Dr Arthur Hearnden retired in the summer after six years on the Commission, and Rear Admiral Nick Wilkinson, the former Secretary of the D-Notice Committee, was appointed in his place. Very sadly, Lord Chan of Oxton died in January 2006 following a short illness. The vacancy that arose as a result was filled by Ian Nichol, an accountant and member of the Criminal Cases Review Commission. Mary Francis also retired from the Commission in early 2006 after over four years on the board. Paying tribute to Lord Chan, Sir Christopher Meyer said:

"Michael Chan's death was a profound shock to all his friends and colleagues at the Commission, and we have sent our deep sympathies to his family. We will miss the calmness, wisdom and great depth of experience that he brought to all our debates. He was also an active contributor to the Commission's work outside the boardroom, notably in helping to make the first of the PCC's Open Days – held in Manchester in 2003 – a success and a template for further events."

Members of the Commission are appointed by an independent Appointments Commission. Editorial candidates are nominated by the trade bodies – the Periodical Publishers Association, Newspaper Society, Newspaper Publishers Association and Scottish Daily Newspaper Society.

Lay, or public, members of the Commission are recruited following open advertising across the United Kingdom and the usual interview process. Advertising space is generously donated by the industry. In 2005, adverts appeared in the national, regional and Scottish press, which yielded almost 700 applications.

Appointments Commission

In addition to appointing members of the Commission, the Appointments Commission is responsible for the appointments of the Charter Commissioner and the Charter Compliance Panel. The Appointments Commission meets twice a year and is chaired by Sir Christopher Meyer. The sole industry representative is the Chairman of PressBoF, currently Tim Bowdler, the Chief Executive of Johnston Press. The other members are Baroness Smith of Gilmorehill, Sir David Clementi and Andrew Phillips (Lord Phillips of Sudbury). Lord Mayhew of Twysden retired from the Appointments Commission at the end of 2005.

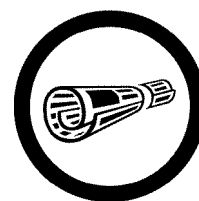
Financial Report

Extracts from the Commission's audited accounts for 2004 appear below. The audited figures for 2005 were not available at the time of the publication of this report, and will be published in the 2006 annual report.

The Commission's income is derived solely from the Press Standards Board of Finance (PressBoF), which is responsible for raising the levy on newspapers and magazines which subscribe to the system of self-regulation. This arrangement ensures that the PCC does not itself have to deal directly with publishing companies over its financing – something that is essential in guaranteeing the Commission's independence.

Administrative expenses	£
Wages, salaries and related costs (including Commissioners)	885,881
Rent, rates and maintenance	99,371
Legal and professional fees	158,383
Travel, entertainment and public relations	116,628
Telephone, stationery, insurance, utilities, publications, printing and related office costs	100,760
Depreciation	23,450
Sundry expenses	56,055
Websites	25,929
Bank charges	2,048
Charter Commissioner/Charter Compliance Panel	27,577
Recruitment	50,901
Total	1,546,983

Industry Relations



Sir Christopher Meyer noted in a speech in March 2005 that the term 'self-regulation' may no longer be adequate to describe the form of regulation overseen by the PCC. This is because of the significant public input into the administration of the system. None of the Commission's full time staff is a journalist or has ever been employed by a newspaper. 60% of the board of directors – 10 out of the 17 members – are public members who are not involved in the business of publishing newspapers or magazines. This degree of independence from the regulated industry is highly unusual in press self-regulatory bodies, where the full time administration and adjudication functions are often carried out by journalists themselves. Indeed, it is true to say that, measured by public involvement in the system, the PCC is the most independent form of press self-regulation anywhere in Europe, and probably beyond.

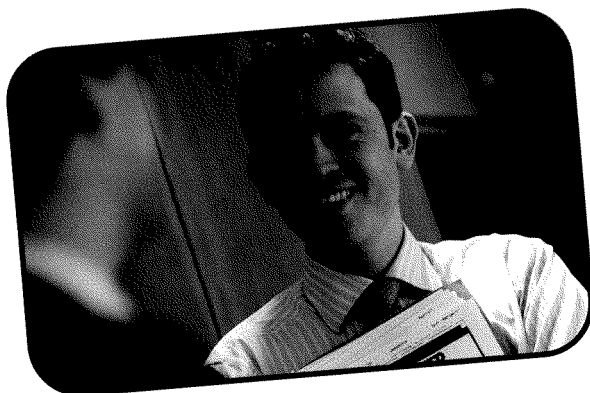
It was for this reason that Sir Christopher wondered whether the term 'self-regulation' accurately conveyed to the general public the scope of the Commission's work. He suggested that the Commission was like a "Frankenstein's monster" – the creature that broke free from its creators.

But as the PCC becomes more independent, it follows that it has a greater obligation to engage with the industry, to keep it abreast of developments in its thinking and to ensure that its rulings remain relevant and respected. This is to a large degree fulfilled by the presence on the Commission of the seven editors. But the Commission is increasingly involved with activities for those at the coalface of journalism, such as refresher courses about the Code for existing journalists. It has a contact programme with editors, managers and working journalists across the UK. The fact that the industry buys into the system is one of its strengths: such a programme of industry relations ensures that there is mutual dialogue and understanding between the regulator and the press.

In addition to question and answer sessions with working journalists in London and Glasgow, the Commission hosted in 2005 a new series of training seminars for picture editors, news editors and magazine journalists. These evening events use real PCC cases as examples to illustrate the Commission's approach – and cast the participants in the role of adjudicators in order to promote thought about how the Code is administered.

There are plans for further seminars in 2006.

98%
of possible breaches-
sufficient action
obtained from editors



Spreading the Word

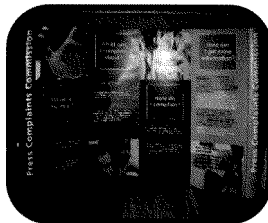


Open days

It is essential that the PCC's service is well known. As a result, a number of steps have been taken in recent years to raise the Commission's profile and to make the complaints process more straightforward.



Open Days have been held since 2003 in towns and cities across the UK, and took place in Belfast and Newcastle in 2005. Members of the public, journalism students, editors, local politicians and other interested parties were invited, and newspaper articles and advertisements appeared to publicise the events.



The format of the Open Days is as follows. Following a surgery at which people can privately quiz members of the Commission's staff, Sir Christopher Meyer chairs a formal question and answer session which debates all aspects of the press and the PCC. There are three other members of the panel: Tim Toulmin, the PCC's Director, Vivien Hepworth, a lay member of the Commission, and one other person who must be someone with senior editorial experience. Last year, these were Ed Curran and Alison Hastings.

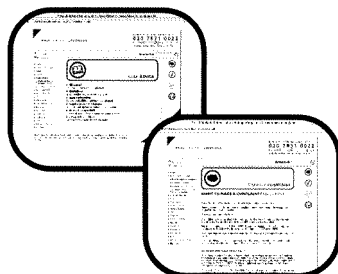
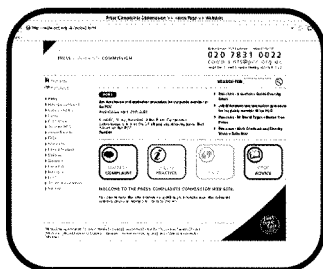
Similar events are planned for Liverpool and Glasgow in 2006. Anyone interested in attending either of these Open Days can obtain further details from the PCC's website (www.pcc.org.uk).

Online and on call

Information about the PCC and how to complain is available 24 hours a day, 7 days a week. In 2005, the website (www.pcc.org.uk) received an average of almost 19,000 hits a day, creating over 2.5 million page views from almost 350,000 visitors.

Complainants and journalists can contact senior PCC staff around the clock. The Commission operates an emergency 24 hour pager service – used almost 100 times in 2005 – through which people can obtain out of hours advice about dealing with journalists or about making a complaint. Its number is 07659 152656. There is also a 24 hour press office number: 07659 158536.

To make it more user-friendly and update its image in line with the Commission's literature, our website was overhauled and re-launched in early 2006.



Events

Aside from its flagship events, PCC representatives attended many other seminars, talks, conferences and meetings. These included the following in 2005:

- National Association of Headteachers Conference**
- Scottish CAB Conference**
- Labour Party Conference**
- Conservative Party Conference**
- Scottish Liberal Democrats Conference**
- SNP Conference**
- National CAB Conference**
- Church of England Communicators Network**
- Grampian PR Network**
- Society of Editors Conference**
- Scottish Councils Communications Conference**
- Meeting with representatives of the Gypsy Council**

The PCC provides speakers for a variety of events, from training seminars for journalists, communications officials or community representatives to academic lectures.

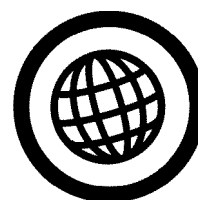
There are three primary speakers who travel the country talking about the work of the PCC: Susan Roberts, the PCC's external affairs manager; Alison Hastings, the former editor of the Newcastle Evening Chronicle and former Commission member, now a media consultant, commentator and trainer; and Professor Robert Pinker, a founding member of the PCC and its former Acting Chairman.

In 2005, Professor Pinker spoke to Cardonald College, University of Strathclyde; the London College of Printing; Trent University; Darlington College; and the London Legal Training Conference

Alison Hastings spoke at numerous training events over the course of 2005, including at Trinity Mirror offices in both Liverpool and Newcastle. In the final three months of the year alone, she visited the following places to speak to student journalists: Napier University; City University; University of Edinburgh; Trent University; Glasgow University and Westminster University.

Sue Roberts spoke to journalism students at fourteen institutions including Crawley College, Salford University, Sheffield College and the Newspaper Education Trust. She also undertook research on the subject of mental health reporting, following a recommendation from the Charter Compliance Panel. The full report will be published shortly, but the exercise did not find that a large number of breaches of the Code were going unreported. Nonetheless, as a result of the report, the Commission has begun a review of the Guidance Note on mental health patients detained under the Mental Health Act 1983 to consider whether it should be updated.

International Report



The PCC has always taken the view that there can be no standardised form of press self-regulation. Different countries will establish different systems, based on cultural expectations and the nature of their print media. But self-regulatory bodies do have certain shared characteristics, in particular the belief that the writing of Codes of Practice for journalists is not the business of governments. It is important for the Commission to keep in touch with its counterparts with which it has much in common. The Commission can learn from the experience of others as well as share its own expertise, and help promote self-regulation abroad. It is also useful to have allies in Europe when European Commission proposals threaten to intrude into issues of media regulation.



The Alliance of Independent Press Councils of Europe (AIPCE) is the main forum for discussion. It meets annually in the autumn. The 2005 conference was hosted by the Luxembourg Press Council to coincide with its 25th anniversary. Twenty-five countries were represented and discussion ranged from financial journalism to the presumption of innocence in criminal proceedings. Delegates are pictured above with Grand Duke Henri of Luxembourg. The Prime Minister of Luxembourg, Jean-Claude Juncker, addressed the meeting and took questions. Vivien Reding, the European Commissioner for Information, Society and Media, expressed her support for self-regulation of the print media at the national level.

Ms Reding also assured the conference that the EC's Television Without Frontiers Directive would not affect newspapers and magazines. This was in response to concerns that newspapers' websites – particularly those that offered audio-visual material – might be caught by some of its provisions. Ms Reding's reassuring comments were welcome, although there is some way to go before the Directive is finalised.

Aside from its involvement with AIPCE, the Commission has directly assisted a number of Press Councils, although not financially. Its connection with the Council in Bosnia & Herzegovina remained strong throughout 2005, although Professor Robert Pinker – former Acting Chairman of the PCC – stood down from his position as International Chairman after four years in the role. He continues to advise the Council as it seeks to resolve issues over its long-term funding.

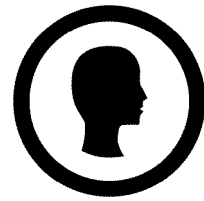
The PCC has also assisted the newly-established National Council for Journalism Ethics in Bulgaria, which will host the 2006 AIPCE conference in September. This new self-regulatory structure has two arms: one to cover press journalism; the other to cover the broadcast media. A member of the Commission's staff spoke at a

conference in Sofia in December and further contact is planned for 2006. PCC representatives also attended a seminar in Madrid at the request of the Catalan Information Council and the Federación de Asociaciones de la Prensa de España to assist in the establishment of a new Press Council for Spain.

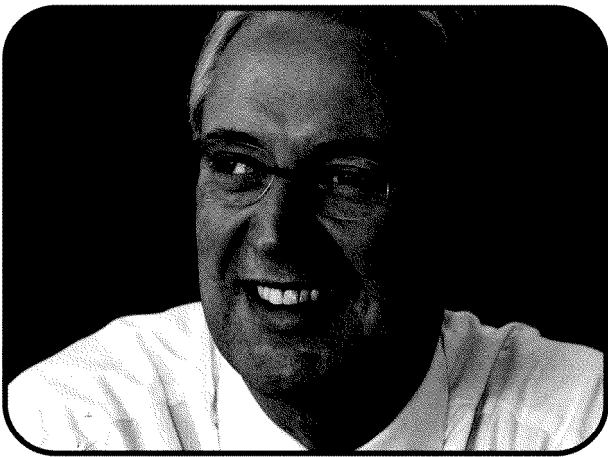
Despite the difficulties inherent in establishing self-regulatory structures, they continue to prosper. New Press Complaints Commissions and Press Councils are being created throughout the world, particularly in countries that have only recently experienced state restrictions on press freedom. This is welcome news, and the PCC will, within its resources, continue to assist those who are moving down the self-regulatory path.

28
countries
in AIPCE

Report of the Chairman of the Code of Practice Committee



The Editors' Code of Practice is a living document. It cannot stand still. It must keep pace with changing society. That is one of its strengths – and explains why today's Code is so different from that pioneered in 1991. The Code Committee's role of constant reviewing and revising the rules is vital to this, but the evolutionary process does not stop there.



Last year, for example, a major step forward was the publication of The Editors' Codebook, a handbook produced by the Code Committee and published by the UK trade associations: the Newspaper Publishers Association, the Newspaper Society, Periodical Publishers Association, the Scottish Daily Newspaper Society and the Scottish Newspaper Publishers Association.

Its job was to set the Code in context - to show, through PCC adjudications, how it worked in practice. The book was seen as a very positive development for self-regulation, not only in Britain, but internationally. European Union Commissioner for Information, Society and Media, Ms Vivien Reding, praised it as a fine example of local solutions to local problems. The British Embassy in Beijing, which has already translated the UK Editors' Code into Mandarin for the benefit of the Chinese media, is also looking at translating the Codebook. But once again the process must move on. Our thoughts are now turning to how we can develop the Codebook theme by making it available on the Internet, where it could be updated periodically with case law developments and Code changes.

The book was seen as a very positive development for self-regulation, not only in Britain, but internationally.

One such change during 2005 was the incorporation of the term gender into the categories - race, colour, religion, sexuality, etc - covered by the Discrimination clause. This was a direct response to the changed legal status of the transgender community. It had always been the Committee's - and PCC's - view that discrimination against trans individuals was covered by the existing Code. However, the Committee accepted that the legal status of trans people had been significantly altered by the introduction of the Gender Recognition Act, and that it was proper that the Code should reflect that with a specific gender reference. The Committee does not make such changes lightly: there could easily be an infinite list of protections, which ultimately would become meaningless and dilute the effect.

The Code is, after all, intended to have meaning and influence, and not become a device that diminishes freedom of expression. Nor is it intended to be the only implement in the toolbox. Editors are answerable not just to the PCC, but to their own readers, on whose trust and support they rely for survival. They know that they forfeit that trust at their peril. The Code does not, for example, cover taste and decency, which is very subjective and will vary with different audiences. But editors still have to make their own judgments. It is significant that, while they were not prevented from doing so by the Code, no mainstream British newspapers or magazines published the Danish cartoons.

We start 2006 with two new Committee members, Adrian Faber, Editor of the Wolverhampton Express and Star, and David Pollington, Editor of The Sunday Post. They were nominated by the Newspaper Society and the Scottish Daily Newspaper Society respectively to replace Perry Austin-Clarke, of the Bradford Telegraph and Argus, and Derek Tucker, of the Press and Journal, Aberdeen, who will now serve as a PCC Commissioner. I'd like to thank them, and the whole Committee, for their support during the year. The process of evolution could not continue without their hard work and diligence.

Les Hinton

Chairman of the Code of Practice Committee
Executive Chairman of News International plc

The Code of Practice



The Press Complaints Commission is charged with enforcing the following Code of Practice which was framed by the newspaper and periodical industry and was ratified by the PCC on 13 June 2005.

All members of the press have a duty to maintain the highest professional standards. This Code sets the benchmark for those ethical standards, protecting both the rights of the individual and the public's right to know. It is the cornerstone of the system of self-regulation to which the industry has made a binding commitment.

It is essential that an agreed code be honoured not only to the letter but in the full spirit. It should not be interpreted so narrowly as to compromise its commitment to respect the rights of the individual, nor so broadly that it constitutes an unnecessary interference with freedom of expression or prevents publication in the public interest.

It is the responsibility of editors and publishers to implement the Code and they should take care to ensure it is observed rigorously by all editorial staff and external contributors, including non-journalists, in printed and online versions of publications.

Editors should co-operate swiftly with the PCC in the resolution of complaints. Any publication judged to have breached the Code must print the adjudication in full and with due prominence, including headline reference to the PCC.

1 Accuracy

- i) The Press must take care not to publish inaccurate, misleading or distorted information, including pictures.
- ii) A significant inaccuracy, mis-leading statement or distortion once recognised must be corrected, promptly and with due prominence, and - where appropriate - an apology published.
- iii) The Press, whilst free to be partisan, must distinguish clearly between comment, conjecture and fact.
- iv) A publication must report fairly and accurately the outcome of an action for defamation to which it has been a party, unless an agreed settlement states otherwise, or an agreed statement is published.

2 Opportunity to reply

A fair opportunity for reply to inaccuracies must be given when reasonably called for.

3* Privacy

- i) Everyone is entitled to respect for his or her private and family life, home, health and correspondence, including digital communications. Editors will be expected to justify intrusions into any individual's private life without consent.
- ii) It is unacceptable to photograph individuals in private places without their consent.
Note - Private places are public or private property where there is a reasonable expectation of privacy.

4* Harassment

- i) Journalists must not engage in intimidation, harassment or persistent pursuit.
- ii) They must not persist in questioning, telephoning, pursuing or photographing individuals once asked to desist; nor remain on their property when asked to leave and must not follow them.
- iii) Editors must ensure these principles are observed by those working for them and take care not to use non-compliant material from other sources.

5 Intrusion into grief or shock

In cases involving personal grief or shock, enquiries and approaches must be made with sympathy and discretion and publication handled sensitively. This should not restrict the right to report legal proceedings, such as inquests.

6* Children

- i) Young people should be free to complete their time at school without unnecessary intrusion.
- ii) A child under 16 must not be interviewed or photographed on issues involving their own or another child's welfare unless a custodial parent or similarly responsible adult consents.
- iii) Pupils must not be approached or photographed at school without the permission of the school authorities.
- iv) Minors must not be paid for material involving children's welfare, nor parents or guardians for material about their children or wards, unless it is clearly in the child's interest.
- v) Editors must not use the fame, notoriety or position of a parent or guardian as sole justification for publishing details of a child's private life.

7* Children in sex cases

1. The press must not, even if legally free to do so, identify children under 16 who are victims or witnesses in cases involving sex offences.
2. In any press report of a case involving a sexual offence against a child -
 - i) The child must not be identified.
 - ii) The adult may be identified.
 - iii) The word "incest" must not be used where a child victim might be identified.
 - iv) Care must be taken that nothing in the report implies the relationship between the accused and the child.

8* Hospitals

- i) Journalists must identify themselves and obtain permission from a responsible executive before entering non-public areas of hospitals or similar institutions to pursue enquiries.
- ii) The restrictions on intruding into privacy are particularly relevant to enquiries about individuals in hospitals or similar institutions.

9* Reporting of Crime

- i) Relatives or friends of persons convicted or accused of crime should not generally be identified without their consent, unless they are genuinely relevant to the story.
- ii) Particular regard should be paid to the potentially vulnerable position of children who witness, or are victims of, crime. This should not restrict the right to report legal proceedings.

10* Clandestine devices and subterfuge

- i) The press must not seek to obtain or publish material acquired by using hidden cameras or clandestine listening devices; or by intercepting private or mobile telephone calls, messages or emails; or by the unauthorised removal of documents or photographs.
- ii) Engaging in misrepresentation or subterfuge, can generally be justified only in the public interest and then only when the material cannot be obtained by other means.

11 Victims of sexual assault

The press must not identify victims of sexual assault or publish material likely to contribute to such identification unless there is adequate justification and they are legally free to do so.

12 Discrimination

- i) The press must avoid prejudicial or pejorative reference to an individual's race, colour, religion, gender, sexual orientation or to any physical or mental illness or disability.
- ii) Details of an individual's race, colour, religion, sexual orientation, physical or mental illness or disability must be avoided unless genuinely relevant to the story.

13 Financial journalism

- i) Even where the law does not prohibit it, journalists must not use for their own profit financial information they receive in advance of its general publication, nor should they pass such information to others.
- ii) They must not write about shares or securities in whose performance they know that they or their close families have a significant financial interest without disclosing the interest to the editor or financial editor.
- iii) They must not buy or sell, either directly or through nominees or agents, shares or securities about which they have written recently or about which they intend to write in the near future.

14 Confidential sources

Journalists have a moral obligation to protect confidential sources of information.

15 Witness payments in criminal trials

- i) No payment or offer of payment to a witness - or any person who may reasonably be expected to be called as a witness - should be made in any case once proceedings are active as defined by the Contempt of Court Act 1981.
This prohibition lasts until the suspect has been freed unconditionally by police without charge or bail or the proceedings are otherwise discontinued; or has entered a guilty plea to the court; or, in the event of a not guilty plea, the court has announced its verdict.
- *ii) Where proceedings are not yet active but are likely and foreseeable, editors must not make or offer payment to any person who may reasonably be expected to be called as a witness, unless the information concerned ought demonstrably to be published in the public interest and there is an over-riding need to make or promise payment for this to be done; and all reasonable steps have been taken to ensure no financial dealings influence the evidence those witnesses give. In no circumstances should such payment be conditional on the outcome of a trial.
- *iii) Any payment or offer of payment made to a person later cited to give evidence in proceedings must be disclosed to the prosecution and defence. The witness must be advised of this requirement.

16* Payment to criminals

- i) Payment or offers of payment for stories, pictures or information, which seek to exploit a particular crime or to glorify or glamorise crime in general, must not be made directly or via agents to convicted or confessed criminals or to their associates - who may include family, friends and colleagues.
- ii) Editors invoking the public interest to justify payment or offers would need to demonstrate that there was good reason to believe the public interest would be served. If, despite payment, no public interest emerged, then the material should not be published.

The public interest*

There may be exceptions to the clauses marked * where they can be demonstrated to be in the public interest.

1. The public interest includes, but is not confined to:
 - i) Detecting or exposing crime or serious impropriety.
 - ii) Protecting public health and safety.
 - iii) Preventing the public from being misled by an action or statement of an individual or organisation.
2. There is a public interest in freedom of expression itself.
3. Whenever the public interest is invoked, the PCC will require editors to demonstrate fully how the public interest was served.
4. The PCC will consider the extent to which material is already in the public domain, or will become so.
5. In cases involving children under 16, editors must demonstrate an exceptional public interest to over-ride the normally paramount interest of the child.

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London EC1N 2JD

Telephone: 020 7831 0022

Fax: 020 7831 0025

Textphone: 020 7831 0123

(for deaf or hard of hearing people)

Helpline: 0845 600 2757

Scottish Helpline: 0131 220 6652

Welsh Helpline: 029 2039 5570

24 hour Press Office: 07659 158536

24 hour Advice Line: 07659 152656

(leave a message and you will be phoned back)

This is for use in emergency only

Email: complaints@pcc.org.uk

www.pcc.org.uk

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Assistant Director: Stephen Abell stephen.abell@pcc.org.uk

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