

Open Letter from the Chairman

I am delighted to pen this opening to the Annual Review. 2009 was a big year for the PCC and 2010 has continued at an even more hectic pace.

I'd like to use this opportunity to take stock, reflect on what the PCC is and what it is for and plot my vision for the future.

I began my role at the PCC in April last year and I have to say my first impressions were of a dedicated hardworking staff supporting a diverse and diligent Commission. Neither staff nor Commissioners get the recognition or appreciation they should in performing work crucial to industry, society and the public. The onus is therefore on us to increase understanding and recognition of the work we do, to demonstrate our credibility in performing a valuable public service.

It was a fascinating first year. To listen to and read most coverage of the PCC, you would think it was completely and utterly dominated by the ongoing Select Committee inquiry into press standards, privacy and libel, and controversy over a notorious article by Jan Moir which concerned the death of Boyzone singer Stephen Gately. Of course, these were both big issues but we were extremely busy handling thousands of other complaints as well.

The Jan Moir judgment was a difficult but important case for the Commission to deal with, not least given the large number of complaints we received: over 25,000 from concerned members of the public, in addition to a complaint from Stephen Gately's civil partner Andrew Cowles. At the heart of this story was the tragic death of a young man which had affected a large number of people, and the PCC considered that the newspaper had to accept responsibility for the distress it had caused. However, while it acknowledged the depth of public feeling, the Commission had to consider the complaint in the wider context of press freedom, which is a fundamental component of a working democracy.

In the end, the Commission considered that newspapers had the right to publish opinions that many might find unpalatable and offensive, and that it would not be proportionate, in this case, to rule against the free expression of the columnist's views on a subject that was the focus of intense public attention. This was a difficult decision



More information:

See Book 2 "Statistics and Case Studies" for in-depth detail on the cases of the year
See Book 3 "Review of the Year" for a view of the PCC's work throughout 2009

to make but I believe we made the right one. The price of freedom of expression is that commentators and columnists will say things with which other people may not agree, may find offensive or may consider to be inappropriate.

Let me turn to an issue arising from the Select Committee inquiry, that of phone hacking. Since the issue first emerged in 2006, the PCC's role has been to seek to ensure a change in practice at the News of the World and establish best practice for the industry as a whole. We have publicly emphasised that we strongly deplore this form of subterfuge, and I am happy to do so again. Our intention has been to make sure that proper processes and structures are in place to help militate against its recurrence. Rest assured that, should material evidence appear of ongoing phone hacking, the PCC will act promptly.

It is worth me saying that much more of the PCC's time in 2009 was devoted to the meticulous, thorough and time-consuming handling of complaints, whether they came from celebrities, politicians or – perhaps most importantly – from ordinary members of the public. The PCC is very much a public service, and I want to take this chance to outline how the system works.

Each complaint which falls within the remit of the PCC is handled by a dedicated complaints officer. They attempt to settle the complaint by mediation and assiduously contact editor and complainant to reach a resolution. If it proves impossible to resolve the complaint, the Commission evaluates the case. It decides whether there has, in fact, been a breach of the Editors' Code of Practice. If the Commission concludes that the Code has been breached (and the breach has not been – or cannot be – remedied) it upholds the complaint in a public ruling. The newspaper or magazine is obliged to publish the critical ruling in full and with due prominence.

There are two fallacies about this process which our critics raise again and again. The first is that the PCC does not act in response to many complaints. Critics claim that we only uphold 1 complaint in every 250 cases, or some other similarly large number. As our Annual Review shows, this is a misleading statistic. The PCC receives thousands of emails and letters every year, but many do not raise substantive issues and cannot be taken forward. It would be wrong to use these as the base figure for any comparison. Last year we made over 1600 individual rulings. In those cases, we required remedial action or criticised the editor over 40% of the time. The real figure that matters is 2 in 5, not 1 in 250.

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may not agree

OThe second fallacy is that the PCC is toothless. An upheld complaint is a serious outcome for any editor and puts down a marker for future press behaviour. Parliamentary Select Committee inquiries have concluded that standards of reporting have risen markedly since the PCC was established in 1991. This is because the PCC develops and raises press standards by ruling on strict criteria of inaccuracy, intrusion, harassment and so on and by establishing case law and the acceptable boundaries of practice. The precedents that have been laid down over the years act as a practical guide to editors in newsrooms across the country.

Editors are held accountable for their actions. The fact that breaches of the Code **C**ould lead to public criticism means that editors have to consider the key ethical issues before publishing. We see this happening every day when calls for advice come in from editors to complaints staff at the PCC. We regularly hear about stories that are not published, intrusions that do not take place, thanks to the terms of the Code and the decisions of the PCC. And we go out and spell out the key principles to those in the industry: from students at the beginning of their careers, at whose courses we lecture, to the working journalists who come to our regular seminars.

The PCC was set up to show – and has shown – that non-statutory self-regulation can work effectively. There have always been numerous laws which apply to the press, such as libel, contempt of court, copyright and so on; and these have since been joined by countless others. A free press is a central component of a healthy democracy, and the undesirability of a statutory press regulator is very clear. For good reason, therefore, it was left to the press to create an independent body to balance the public's right to know against respect for individuals' privacy. There was, and is, an understandable reluctance on the part of politicians – as shown by the recent Culture, Media and Sport Select Committee Report – to empower a State agency to decide what sort of information should be published or discussed in a democracy.

Of course there is room for improvement and that is why we welcome constructive suggestions from the Select Committee to improve the PCC system. We are certainly not complacent: one of my first acts as Chairman, several months before the Select Committee reported, was to set up an independent review of the governance of the PCC. We await that Review's findings with interest and pledge to do everything we can to strengthen the PCC, its structures and processes. We will also continue



About Peta Buscombe

Baroness Buscombe took up her position as Chairman of the PCC in April 2009. She is a barrister and has acted as legal adviser and counsel to various organisations including Barclays Bank International, New York and Barclays Bank Plc, London. Most recently she was the Chief Executive of The Advertising Association.

dialogue with the Select Committee and recognise our shared goal of an effective self-regulatory system resulting in improved media standards.

The PCC will embrace commercial and technological change and react to it creatively, imaginatively and flexibly. It is clear that globalisation and digitalisation of media are powerful forces favouring self-regulation. So our priority is to do all we can to reassure politicians, opinion-formers and – most importantly of all – the public that we are robust enough and responsible enough to be trusted.

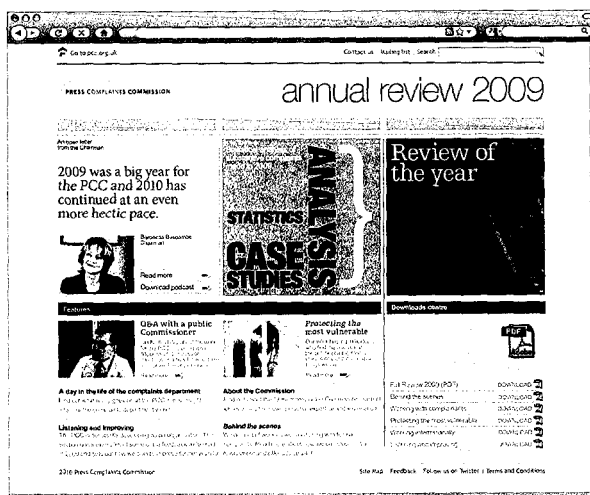
Above all our commitment is to transparency, openness and accountability. While there is a strong element of confidentiality to the work we perform as an organisation, we want to become as accountable as we can. We will. While we currently feel it would be inappropriate for the PCC to release personal information and be subject to the Freedom of Information Act (because we deal with cases relating to individual privacy), we can adopt the spirit behind the provisions of the Act. In that spirit too we are now publishing minutes of Commission meetings. We have a good story to tell and I look forward to telling it in as much detail as we can without compromising individual privacy.

One can't help but notice that the principle of self-regulation has taken a knock recently in reporting of the Parliamentary expenses scandal and the banking crisis. It would be wholly wrong, however, to draw lessons from those unfortunate episodes for regulation of the press. That is because self-regulation (self-imposed restraint on the part of editors) is philosophically the right way to tackle difficult cases which will impact on freedom of expression. Statutory regulation would be too heavy handed; anarchy too dangerous. So the buy in, self-restraint and quality that the PCC system brings should not be underestimated. It also brings commercial advantage to newspaper and magazine publishers, who can demonstrate to readers their adherence to a set of standards.

I hope that the next year will see the service adapt and improve further. I hope too that we will see greater understanding and appreciation of the public service the PCC provides.

Baroness Buscombe
Chairman

The Review online



The contents of this Review are also available on a dedicated website, where you can also listen to a podcast with the PCC Chairman.

www.pcc.org.uk/review09

How to complain

You can make a complaint simply by filling in the complaints form on our website. For more information about the complaints process please visit:

www.pcc.org.uk/complaints/process.html

Complaints have to be judged against the Editors' Code of Practice. Before making your complaint we strongly advise that you consult the Code, which you can find at:

www.pcc.org.uk/cop/practice.html

The PCC publishes its ruling on every complaint that is upheld (and on some that are not). To see what the Commission has previously considered to be a breach of the Code please go to:

www.pcc.org.uk/cases/adjudicated.html

Useful information

- Our address:** Press Complaints Commission
Halton House
20/23 Holborn
London EC1N 2JD
- Follow us
on Twitter:** <http://twitter.com/ukpcc>
- Helpline:** 0845 600 2757
- Switchboard:** 020 7831 0022
- Facsimile:** 020 7831 0025
- Textphone:** 020 7831 0123
- E-mail:** complaints@pcc.org.uk
- Scottish helpline:** 0131 220 6652
(a local rate call charge
for those based in Scotland)
- Welsh helpline:** 029 2039 5570
(a local rate call charge
for those based in Wales)
- 24 hour Press
Office line:** 07740 896805
- 24 hour
advice line:** 07659 152656
(This is for emergencies only, primarily
in cases of harassment by a journalist
or for pre-publication advice. Please leave
a short message explaining the nature of
your concern and you will be phoned back)

www.pcc.org.uk

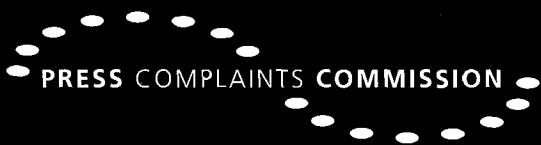
For requests for interviews with Peta Buscombe please
contact the PCC's Director of Communications
Jonathan Collett on 020 7831 0022 or by email:
jonathan.collett@pcc.org.uk

Press office: 07740 896805



**STATISTICS AND CASE STUDIES
2009**

Press Complaints



INTRODUCTION

THE SERVICES OFFERED BY THE PCC ARE OFTEN BEST UNDERSTOOD BY AN EXAMINATION OF SPECIFIC CASES. LATER IN THIS SECTION, WE CONSIDER SOME OF 2009'S KEY RULINGS. BUT, IN ANY ASSESSMENT OF THE COMMISSION'S WORK, IT IS ALSO IMPORTANT TO TAKE A LOOK AT THE OVERALL FIGURES INVOLVED.

In the past, statistical information about complaint numbers has led to a certain amount of confusion. That is primarily because there has been a heavy focus on the total number of people who have contacted the PCC. We have tended to present one letter or email as one complaint, even when the issue raised is one that falls outside the Commission's remit (because it is about a TV programme, for instance) or when the letter contains so little information that matters cannot be progressed. And when 500 people have written to us, all concerned about precisely the same thing, we have counted them as 500 separate complaints (despite the fact that the PCC only makes a single ruling). This approach has become unsustainable at a time when the number of (often unsubstantive) contacts by email continues to rise significantly.

During 2009, the Commission made significant changes to the way in which its statistics are presented. In part, this simply meant increasing the amount of information being published. Monthly lists of all concluded complaints are now available at www.pcc.org.uk. But changes have also been made to the categorisation of cases, primarily in order to distinguish better between the complaints we could deal with (see pages 3 to 6) and those we couldn't (see pages 7 and 8). The new categorisation also ensures that a fuller distinction can be made between numbers of complaints and numbers of complainants.

We hope this new approach is effective. For any queries about our statistics, especially concerning like-for-like comparisons with previous years, please do contact us. The glossary on page 17 contains explanations for some of the terms we use in this book.

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KEY STATISTICS

1134

Complaints investigated

609

Settled to the satisfaction
of the complainant

993

Complaints which raised
no breach of the Code

738

Total number of complaints with merit

111

Remedied to the
satisfaction of the PCC

18

Public censure
by PCC

approx

37,000

Total number of contacts
in writing to PCC

01//02

COMPLAINTS

THE COMPLAINTS WE COULD DEAL WITH

Complaints with merit

In 2009 there were 738 complaints that raised a possible breach of the terms of the Editors' Code of Practice (compared to 678 in 2008). 609 of those complaints were amicably settled when the newspaper or magazine in question took remedial action with which the complainant was satisfied – usually (in 541 cases) this action followed successful mediation by the PCC but, on some occasions, the matter was resolved even before the Commission launched its investigation. Where a settlement was reached between the parties, the PCC did not make a subsequent ruling on the case.

In the remaining 129 cases, the PCC ruled that there had been a breach of the Code, although, in 111 of those, remedial action by the offending publication (even though not considered suitable by the complainant) was considered sufficient by the Commission and public censure was therefore unnecessary. Critical adjudications – in which the Commission elected publicly to censure the editor – were issued in the 18 cases where remedial action was either not forthcoming or was inadequate, or in cases where a breach of the Code was so egregious that it could not be remedied.



Resolved complaints

2009 saw a record number of complaints being settled through mediation to the satisfaction of the complainant. Summaries of every such case (except those where the complainant asked for no further publicity) can be seen at www.pcc.org.uk. To find out more about complaints from Lord Mandelson, Ummah.com, Leona Lewis and many others, please visit our website.

Complaints can be resolved in a variety of ways. Some are obvious: the publication of an apology or correction; the removal of offending material from a newspaper's website; or a published letter from the complainant. Other methods are more surprising: a meeting with the editor or journalist; a bunch of flowers; or a trip to an adventure park.

It is important to the credibility of the self-regulatory system that, when mistakes are made, they are corrected properly and with due prominence. This does not mean necessarily that a correction must fill the same space as the original item, but there must be a relationship between the significance of the initial transgression and the strength of the remedial action.

Our survey of corrections and apologies we negotiated in 2009 was broadly encouraging since the vast majority (83.9%) appeared either further forward than the offending material, on the same page or in a dedicated corrections column.

The Commission will work hard to improve its record in this area, and calls on the industry to play its part in publishing corrections prominently. In 2010, the PCC will be examining the issue of online corrections and what constitutes 'due prominence' online.

Complaints that raised no breach of the Code

Overall, the Commission received just under 1000 distinct complaints where a ruling was possible but where the terms of the Code were not breached. In all of these cases, the PCC issued rulings to the complainants, some following an investigation, others for which no investigation was necessary. 21 of those rulings were published by the Commission because they raised significant points of principle and are recorded on the 'adjudications' section of our website.

Prominence of Corrections and Apologies:

66.2%

Further forward or on the same page

4%

More than 5 pages later than the original

17.7%

Designated corrections column

12.1%

Within 5 pages of the original

COMPLAINTS

Investigations

When the PCC talks about an investigation into a complaint, it means that an initial assessment has shown that there may be a possible breach of the Editors' Code of Practice. Consequently, a designated PCC complaints officer will write to the editor in question and request a response to the issues raised by the complainant.

The editor may accept (following prompting by the PCC office) that something has gone wrong. In these cases, PCC staff will act as mediators, trying to find a settlement that is acceptable to the complainant. If no settlement is possible, the matter will return to the Commission for formal assessment. It may conclude that an offered remedy is sufficient.

But it may decide that a breach of the Code has not been – or cannot be – remedied and in those cases it will publish a critical adjudication, which the offending publication is also obliged to publish in full and with due prominence.

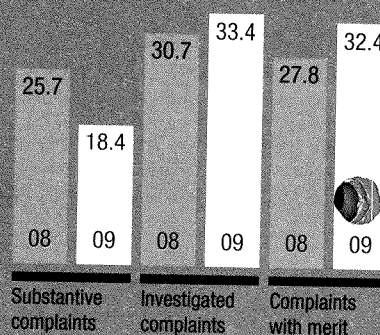
If the editor does not make any offer to settle the complaint, but puts forward a defence, the PCC will use its investigation to obtain all of the necessary information, and test the assertions made on both sides, before the Commission examines the complaint in full. It will then issue a ruling as to whether the Code has been breached.

Overall, the Commission initiated 1134 investigations in 2009, up from 949 in 2008.

Complaints by time taken

The PCC aims to deal with complaints in an average of 35 working days. In 2009, it dealt with substantive complaints in an average of just 18.4 working days. Complaints which warranted an investigation took longer in general to deal with but we still reached our target average:

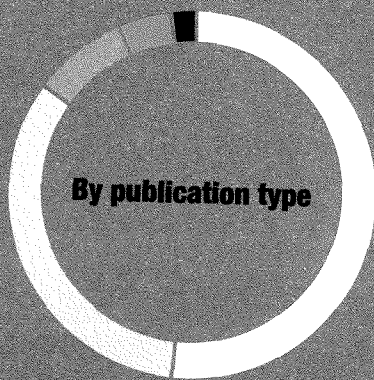
Number of days taken





● Resolved	541
● No breach	223
● Sufficient remedial action	90
● Public censure	18
● Not pursued	262

Overall, the Commission initiated 1134 investigations in 2009, up from 949 in 2008.



● National titles	51.51%
● Regional and local titles in England and Wales	33.33%
● Scottish newspapers	8.24%
● Magazines	4.79%
● Northern Irish newspapers	2.13%

Complaints by type of publication

People are often surprised that complaints about the national press do not make up a higher proportion than they do. Looking at cases where an investigation was warranted, the proportions are as shown.

COMPLAINTS

THE COMPLAINTS WE COULDN'T DEAL WITH

Each year, the Commission receives large numbers of emails and letters that it cannot act on, for example because the issue raised does not fall within the PCC's remit, or because the complainant has provided insufficient information to allow a proper assessment of their case.

In fact, because access to email has made initiating a complaint so easy, the Commission now deals with many hundreds of contacts each year where complainants don't follow their concerns through when asked to provide additional details. This can at times be frustrating but it is important to make clear that we respond to all emails and letters we receive. And in cases where a significant issue has been raised but not followed up, we will do all we can to elicit more information.

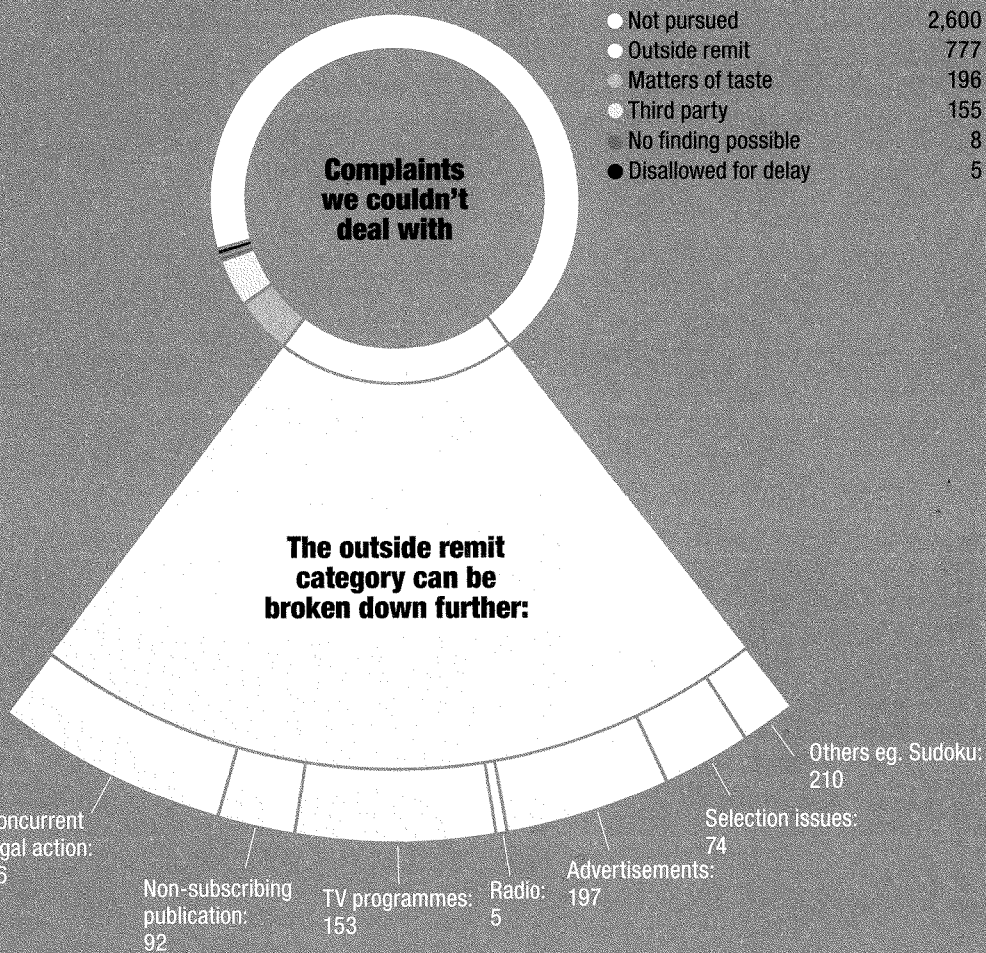
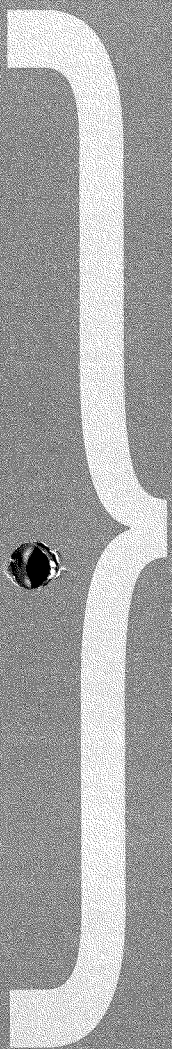
In 2009, exactly 2,600 contacts were not pursued by the complainant after their initial email or letter, which is a similar figure to the previous year. The Commission

was in no position to take these matters any further.

Complaints which the Commission ruled were from genuine 'third parties' – people complaining about a matter to which they were not directly connected but where there was an obvious 'first party', who could have complained – rose slightly to 155 (including multiple complaints about the same thing). There were some particularly notable incidents which led to numerous such complaints. The death of Michael Jackson, for example, generated a huge amount of media coverage, some of which members of the public objected to on the grounds that it intruded into the grief of those close to him.

Complaints that were outside the Commission's remit (because they were about TV, advertising or Sudoku puzzles for instance) also rose slightly to 777 and there were 196 cases that raised matters of taste and decency with which the PCC does not deal.

more detail and downloads
at www.pcc.org.uk/review09



07//08

COMMISSION

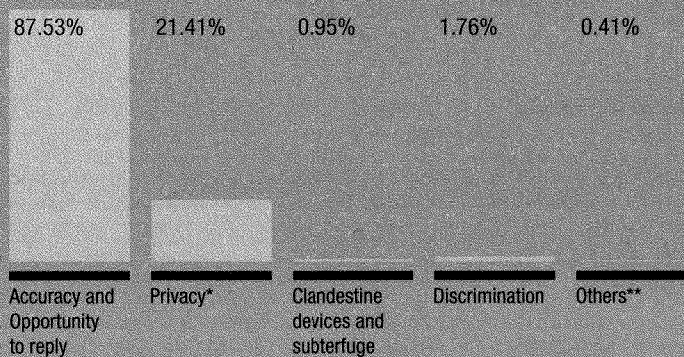
It is clear from the 2009 figures that the PCC is increasingly busy. Many more people contacted us to raise concerns than ever before. We carried out a record number of investigations and settled more complaints by mediation than at any other time in the PCC's history. Overall, more complaints had merit in 2009 than in any previous year.

We are proud of these figures because they show that people can trust the PCC to set matters right when they have gone wrong. They also seem to show that the public sees the Commission as a helpful forum for expressing concern about the press, even if there has not actually been a breach of the Code of Practice. After all, the rise in overall contacts continues to exceed the rise in cases that have merit.

But at the heart of the Commission's work are the individual cases, some of which we examine in the remainder of this section. Those cases raise numerous issues; they can be extraordinary or mundane. Statistically, there are two key causes of complaint – inaccuracy and intrusion into privacy. Of complaints that warranted investigation, over 85% made claims about breaches of Clause 1 (Accuracy) of the Code.

Privacy remained the area that often caused most controversy, with the Commission having to balance the competing rights of individual privacy and freedom of expression. 21% of all investigated complaints had a privacy angle to them. And when it came to published rulings, over 50% dealt with concerns about privacy. That figure rose to over 55% in cases where the editor was censured, which may reflect the seriousness with which the PCC views an unwarranted invasion of privacy.

Issues raised (in complaints with merit)



* Privacy = Clauses 3, 4, 5, 6, 7, 8, 9 & 11 of the Code

** Others = Clauses 13, 14, 15 & 16 of the Code

N.B. Many complaints raised a number of issues under the Editors' Code, which is why the combined figures in this graph add up to over 100%.

CAMPAIGNS

Over the course of the last few years, the PCC has dealt with a number of cases where numerous individuals have complained about the same issue – some have been orchestrated, others have arisen spontaneously. The ease with which complaints can be made and increasing access to the internet are two drivers of this trend. In 2009, there were some very notable examples of what might be described as ‘multiple complaints’.

Top 5 for 2009

1// 25,000+

Jan Moir in the Daily Mail –
“Why there was nothing ‘natural’
about Stephen Gately’s death”

2// 5,971

Fourteen articles in 10 different
newspapers relating to the
British National Party

3// 395

James Martin in the Mail on Sunday –
“The Tesla Roadster is the all-electric
supercar that’s as fast as a Ferrari”

4// 197

OK! Magazine – “Jade Goody
Official Tribute Issue”

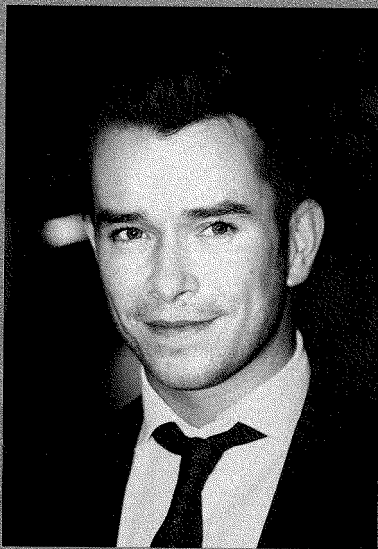
5// 76

Sunday World – “Grotesque” (Front
page photograph of a suicide victim)

09//10

Campaigns

Jan Moir and Stephen Gately



An article by Jan Moir in the Daily Mail, which made comments about the death of pop star Stephen Gately, caused particular outrage and led to over 25,000 people expressing their concerns in writing to the Commission. That level of contact was completely unprecedented – in the whole of 2008, the PCC received fewer than 5,000 written contacts.

This situation raised all sorts of questions for the Commission – as well as highlighting the power of social networking websites. For instance, how does a small

organisation (with 15 members of staff) actually process so many complaints? And more fundamentally, should volume alone have an impact on the way in which concerns are judged?

A number of changes have been made to the Commission's website and databases so that our systems can better cope with a spike in complaint emails. However, the issue for the PCC can never be how many people have taken a dislike to an article, or been offended by it. What is at stake is whether or not the Editors' Code of Practice has been breached – and that is unaffected by the number of individuals who complain.

That said, even though the PCC will not consider sheer weight of complaints to be necessarily an indicator that the Code has been breached, it recognised that there was a need for the genuine concerns of a large number of people to be aired and debated fully. This it did in a lengthy ruling at the beginning of 2010. And because a complaint had been made by Stephen Gately's partner, Andrew Cowles, the Commission was able to rule on concerns (under Clause 5 (Intrusion into grief or shock) and Clause 12 (Discrimination) of the Editors' Code of Practice) that would not have been open to consideration on the basis of the other 'third party' complaints.

James Martin on cyclists

A piece by the well-known chef, James Martin, which appeared in The Mail on Sunday in September, drew the wrath of almost 400 complainants, who objected to his characterisation of cyclists. Many were also concerned at his description of having deliberately run a group of bicycle riders off the road by passing them at speed in his car while blaring his horn.

The newspaper removed the reference to cyclists when it became aware of the level of concern that had been caused. Mr Martin also offered a profuse apology on his own website. A number of complainants remained unhappy and asked the Commission to make a ruling on the case. This it did, concluding that, while clearly causing considerable offence, the article had not breached the Editors' Code of Practice.

The BNP

The PCC also received a number of multiple complaints about articles concerning the British National Party. Members and supporters of the party, often acting in concert (and sometimes using identical wording in their letters), said the reports in question were misleading. However, it was clear to the Commission that the issues at stake were inextricably linked to the party as an official body. As a result, it took the view that it would only consider the substance of the complaints if they were raised by BNP officials. A number of formal complaints have subsequently been dealt with on this basis.

CASE STUDIES

Over the course of 2009, the PCC made a number of keynote rulings in important areas. One of the ways in which the Commission seeks to improve industry practice is by setting down principles within its decisions, to act as case law for the future.

These rulings are then incorporated into the Editors' Codebook, an industry publication that carries the lessons learned from PCC experience.

We have highlighted some examples from the year:

PRIVACY AND SOCIAL MEDIA

1) In March 2009, the Scottish Sunday Express wrote a front-page article about survivors of the Dunblane shooting in 1996 – who were now turning 18 – 'shaming' the memory of the deceased with "foul-mouthed boasts about sex, brawls and drink-fuelled antics". The article featured a number of photographs of the teenagers taken from their social networking sites.

While the information was publicly accessible, the Commission ruled that – since the shooting – the teenagers had done "nothing to warrant media scrutiny, and images appeared to have been taken out of context and presented in a way that was designed to humiliate or embarrass them". This represented a "fundamental failure" to respect their private lives. The complaint was upheld.

2) An article in April 2009 in the People reported that a serving police officer, John Hayter, had posted a message on Facebook about the death of Ian Tomlinson during the London G20 protest saying "I see my lot have murdered someone again. Oh well, sh*t happens".

In this case, the Commission decided that the publication of the information was justified in the public interest, even though the complainant's Facebook profile could only be accessed by his online 'friends' (one of whom had contacted the newspaper). The Commission's ruling made clear that "the individual in question was a serving police officer, commenting on a matter that was the subject of considerable media and public scrutiny. He had done so in a way that made light of a person's death and the role

apparently played by the police. There was a clear public interest in knowing about police attitudes (whether publicly or privately expressed) towards the incident". The complaint was not upheld.

These decisions raise important questions for journalists to ask when considering material taken from social networking sites, most notably:

- What is the nature of the material and its context? Publishing even publicly-accessible material in a newspaper or magazine can represent an intrusion.
- How has the individual sought to protect the information? A public interest is necessary to justify circumventing privacy settings.

Key rulings 2009

PROMINENCE

The Editors' Code of Practice makes reference to corrections and adjudications being published with "due prominence". In 2009, the Commission was asked to rule on this requirement on various occasions, with the following two cases being of particular significance.

1) The Sunday Times wrongly alleged, on a front page, that Dr Tony Wright MP (Cannock Chase) had accepted money to surrender a tenancy agreement, and then moved to the same block with a lower rent. In fact, it had confused the complainant with another MP of the same name. While Dr Wright had obtained an apology from the paper, this had been published on its letters page (page 20) and he was dissatisfied with its prominence.

Given the seriousness of the error, the Commission did not consider that the newspaper's placement of the apology

was appropriate on this occasion. The complaint was upheld under Clause 1 (Accuracy) of the Editors' Code.

2) The Commission also criticised Woman magazine in 2009 after it failed to publish an upheld PCC adjudication in full and with due prominence. Part of the penalty for breaching the Editors' Code is the requirement to publish the Commission's criticisms in full.

In this case, the original article had appeared on a double-page spread over pages 8 and 9. The publication of the adjudication on page 30 was insufficiently prominent. In addition, the ruling appeared in a smaller typeface than the rest of the page; did not make reference to the PCC in the headline; and had been heavily edited, with around half of it not included. This was unacceptable to the Commission, prompting a further critical adjudication which the magazine then published prominently and in full.

HARASSMENT

In November 2009 the Commission upheld a complaint against the Daily Record for harassing a manager at a lap-dancing club while researching a story about her becoming pregnant by a Scottish Premier League footballer. The complainant had made it clear that she did not wish to speak. The newspaper gave a written assurance to the PCC that it would not approach the complainant again – yet two further approaches ensued, including one at a very late stage of pregnancy.

The Commission ruled that it should be a "relatively simple matter" for newspapers to communicate internally about such requests, noting that most newspapers manage to do this every day with no such confusion. Indeed, the Commission said that it was "disappointing that the procedures of a major newspaper such as the Daily Record should turn out to be so lacking". The complaint was upheld under Clause 4 (Harassment).

"It was [...] disappointing that the procedures of a major newspaper such as the Daily Record should turn out to be so lacking"



REPORTING OF SUICIDE

In April 2009, the Commission upheld a complaint against the Reading Chronicle for publishing "excessive detail" about a suicide. The article reported the death of a woman who had taken her own life by consuming poisonous leaves. It included the type of leaf used; how the deceased found out about it; the fact there was no antidote; and a reference to the speed of the process.

In the Commission's view, this information may have been sufficient to spell out to others how to carry out such a suicide. The complaint, which came from the parents of the deceased, was upheld.

CHILDREN

The Commission upheld a complaint against the Scottish News of the World for running an article about the alleged behaviour of a seven-year-old boy in Scotland, who had been involved in anti-social incidents.

While the Commission accepted that the newspaper had had some grounds for the story, it was concerned that the most serious claims (allegations of violence and the assertion he had been expelled from a string of schools) could not be substantiated. This was significant in a story about such a young child.

The Commission also ruled that the newspaper's attempts to conceal the identity of the child had been insufficient, and that there was not appropriate justification for running his picture, even though it was pixellated.

ALFIE PATTEN CASE



In February 2009, the Commission launched its own investigation into payments to the families of Chantelle Stedman and 13-year-old Alfie Patten for stories about the background to the birth of Chantelle's baby Maisie.

The purpose of the investigation was to establish whether the alleged payments by The Sun, The People and the Sunday Mail had been made in breach of Clause 6 (iv) of the Editors' Code of Practice which states the following:

"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 public interest".

Two weeks after the PCC's announcement, however, the High Court made a Reporting Restrictions Order which effectively precluded both further approaches to the families and the publication of any new information about Chantelle, Alfie and Maisie. This limited the Commission's ability to make enquiries and publish information about the case.

Nonetheless – as this subject related to a matter of considerable importance –

the Commission issued some guidance, on the general issue of paying parents for information about their children's welfare. In particular, the Commission says that editors should ask themselves three questions:

- Is the payment alone responsible for tempting parents to discuss a matter about their child that it would be against the child's interests to publicise? If so, only an exceptional public interest reason could justify proceeding with the arrangement;
- Is there any danger that the offer of payment has tempted parents to exaggerate or even fabricate the information?;
- Is the payment in the child's interest?

While accepting that parents have a right to freedom of expression, the Commission emphasised that editors must come to an independent judgement as to whether publication of information – and the payment involved for the material – is in the child's interest:

"On some occasions, this will mean – where there is an insufficient public interest in the story – that payment should not be made, even if the parents are happy for the story to be published".

Key rulings 2009

PRIVACY AT A FUNERAL

In November 2009, the Commission upheld a complaint against the Bristol Evening Post about its coverage of a local death by suicide. The mother of the deceased was concerned about the actions of a photographer on the day of the funeral – who had been asked to leave – and the publication of photographs of the event at a time of intense grief.

“Parents grieving for the loss of their child should not have to be concerned about the behaviour of journalists”

While the Commission accepted that newspapers have an important role to play in the reporting of tragic events – which it did not wish unduly to restrict – there was a need for restraint and sensitivity on the part of the newspaper, particularly given the age of the complainant’s son and the manner in which he had died.

The PCC felt that the newspaper should have sought to determine the feelings of the family before sending someone to cover a funeral of this nature: “parents grieving for the loss of their child should not have to be concerned about the behaviour of journalists, or the likelihood that details of the funeral would be covered without their consent”.

CELEBRITY HOMES



In early 2009, the Commission ruled that The Mail on Sunday had breached Clause 3 (Privacy) of the Editors’ Code of Practice when it reported that James Bond actor, Daniel Craig, had bought an apartment in North London. The newspaper had referred to the district of London in which the property was situated, named a park it was near and included a photograph of the house in which the apartment was located.

The Commission has previously made clear that newspapers should not gratuitously identify the homes of

individuals who might be exposed to specific security problems. Daniel Craig, who said he had been the subject of unwanted and overzealous attention from fans, fell into this category. The Commission concluded that the article had included just too much detail and ran a clear risk of identifying the property without justification, resulting in a breach of the Code. It decided that the newspaper’s actions following the complaint – including the removal of the online article; an offer to apologise; and an undertaking as to future publication – remedied the initial breach sufficiently.

IDENTIFYING THE RELATIVES OF CRIMINALS

The Commission rejected two separate complaints – from Patricia Hewitt MP and the former England football captain, John Terry – that articles in The Sun in 2009 had identified them in breach of Clause 9 (Reporting of crime) of the Editors' Code of Practice.

“The Commission was satisfied that Ms Hewitt and her husband were genuinely relevant to the story given their current and previous roles and comments”

The John Terry story related to his mother and mother-in-law accepting formal cautions for shoplifting. He argued that the coverage was focused on him when

he was not genuinely relevant to the story and had not been involved in the incidents.

The Commission ruled that the newspaper had not revealed a “hitherto unknown connection between the parties”. It also considered that the complainant was genuinely relevant to the story and could legitimately be made its focus. The stores involved directly sponsored the England football team and “the complainant, as captain, could reasonably be said to be the public face of the team”. It added that Mr Terry was “also one of the highest-earning footballers in the world who, it was said, provided for his family financially. The fact that – despite such wealth – his mother and mother-in-law had been involved in claims of shoplifting was clearly relevant to the matter”.

The Sun also reported that Patricia Hewitt's son had been charged with possession of cocaine. Ms Hewitt said that the coverage had unnecessarily referred to her and her husband in breach of the Editors' Code. While accepting that her son had committed a criminal offence, she nonetheless believed that the newspaper only published the story with such prominence due to her public role as an MP, and that of her husband, who was a judge. This was unfair, she claimed, because she and her husband had been careful never to speak publicly about their children and her son deserved to be treated as a private individual.

“The Commission was also convinced by the argument that [John Terry] was genuinely relevant to the story and could legitimately be made its focus”

The Commission could understand Ms Hewitt's concerns about unwelcome media attention regarding her son. However, it decided that the newspaper's argument – that the roles of Ms Hewitt (a former Health Secretary) and her husband (a judge who was on record as having spoken out about the issue of drugs) were genuinely relevant to the story – was justified.

ENGLAND SKIPPER 'MORTIFIED'

John Terry's

mum



EXCLUSIVE BY NICK PARKER
ENGLAND soccer captain John Terry's mum and mother-in-law have been cautioned for shoplifting. The Sun can reveal. See Terry, 30, right, and Sue Poole, 54, were accused of stealing £300 worth of clothes and food from M&S and Tesco in Weybridge, Surrey. Chelsea star Terry, 28, left, is said to be "mortified".
Full Story – Page Five

arrested for shoplifting

Key rulings 2009

MPS' EXPENSES



In 2009, newspaper front pages were dominated by revelations involving expenses claimed by Members of Parliament. The coverage led to a number of complaints from MPs, mostly in regard to the accuracy of the stories.

1) An article in March 2009 in the *News of the World* claimed that the MP for New Forest East, Dr Julian Lewis, was "hardly ever" at his constituency home and also claimed he had sought to censor publication of its story. Dr Lewis argued that the article was based on inaccurate information provided by a political rival.

The Commission "was not impressed with the newspaper's evidence" to support either of the claims and considered that it should have offered a prompt and clear correction. It failed to do so and the complaint was therefore upheld under Clause 1 (Accuracy) of the Editors' Code.

2) The PCC also upheld a complaint from Brian Binley, the MP for Northampton South, after *The Daily Telegraph* claimed he was a "millionaire" and possessed a "multi-million pound fortune". Mr Binley said that both assertions were inaccurate and supplied evidence of his actual financial situation.

While the point at stake was a narrow one, the Commission considered that it was "significant". *The Daily Telegraph* had not checked Mr Binley's financial position prior to publication and had not been able to corroborate its contentions. In such circumstances, it should have "offered promptly to publish a correction and apology which accepted the articles were incorrect".

3) A separate complaint against *The Daily Telegraph* – from the Stafford MP, David Kidney – was rejected. Mr Kidney complained that the article had implied misbehaviour in relation to council tax claims he had made. While he had repaid around £2,500 to the Fees Office, this was the result of a mix-up, he said, not of any deliberate attempt to over-claim.

However, the Commission noted that it was not in dispute that the complainant had (for whatever reason) made a duplicate claim. The newspaper had not said directly that his actions were deliberate and a more detailed explanation – referring correctly to a 'mix-up' – was contained within a special supplement, which was published on the same day. The Commission did not uphold the complaint.

PAYMENT TO CRIMINALS

In May 2009, the Commission upheld a rare complaint under Clause 16 (Payment to criminals) of the Editors' Code, which prohibits payments to criminals or their associates, following a complaint against *Take a Break* magazine.

The magazine published the story of Christine Chivers, who had pleaded guilty to an arson attack on the home of another woman, Christine Wishart. The article was based on information provided by Ms Chivers' daughter, who was paid £1,000, and it included Ms Chivers' claim that, in spite of her plea, she had not carried out the attack. *Take a Break* argued that it was important to highlight a potential miscarriage of justice.

The Commission did not accept the magazine's defence: "It was clear that Ms Chivers' crime had been exploited for money in breach of the Code..." and there was nothing in the article of "sufficient public interest to justify the payment... It did not point to any clear evidence of a miscarriage of justice, and it was not part of a campaign to have the conviction quashed". While the magazine was not prohibited from publishing Ms Chivers' story, the Commission concluded that "the decision to offer payment was misguided and the editor should have recognised that immediately".

DISCRIMINATION

In the later part of the year, the Commission rejected a discrimination complaint from blogger Iain Dale against the Daily Mail. Mr Dale objected to a diary item, which described him as "overtly gay" and referred to an interview he had given to Pink News in which he encouraged its readers to attend the open primary, saying it was "charming how homosexuals rally like-minded chaps to their cause". He believed that the references were pejorative and the article was homophobic.

"The right to freedom of expression includes the right – within the law – to give offence"

Although the Commission understood how the complainant found the comments to be objectionable, it ruled that Clause 12 (Discrimination) of the Code had not been breached. The item had used no pejorative term for the complainant, nor had it 'outed' him. In the Commission's view, the piece was uncharitable, but – in the context of a diary column, known to poke fun at public figures – was not an arbitrary attack on him on the basis of his sexuality.

The Commission said: "Where it is debatable – as in this case – about whether remarks can be regarded as pejorative and gratuitous, the Commission should be slow to restrict the right to express an opinion, however snippy it might be. While people may occasionally be insulted or upset by what is said about them in newspapers, the right to freedom of expression that journalists enjoy also includes the right – within the law – to give offence".

Glossary

Adjudication – A ruling by the PCC which it decides to make public, either because the complaint has been upheld or because there is an important matter of principle at stake. Other rulings, on straightforward cases which do not involve public censure of a newspaper or magazine, are not currently made public.

Complaint with merit – One which warrants remedial action by the newspaper or magazine. If remedial action is not forthcoming, the complaint will be upheld, leading to public censure by the PCC.

Investigation – An enquiry by the PCC into a case which, on first examination, appears to raise a breach of the Code of Practice. The first stage is a letter to the editor, requesting a response to the complaint.

Non-subscribing publication – A title that does not subscribe to the system of self-regulation overseen by the PCC. Most complaints about non-subscribing titles actually relate to online-only publications such as Yahoo News, foreign newspapers or foreign-language newspapers.

Resolved Complaint – A complaint that is settled to the satisfaction of the complainant.

Third Party – Somebody who is unconnected to the subject of a complaint where there is an obvious 'first party' who could complain if they wanted to. The Commission will usually decline to deal with a complaint from a third party in such cases.

In cases about issues of general fact, of improper payments by editors, or of the inclusion of excessive detail about suicide, the Commission will take complaints from any reader. If a third party raises a complaint that appears to suggest a serious issue under the Code, the PCC will contact the first party and seek to initiate an investigation.

Selection issue – An issue relating to the editorial selection of material that does not engage the Code and that, therefore, falls outside the Commission's remit (eg a decision not to publish a reader's letter or decision to stop publishing a regular feature).

Substantive complaint – A synonym for a 'complaint we could deal with', one where we can either mediate a settlement or make a formal ruling as to the merits of the complaint when judged against the Editors' Code of Practice.

WWW.PCC.ORG.UK

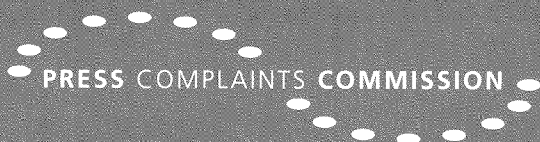
PCC Helpline: 0845 600 2757

24hr advice line: 07659 152656
(Please leave a short message explaining
the nature of your concern and you will be
phoned back.)

**NB: This is for use in emergencies only,
primarily in cases of harassment by a
journalist or for pre-publication advice.
It should not be used for general complaints
enquiries, which can be made online.**

Head of Complaints

Scott Langham (scott.langham@pcc.org.uk)
Complaints email – complaints@pcc.org.uk



Review of the year
2009

Press Complaints Commission

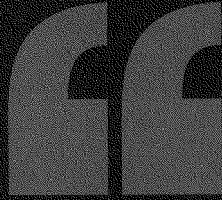


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Introduction from the Director

We achieve a considerable body of work, and want that to be out in the open for everyone to see.



This section of the report is designed to show a bit more about what the PCC actually does: the working parts of the system. I have been at the PCC for several years, only becoming Director at the end of 2009, and so I have seen (and performed) most of the jobs within the organisation. This means that I have had the chance to see how committed people are to making the PCC a success.

I think it is important for our report to convey this. The view of PCC staff is that we are offering a public service and – to the best of our ability – seeking to raise standards in the press by ensuring that all individuals can hold editors to account for their actions. We want to be open about how we do it.

So, there is a piece here about the “behind-the-scenes” work of the Commission: preventing harassment, giving pre-publication advice and proactively offering help. There is also a feature on the complaints department, which should show what complaints officers get up to all day (and sometimes all night).

The report covers the educative side of the PCC: we train journalists across the country, seeking to shape future decisions that will be taken in the newsroom. And we are involved in educating those on the other end of complaints. We want to help people who represent those who appear in the press to know more about us, and to use us with greater success.



Of course, all of the decisions that are made by the organisation come from the Commission itself, a body of 17 members. Crucial in the system is the fact that 10 are members of the public, compared to only 7 editors. This means that editorial expertise (and peer judgement) is balanced – and indeed outweighed – by the independent assessment of those unconnected to the industry. We have asked one of our lay members, Ian Nichol, to explain a bit more about what they do.

While I believe the PCC is occasionally subject to unfair criticism, it is of course right to accept that we can perform better as an institution. In the past, people may not have recognised that this is our attitude: the accusation of complacency is, after all, easy to make and impossible to refute. But the PCC is not a complacent body. In 2009, Peta Buscombe instituted a Governance Review to examine how the PCC works, which includes public consultation. We also have an independent figure to examine our complaints handling and the report of the Charter Commissioner, Sir Mike Willcocks, is included within this review for the first time.

The PCC is subject to other external scrutiny. In 2009, the CMS Select Committee conducted a wide-ranging investigation into press standards (including phone message hacking). We welcome the attention the Select Committee has brought to the PCC, and will use their comments (and others) as an impetus for the future.

In the end, I hope that this part of the report shows a little bit about the practicalities of the Press Complaints Commission. There is a quote from Oliver Wendell Holmes, Jr that I will rip out of context as a concluding point: "The life of the law has not been logic; it has been experience". It is only by doing (by making decisions, by settling complaints, by setting standards) that any form of regulation can work. The PCC is, in the end, a pragmatic institution, experienced in the day-to-day activity of addressing concerns about the newspaper and magazine industry. We achieve a considerable body of work, and want that to be out in the open for everyone to see.

A handwritten signature in dark ink, appearing to read 'S Abell'. The signature is fluid and cursive.

Stephen Abell
Director

PCC Staff

The Commission has a permanent staff of 15 people.

Based in Holborn, the secretariat deals with thousands of written complaints and telephone enquiries each year. Our staff train journalists and engage with complainant groups; they work to protect the vulnerable and are on call 24 hours a day. These are the people at the heart of the PCC.

PCC Chairman



◀ **Baroness Buscombe**
Chairman

The Complaints department

The Complaints department comprises 6 staff, each of whom manages a caseload of between 40 and 50 complaints. In addition to dealing with formal complaints, Complaints Officers also give advice to both editors and members of the public who have a query related to the Code of Practice.

Scott Langham ▶
Head of Complaints
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PCC Director



◀ **Stephen Abell**
Director
stephen.abell@pcc.org.uk

Administration

The Administration department works with the Complaints department to ensure that all correspondence connected to a case is processed efficiently. It also offers general advice to members of the public and looks after the day-to-day running of the PCC.

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Communications and Public Affairs department

The Communications and Public Affairs department is responsible for the PCC's public relations work. It also runs the organisation's outreach work, training seminars and the PCC events programme, as well as managing the PCC website.



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Each year, we try to shine a light on some of the activity that goes on behind-the-scenes at the Commission, as we feel it represents some of the most valuable work that the PCC does. It is not that the process is secretive; rather – as it often concerns individuals' privacy – it is not something that can be publicly discussed in great detail.

Officers of the Commission are available on a 24-hour basis to give advice to potential complainants.

Some examples from 2009:

- the family of a soldier, who died while serving in Afghanistan, wished reporters to stop contacting them for comment;
- the family of a young girl, who had taken her own life, came to the PCC twice: first to make clear to editors that they did not wish to be contacted for comment in the immediate aftermath of the death; then to ask to be left alone during the inquest. The girl's school also used the PCC to limit the presence of journalists outside the gates, given the potential impact on other pupils;
- the elderly parents of a mother and daughter, who had taken their own lives, felt distressed by contact from print journalists and broadcasters and wanted to be left alone.

The PCC issued 69 such requests in 2009, and in doing so made a difference to individuals who otherwise would have struggled to handle press attention. One said to us: "I wouldn't have been able to cope with doing this without your support and guidance". Many of those who contacted us were related to victims of tragedies. Some were related to the perpetrators of terrible acts (the elderly relative of those convicted in the abuse case involving Baby P, for example), but had no other connection to them. None of them had the means to make their concerns clear to the media as a whole. Giving such people a voice is at the heart of the public service the PCC wants to offer.

Adrian Bevington, the Director of Communications for the FA, has commented on its relationship with the PCC:

"The advice and assistance we received from the PCC on this matter was crucial to achieving a sensible resolution. We have been clear from Mr Capello's appointment that we will look to engage positively with the media on football matters, but in return expect Mr Capello and his wife to have their privacy respected. The PCC has been instrumental to this approach being successful and, apart from this particular case, the Capellos have been able to enjoy a level of privacy we believe they are entitled to. It is a very good example of the PCC working."

Ensuring responsibility before publication

The PCC has no powers of prior restraint, and cannot formally require the non-publication of a story. If it had such powers, there would be no freedom of the press. However, the PCC does act to ensure that the press exercises its freedom with responsibility. An individual concerned that a story is about to appear can use the PCC to frame an argument on their behalf. The editor is still left with the final say in publication – as is right – but will be making the decision based on more detailed information about the views of the affected party. PCC staff also give editors advice about what the Commission's view might be on a particular issue.

"I am very lucky to have a good working relationship with the press, however the guidance that the PCC has given on a number of occasions has been valuable and much appreciated".

An agent for several high-profile television programmes and celebrities has said:

"The PCC has given us extremely good advice and acted on our behalf on a number of occasions for artists and the shows. For people who find themselves in the public eye either suddenly or over a long period of time, the PCC provides a service which often couldn't be achieved by a lawyer with such positive solutions for both the press and the individual".

Proactive approaches

While the Commission wishes for its reactive service to be as efficient and effective as possible, it accepts that there are certain circumstances where it must be proactive. When the PCC becomes aware (either from examining coverage or receiving information from third parties) that individuals may be experiencing problems with the press, officers seek to contact appropriate representatives. This takes place on a weekly basis through the year.

Behind the scenes

Stopping harassment, including before it begins

The PCC, of course, accepts that some people at the centre of news stories wish to speak to journalists. The PCC, and the Editors' Code of Practice, protects their right to freedom of expression. However, it is also the case that many do not want to be contacted by the press, and find even polite inquiries distressing. The Commission can make clear to editors (and broadcasters) that they have been asked to ensure that journalists desist in their attentions. This gives people, often already stressed and distressed by a situation, the opportunity to recover in private.

This is a service that is designed, primarily, to help members of the public, who are not used to being in the public eye. It is also used by celebrities and public figures, who wish to avoid a confrontational relationship with the press and make use of the PCC's more collaborative approach. Cases include:

- a husband and wife, who work in the television industry, who wished to ensure that photographers would not take pictures of their children going to school;
- a pop star, who had been the subject of an assault and was concerned about the aggressive behaviour of photographers following up the story;
- a television personality who was concerned about photographers outside his home, after the death of a relative.

In September, the PCC was contacted by the Football Association, representing England football manager Fabio Capello. He was concerned that he was being persistently pursued by photographers while on holiday. The PCC circulated his request for attention to desist. Unfortunately, due to a communication breakdown, two newspapers published images of Mr Capello and his wife. This was a rare example of the system not working in full. However, both newspapers sought to remedy the problem, by apologising and offering substantial donations to charity. In that sense, the validity of the process was enhanced due to the seriousness with which a lapse was dealt.

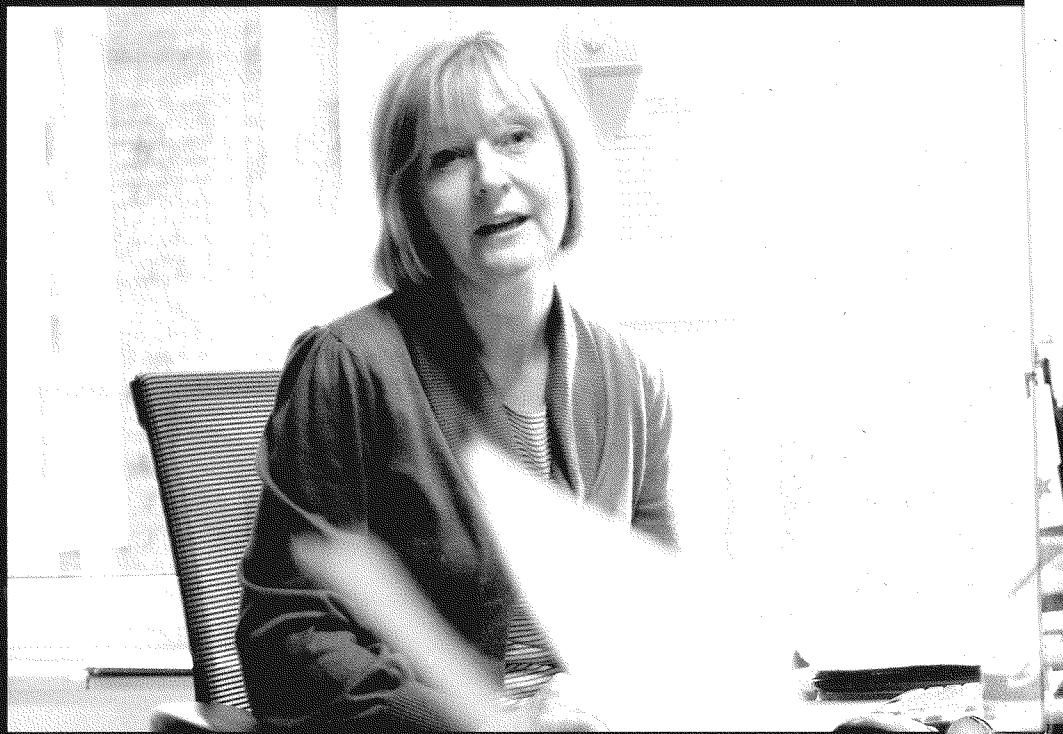
Some examples:

- A newspaper thought that a television personality was pregnant (following a relationship with a colleague). She used the PCC to make clear that this was untrue (and the speculation would be intrusive). The newspaper did not publish the story;
- The family of a young girl with swine flu were concerned about her being identified. There was no public safety issue connected with her, as she was being treated in the appropriate way, and the family wished to make clear their desire to protect her from press attention;
- An actor from a soap was undergoing treatment for a mental health condition. Her representatives wished to inform the press of this position, so they could ensure her privacy was respected.

Whether dealing with harassment or pre-publication concerns, the PCC offers the same service to all parties (members of the public, family liaison officers, lawyers, public figures). This is simply not the case with a legal system that excludes countless people for reasons of cost and accessibility. The fact that the PCC is used by those who do have access to the courts can show the benefits of what we offer. Simon Cowell, one such figure, has used the PCC to deal with concerns about personal harassment, and issues relating to his acts. He has said the following:

Again, it would be inappropriate to reveal too many details, but some examples in 2009 include:

- Following the death of a couple who had got into difficulties while trying to save their dog, we contacted Strathclyde Police to make clear the PCC's services (the couple had a young son, who had been orphaned). We have since sent a range of literature to be used by the Force;
- Once the names of the five Britons who were on board a missing Air France flight had been released, we made ourselves available to families via the Foreign and Commonwealth Office (FCO). The FCO has now included information about the PCC in its revised 'Guide for Bereaved Families';
- Following the death of a woman in Glasgow who had tested positive for swine flu, we contacted the Greater Glasgow NHS Board with details of the PCC's services. As the number of deaths began to escalate nationwide, and it was beginning to look difficult to contact Trusts and Hospitals on an individual basis, we contacted the Director of Communications at the Department of Health, who arranged for information to be disseminated to all Strategic Health Authorities throughout the UK as part of their preparation and briefing measures. The same efforts were also made with the Scottish Government.



A day in the life of the complaints department

8.30

The office contacts a police press office in the North of England to offer its assistance and guidance to a bereaved family following a high-profile death which features heavily in the morning papers. Informal contact is followed up with an email to the relevant individual, providing useful telephone numbers (including the out-of-hours service) and links to the Editors' Code of Practice.

10.15

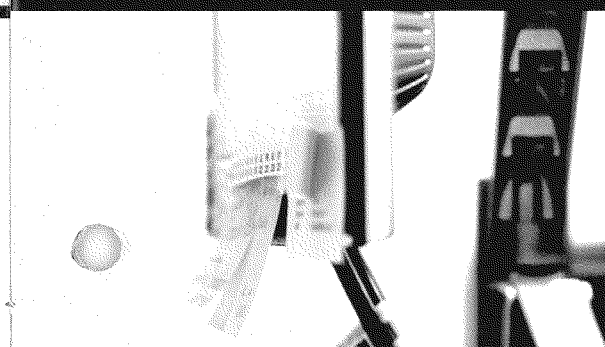
An upheld adjudication is press released, having been published in full that day by the offending publication. Various media organisations and blogs pick up the story and write about it.

11.00

The new complaints – which have mostly arrived by email – are logged on and presented for initial assessment. Numbers vary depending on the time of year, although it is not uncommon for 50 complaints to be considered in one day. Complainants generally receive an acknowledgement of their complaint within 24 hours. Should any complaint appear to raise an issue under the Code, it is taken forward immediately.

11.30

Following an email from a complainant, a member of the Complaints department calls a Scottish local newspaper editor to discuss the possible publication of a correction to which he is amenable. The discussion is followed by an email from the Complaints Officer to the editor in which a draft wording which might well be suitable is put forward for his consideration.



12.15

The Complaints department meets to discuss its cases with the Director. There are normally between 300-400 active complaints at any one time, and significant cases raising important Code issues are considered by the team as a whole.

14.30

The office receives a call from a national newspaper asking for guidance in regard to a photograph of a celebrity which has been provided by a news agency. A member of the complaints staff draws attention to potential Code issues which the Commission might have to consider in the event of any complaint: does the photograph show the person engaged in any private activity?; does the person have a reasonable expectation of privacy in the location?; are there any circumstances of harassment?; is there any public interest? The editor will now decide whether to publish, within the context of the PCC advice.

15.00

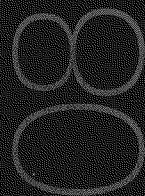
Negotiation on a complaint has been unsuccessful. The Complaints Officer involved in the case therefore prepares the matter for formal consideration by the Commission, drafting the text of a possible decision for its approval or otherwise, based on relevant rulings that have previously been made.

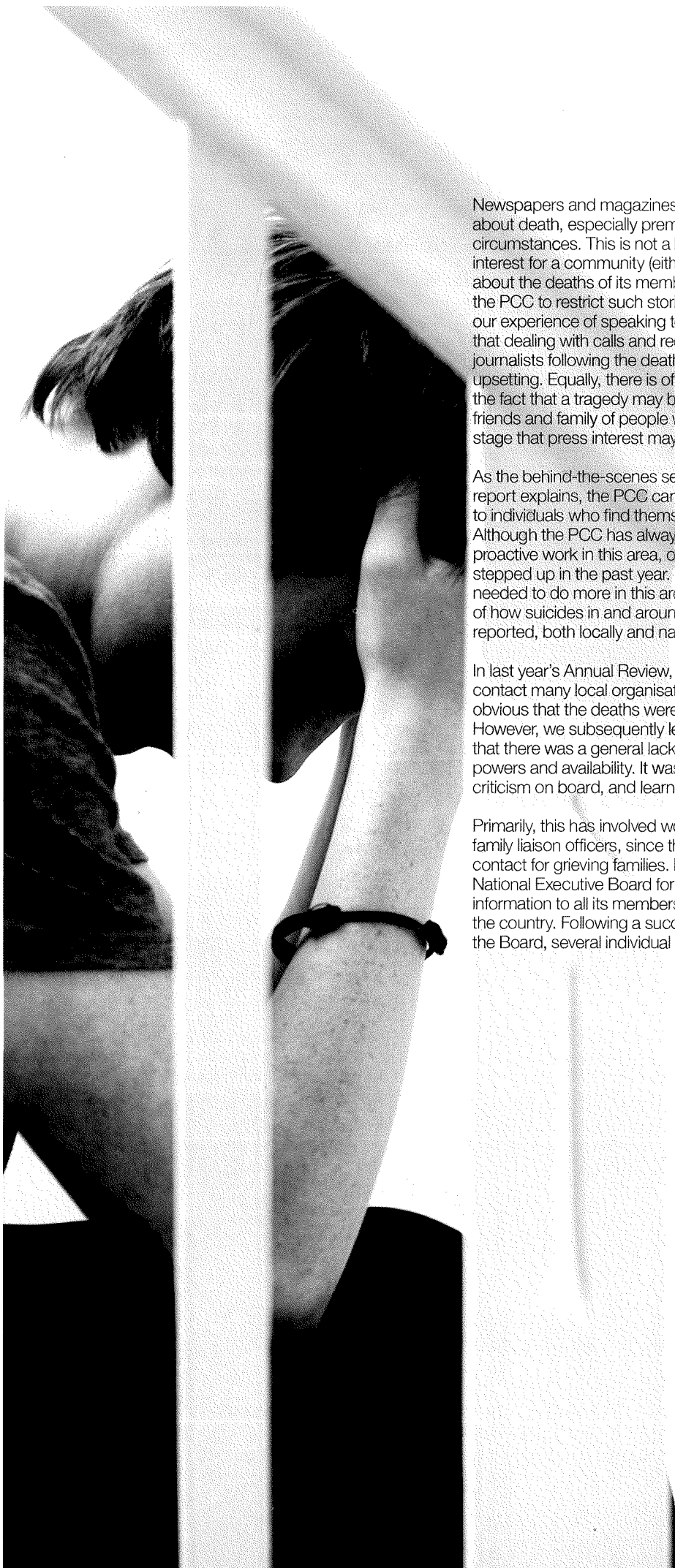
16.00

The bereaved family the Commission contacted early in the day has received a number of press enquiries and – aside from issuing a brief statement through the police – does not wish to speak to the media. The office passes on an advisory note on behalf of the family to national newspapers and magazines, and relevant local newspapers, to make them aware of the position.

22.45

The Commission receives a call to its 24 hour emergency helpline after an individual has been telephoned repeatedly at her home by a reporter for a Sunday newspaper. She does not want to comment and feels intimidated. The office then contacts the Managing Editor for the newspaper to make him aware of the position and to pass on the formal request for the journalist to desist. No further approaches are made to the individual.





Newspapers and magazines will always want to cover stories about death, especially premature death or death in unusual circumstances. This is not a bad thing in itself; it is in the public interest for a community (either national or local) to be informed about the deaths of its members, and it would not be right for the PCC to restrict such stories unduly. But we know through our experience of speaking to those who have been bereaved that dealing with calls and requests for information from journalists following the death of a loved one can be extremely upsetting. Equally, there is often a lack of understanding about the fact that a tragedy may be reported. It is vital that the friends and family of people who have died are told at an early stage that press interest may be forthcoming.

As the behind-the-scenes section (pages 5 and 6) of this report explains, the PCC can offer assistance in various ways to individuals who find themselves caught up in a media story. Although the PCC has always done a considerable amount of proactive work in this area, our efforts have been significantly stepped up in the past year. In part, the recognition that we needed to do more in this area stemmed from our experience of how suicides in and around Bridgend in 2008 were reported, both locally and nationally.

In last year's Annual Review, we set out how we sought to contact many local organisations in South Wales as it became obvious that the deaths were becoming a major news story. However, we subsequently learned from people in the region that there was a general lack of understanding about our powers and availability. It was important that we took this criticism on board, and learned from it.

Primarily, this has involved working more closely with police family liaison officers, since they are often the first point of contact for grieving families. In 2009, we worked with the National Executive Board for Family Liaison to disseminate information to all its members in police forces throughout the country. Following a successful presentation to the Board, several individual police forces (including the

Protecting the vulnerable

Metropolitan Police, Derbyshire and Cheshire) requested talks and seminars from PCC staff, which we were pleased to arrange. Feedback from these sessions was positive, with one attendee commenting:

"Just a short note to say thank you very much for your presentation on Monday. I think the PCC is one of those things Officers need to store in the back of their minds ready to use when the need arises. It was useful to hear what you can do for us and I am extremely grateful to you for taking the time to come and talk to us".

We also worked with the Ministry of Justice, who helped us to contact over 85 organisations specialising in bereavement support. As the government department with responsibility for the work of Coroners, the MoJ last year published an important new "Charter for bereaved people", which now includes a reference to Clause 5 (Intrusion into grief or shock) of the Editors' Code of Practice and the services offered by the PCC. We subsequently contacted the Coroners Officers Association to ensure that Coroners' offices up and down the country have information about the PCC to hand when they are advising any family concerned about media attention.

A number of important new contacts were made in 2009 via the government's Central Office of Information, which coordinates the activities of regional emergency forums. Each forum has a sub-group that deals with media-related issues at times of emergency and crisis. They include representatives from the police, fire and ambulance services as well as local Councils, all of which are likely to need to know about the PCC should a major incident arise. Our efforts to engage with the UK resilience structure in this way have prompted a good response, and we intend to build on this in 2010.

Other examples of work in the area of bereavement support include: exhibiting at the annual conference of the National Institute of Funeral Directors; arranging for an interview to be broadcast at a conference organised by the charity Cruse; arranging links to the PCC website on relevant external

websites such as Victim Support and the Home Office; and maintaining ongoing contact with Strategic Health Authorities and other NHS bodies.

Our work to promote responsible reporting of suicides has continued in 2009, and we remain in regular contact with both the Samaritans and Papyrus. We were pleased to welcome into the PCC offices a member of Samaritans' staff, who spent a few days looking first-hand at the kind of complaints we deal with, and the outreach work that we do.

Rachel Kirby-Rider, Director of Fundraising and Communications at Samaritans, said:

"We greatly value the relationship that we have with the Press Complaints Commission in order to aid sensitive and responsible portrayals of suicide and self-harm; lessening the impact on bereaved families and guarding against excessively detailed news reports that could trigger copycat deaths".

A PCC representative attends every meeting of the All-Party Parliamentary Group on Suicide Prevention (chaired by Madeleine Moon MP) in order to listen to any concerns that its members may raise about media reporting. This contact also ensures that MPs with a particular interest in suicide reporting also stay up-to-date with relevant PCC decisions and case law.

We are committed to ensuring that editors and journalists understand PCC decisions as they relate to suicide, and our ongoing series of training sessions with the industry (see page 13) regularly include such cases.

We greatly value the relationship that we have with the Press Complaints Commission in order to aid sensitive and responsible portrayals of suicide and self-harm

Rachel Kirby-Rider,
Director of Fundraising and Communications
Samaritans



Working with complainants

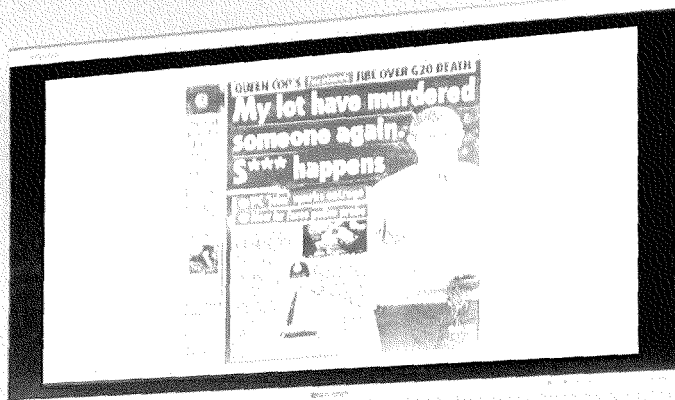
Improving understanding of the PCC's work and services among those who have complaints to make about the press is vital. In 2009, we continued our programme of public open days, visiting Nottingham in June. We also rewrote and redesigned our 'How to Complain' literature – available both online and in hard copy – to better explain to the general public how the PCC can most appropriately help in various situations. Our website continues to be updated regularly with information to help users identify when their concerns are ones we can deal with, and when they are not.

As well as these general measures to improve understanding, the PCC has expanded its programme of reaching out to those who either have particular concerns about press reporting or who are likely to find themselves representing others who do. In particular, we target groups representing minorities, be they ethnic, religious or health-based for example. We also target public authorities, who are likely

to come into contact with vulnerable individuals, especially at times of grief or shock. In 2009, we engaged particularly with police family liaison teams, Coroners' offices, healthcare communicators and funeral directors. In addition, we maintained our rolling programme of seminars for media shielders in the armed forces, working closely with the Defence Media Operations Centre, now based at RAF Halton in Buckinghamshire.

The PCC also participated in several initiatives designed to improve media reporting of issues connected to children and young people. We hope to do more in this area in 2010, not least in our capacity as members of the UK Council for Child Internet Safety.

Important contacts with the suicide prevention and mental health sector have been strengthened throughout the course of the year. In 2010 we will co-host a seminar on wider issues connected to reporting of mental health.



PCC staff undertook speaking engagements at numerous events, including:

- Kingston University, 'Muslims and the Media' conference;
- Cardiff University, 'Africans in the Media' conference;
- Rethink regional meeting, 'Mad about the Media' group;
- 'Every Headline Matters', a consultation by the Institute of Global Ethics to examine a shared vision between the media and young people;
- Cruse Bereavement Care, annual conference;
- Association of Chief Police Officers, Media Advisory Group;
- Independent Police Complaints Commission, Family Liaison conference;
- Police Family Liaison National Executive Board;

- Cheshire Police Force, Family Liaison Officers;
- Justice Media Law conference, 'Free Speech v Privacy: assessing the latest developments in media law and human rights';
- Lexis Nexis Media Law conference, 'Privacy and the PCC: adapting to changing circumstances';
- Westminster eForum on internet regulation, 'Taming the Wild Web? Internet Regulation & ISP Responsibility';
- Cardiff University, 'Future of Journalism' conference.

Where it is not possible to meet in person, we ensure that copies of PCC literature are sent to relevant individuals and organisations, so that they have information and contact details to hand. We also provide a range of briefing notes and articles for specialist publications and websites.

 Please email tonia.milton@pcc.org.uk if you are interested in a meeting or talk about the work of the PCC or if you would like any literature.

Working with journalists

The Press Complaints Commission has a clear role in maintaining and raising industry standards. Its function as adjudicator in cases that can't be mediated (or that are not appropriate for mediation) is key in this regard. By ruling on what is and is not acceptable, the Commission sets benchmarks for editors and journalists, gradually establishing case law across all areas of journalistic activity.

It is not enough, however, for the PCC to make rulings and then assume that they will somehow be absorbed automatically. This is why the Commission plays an ever-increasing role in the professional development of in-post journalists, from junior reporters to news editors, photographers to chief subs. Most of our work in this area is done by holding update seminars at which real PCC cases are discussed and analysed, with journalists first considering how *they* might have judged the complaint and then examining the Commission's own ruling.

Because of increasing demand for such seminars, the PCC generally seeks to run them in-house at any publication that expresses an interest. During 2009, seminars were held at the Bristol Evening Post and the Birmingham Mail, with further regional events planned for 2010 in Belfast, Newcastle and Southampton. National newspapers too have recognised the value of their journalists being familiar with PCC case law and 2009 saw a record number of seminars at national titles, some newspapers requesting a series of events to ensure that all staff were able to take part. The Commission is committed to responding positively to all requests for training and professional development, and seminars can be tailored to suit particular publications or areas of journalism and the number of attendees – from half a dozen to over a hundred.

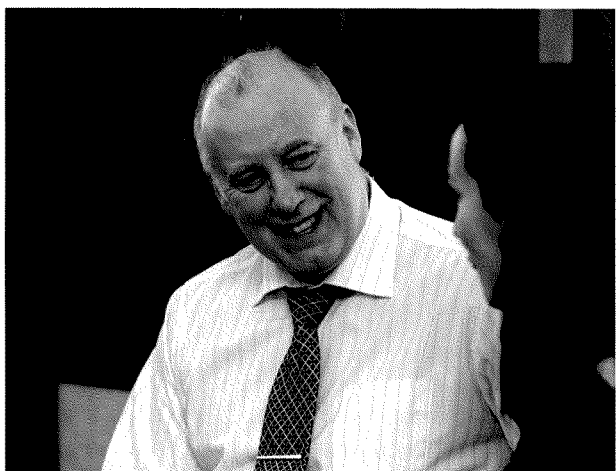
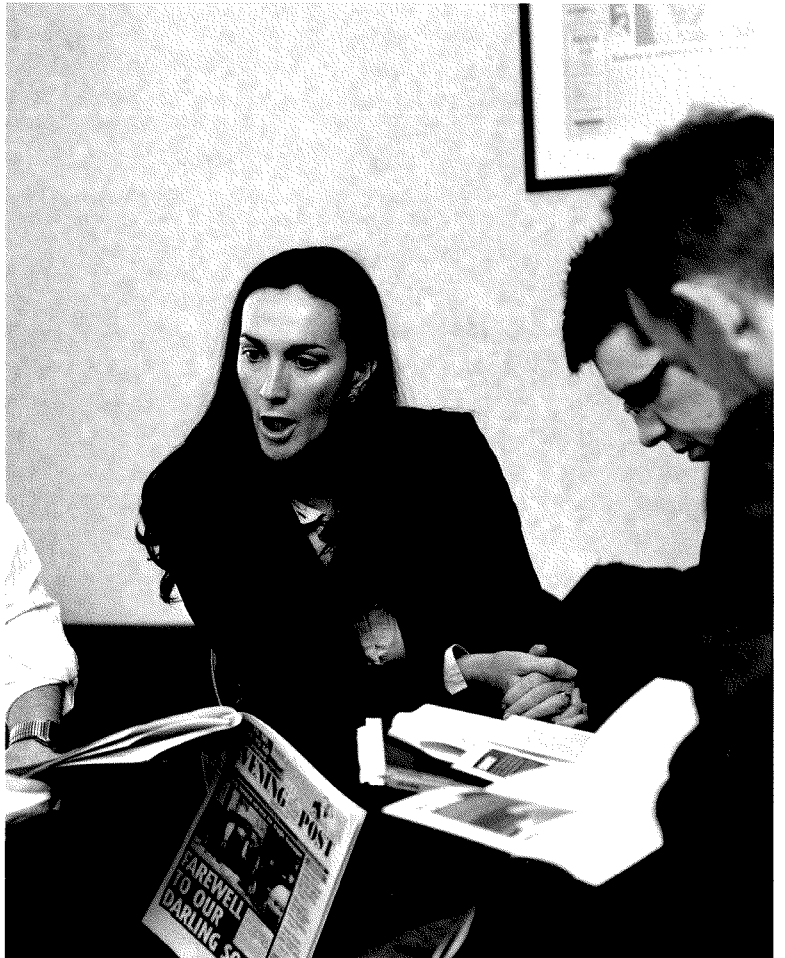
In all, PCC staff and representatives ran thirty-three seminars for in-post journalists. These reached hundreds of reporters, photographers and other editorial staff on national titles (broadsheet and tabloid), regional newspapers and magazines.

This work is in addition to our involvement in courses for trainee journalists. Once again, the PCC has a strong commitment to ensuring that those who have been through formal journalistic education are fully aware of how the Commission interprets the Editors' Code of Practice in key areas. Staff of the Commission are greatly assisted in this programme of lectures by Alison Hastings, former editor of the Newcastle Evening Chronicle and an ex-Commissioner, as well as by Professor Bob Pinker, another former member of the Commission and for a time its Acting Chairman. In 2009, PCC representatives spoke to students on well over 30 undergraduate or post-graduate degree courses. We also hosted talks and seminars for dozens of school groups and parties of overseas students. Our teachers' resource pack remains available at www.pcc.org.uk and will be updated with new case histories in 2010.





PCC Director, Stephen Abell (bottom left) and consultant, Alison Hastings (below), talk to journalists at a recent update seminar for staff at the Belfast Telegraph and Sunday Life. Participants discussed the Commission's interpretation of the Code on key issues by an examination of recent cases.

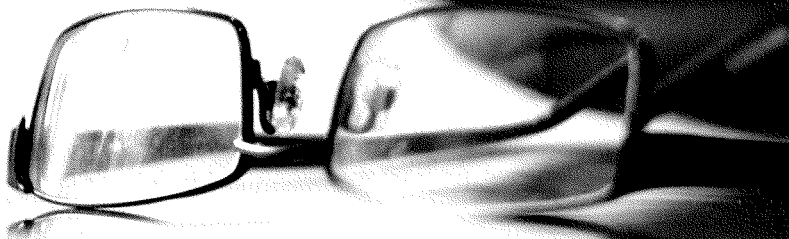


 To request a training seminar or talk, please contact: tonia.milton@pcc.org.uk



Working internationally

The media is increasingly globalised and something that appears on a website hosted in Australia is just as accessible here as information on a UK website. This doesn't mean that a newspaper in Britain can automatically publish something because it has already appeared on an obscure website elsewhere in the world.



But what it does mean is that individuals caught up in a story can become the subject of global scrutiny like never before. As a result, it is vital that the PCC is able to assist people who are experiencing problems abroad.

If the problems relate to UK journalists working in foreign countries, the PCC can deal with them easily – the behaviour of British reporters and photographers is a matter that falls within the Commission's jurisdiction wherever the journalists may be. But what about material that has appeared in a newspaper or magazine that is published outside the UK's borders? Or what if an individual is being harassed by foreign journalists?

It's here that our relationship with other Press and Media Councils can be of great practical benefit to complainants. Within minutes we can – and have – put complainants in touch with PCC-equivalent bodies in Belgium or Australia, Canada or Germany. Not every Press Council can offer exactly the same range of services as the PCC – especially in connection to pre-publication concerns – but they are best placed to offer help and advice to people who don't know exactly what their rights are.

As well as providing immediate, practical benefit to complainants, our links with counterpart organisations help us to develop press self-regulation in a positive direction: learning lessons from other countries, avoiding pitfalls they might have experienced, while borrowing ideas that have proved successful elsewhere. Changes to the presentation of our own statistical information in 2009 followed a close examination of practices abroad.

Much of this information and advice exchange happens through meetings of the Alliance of Independent Press Councils of Europe (AIPCE). Members of the Alliance are also much more readily in contact with one another by email than in times gone by, which undoubtedly reflects the need to be as up to date as possible with developments in the field. At the 2009 meeting of AIPCE, topics under discussion included the various mechanisms for mediating complaints and models for sustainable funding of Press Councils. The Alliance welcomed as members the newly-established Press Councils of Serbia and Moldova.

The last year also saw the PCC participate in a major Council of Europe project to 'Speak out against Discrimination' in the media. The project examined the role that self-regulation can play in rooting out prejudice, noting that there is not necessarily a single solution to suit all geographical areas. The project remains ongoing but it has already been helpful in providing an additional framework for comparing the ways in which different Press Councils go about their work. For instance, it is clear from the work already done that, like the PCC, most Press Councils do not offer specific protection to groups (as opposed to identifiable individuals) against discrimination. Yet on another point of comparison – the make-up of its board – the PCC is in the clear minority: it has a greater ratio of public to industry members than any other comparable body in Europe.



For more information about the Alliance of Independent Press Councils of Europe please visit:

www.aipce.net

or contact Will Gore, the Commission's Public Affairs Director
will.gore@pcc.org.uk

CMS Select Committee Report on Press standards, privacy and libel

After a long investigation, conducted throughout 2009, the Parliamentary Culture, Media and Sport Select Committee released its Report on Press standards, privacy and libel in February 2010.

It made a number of recommendations with regard to the reform of libel laws, press standards and regulation. The Committee's inquiry sought to address concerns amongst the media that the operation of libel laws and the impact of costs were stifling press freedom, as well as considering the balance between personal privacy and freedom of expression, and the increased use of injunctions and super injunctions. It also examined press standards in the UK, considering two recent cases: the reporting of Madeleine McCann's disappearance; and the suicides in and around Bridgend in 2008.

The Select Committee took the view that self-regulation of the press is greatly preferable to statutory regulation. It criticised some of the work of the PCC, and recommended that the Commission should be seen to take a far more active role in ensuring that standards are upheld, and that it should have the power to impose financial penalties on newspapers that breach the Code of Practice.

The level of scrutiny which the Select Committee has applied to the PCC's practices was welcome, and the Commission – while not agreeing with some of its assertions – has responded to the report on that basis. By necessity, the Select Committee's report focused on a limited period of time and a few individual cases, which – of course – contrasted with the Commission's ability to rely on an archive of thousands of cases and the experience of its varied Commissioners. However, the PCC values the Select Committee's shared commitment to self-regulation which is firmly embodied in the Report, and is very willing to engage with the Select Committee in dialogue to continue its development for the future.

The Select Committee also reopened its inquiries into allegations about phone message hacking conducted at the News of the World prior to 2007 (which had led to the imprisonment of Clive Goodman and Glenn Mulcaire). Articles in July 2009 by the Guardian newspaper contained further information about the practice, most notably the fact that

The Select Committee took the view that self-regulation of the press is greatly preferable to statutory regulation

the News of the World had made a confidential settlement following a legal action by Gordon Taylor (who had been one of the victims of the message hacking).

In July 2009, the PCC reconsidered its own inquiries and recommendations in 2007 (following the trial of Goodman and Mulcaire), when it had sought to ensure that internal controls had been improved at the News of the World and to establish industry-wide guidelines on the issue of subterfuge. The Commission examined whether it had been misled by the News of the World in 2007, and whether there was any evidence to suggest the practice of phone message hacking was ongoing.

The PCC considered that the answer was "no" to both questions, and published a report to that effect in November 2009. The Select Committee report of 2010 was critical of the News of the World (saying its executives suffered from "collective amnesia" in giving evidence to the Select Committee), but stated that it could not determine the extent of alleged phone message hacking. It also said that there was no evidence that phone message hacking is ongoing.

The Commission has publicly deplored the practice of phone message hacking, and has made clear that it will act should it be presented with any evidence of it continuing.

The Commission has publicly deplored the practice of phone message hacking, and has made clear that it will act should it be presented with any evidence of it continuing



For more information please visit:

www.pcc.org.uk/news/press-2010.html

or contact Jonathan Collett, Director of Communications
jonathan.collett@pcc.org.uk



Q Can you explain a little about what you do as your day job?

I am a member of the Criminal Cases Review Commission, investigating possible miscarriages of justice from deepest Birmingham. So, if you're a reader of The Independent I am a freedom fighter for human rights, and if you're a Daily Mail reader I let villains out of jail at public expense.

Q What motivates you to serve on the PCC Board?

As a regulator you must, I think, in principle approve of and support the thing you're regulating, because then you will be most moved to adjudicate sternly when you see some of the participants letting the side down.

I wouldn't sit on the PCC if I didn't believe it was the appropriate agency to keep standards high, while preserving freedom of expression. This means being tough on lapses of judgment when they arise.

Q What function do you feel the PCC performs?

I think the PCC performs a public service of holding editors to account when challenged by their readers. That service is delivered quickly, without fear or favour and free of charge. It is the same service whether the complainant is royalty, an MP, a celebrity or an ordinary member of the public.

Q Can you explain the weekly work you do for the PCC?

I contribute to the adjudication of thirty or forty cases every week. The paperwork that Commissioners have to read, review and judge is huge, and this is the aspect of our work that most surprises new members. The postman doesn't speak to me any more. The wedge of papers from the PCC office won't go through the letter box. He rings the doorbell, I answer and we smile ruefully at each other. I think it tactful not to ask how his latest hernia operation has gone.

Much of the weekly material comes from a world far away from national issues and celebrity gossip. The solution to the problem identified by GK Chesterton – that journalism largely consists in saying "Lord Jones Dead" to people who never knew Lord Jones was alive – can still be solved by finding the local or specialist angle. Hence the legendary headline from a Yorkshire newspaper in 1912: "Titanic Sinks – Heckmondwike Man on Board".

Q What qualities should lay members bring to the PCC?

They should be reasonably bright, take their roles seriously, have a fair sense of how the media business works, and be completely independent. Beyond that we each have our own individual skills. From my criminal work I have developed a pretty good internal twaddle-o-meter, letting me spot when people are trying it on or taking me for a ride. And in my time I have also done a lot of work with vulnerable and damaged people, which means that I am especially sensitive to the issues involved in complaints involving sexual issues, crime and suicide.

People who work at the PCC might say that my ultimate personal specialisation lies in esoteric typographical corrections of Commission work. I follow in the footsteps of the journalist George Mair, who is said once to have telephoned a semicolon from Moscow. My obituary, if any, will be: "He was quite good with apostrophes". Or, more probably – given the effect of cost cutting on the subeditor's art – "He was quite good with apostrophe's."

In fact, each Commissioner will have his or her own particular key dislikes in the articles that come for review. I really hate headlines that bear minimal relation to the stories that follow them, and above all sloppiness – those occasions where the journalist has made barely a half-hearted attempt to get the true story.

Q Do you think editors should sit on the PCC? What do they bring to the table?

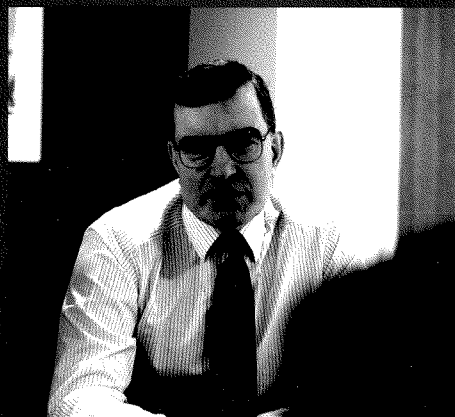
It is right that there is an independent majority of public members of the Commission (10 out of 17) but it's right too that editorial knowledge and expertise are brought to the table. Editors can often be tougher than the lay members because they can spot a lame excuse a mile off. I can tell you that there is no conflict of interest because editors leave the room when there are judgments relating to their own newspaper groups.

Q What happens at Commission meetings?

We meet every six weeks to consider complaints, and discuss broader issues affecting what we do. Discussions are always vigorous. Commissioners bring their own knowledge and expertise to the table whether police chief, bishop, former MP, academic, union official or newspaper editor. Most of the time, at most of our meetings, you'd find it hard without prior knowledge to identify who was a lay member and who an editor.

The cut and thrust of debate are important, and people change their minds during the meeting, before agreement is reached. One of the most high profile complaints in recent times concerned that much-lamented article written by a columnist about the late singer Stephen Gately. In a parallel universe I'm sure I would have joined in with the fury of the thousands of Twitterers it provoked. But what I personally find tasteless has no relevance to my PCC job. It is not my role, and should not be that of any regulator, to force our respective standards of decency on to anyone else. The PCC doesn't do censorship. Either freedom of expression means the right to publish something unpleasant, or it does not really exist at all.

Q&A with a public Commissioner



Q How would you improve the PCC?

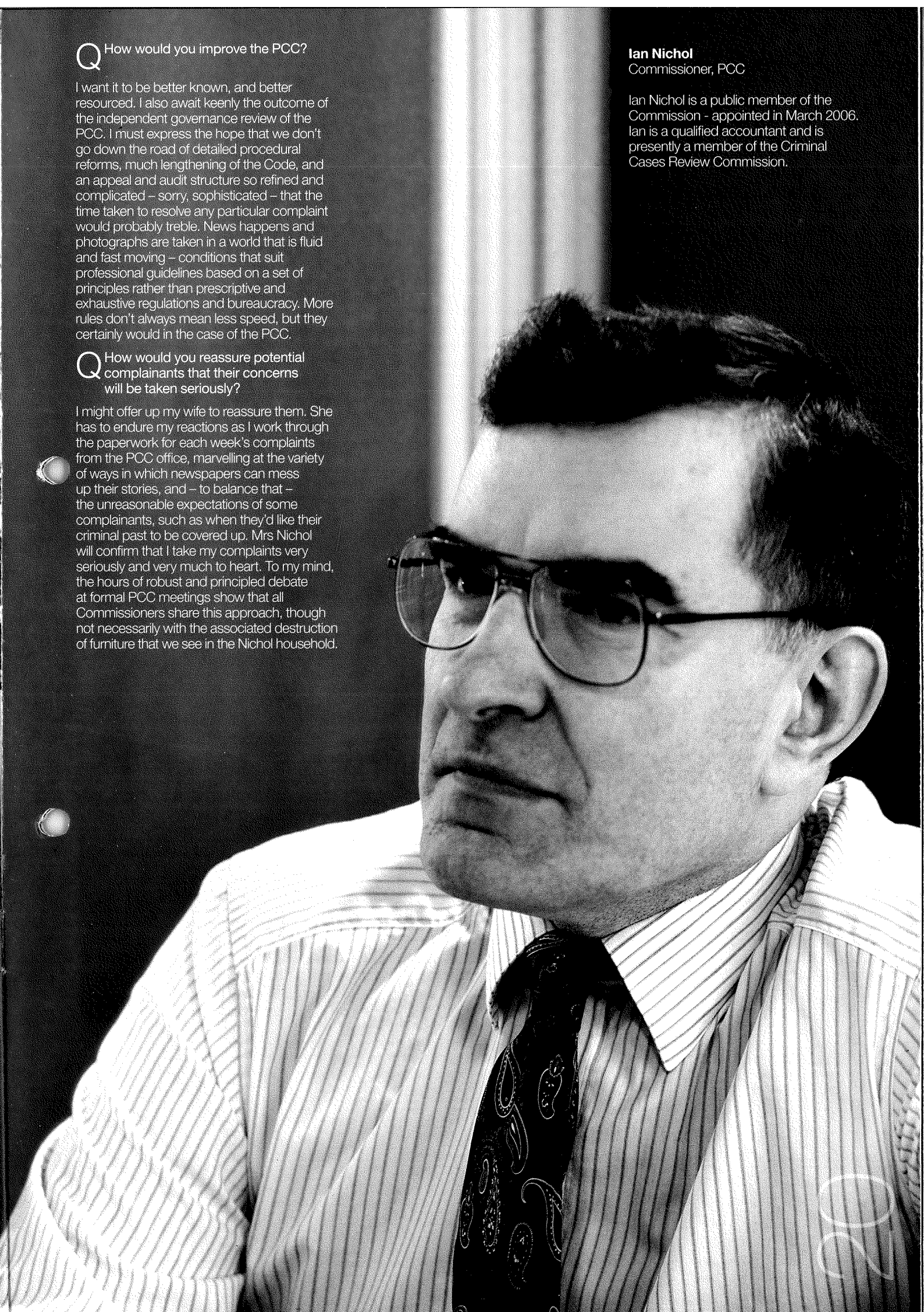
I want it to be better known, and better resourced. I also await keenly the outcome of the independent governance review of the PCC. I must express the hope that we don't go down the road of detailed procedural reforms, much lengthening of the Code, and an appeal and audit structure so refined and complicated – sorry, sophisticated – that the time taken to resolve any particular complaint would probably treble. News happens and photographs are taken in a world that is fluid and fast moving – conditions that suit professional guidelines based on a set of principles rather than prescriptive and exhaustive regulations and bureaucracy. More rules don't always mean less speed, but they certainly would in the case of the PCC.

Q How would you reassure potential complainants that their concerns will be taken seriously?

I might offer up my wife to reassure them. She has to endure my reactions as I work through the paperwork for each week's complaints from the PCC office, marvelling at the variety of ways in which newspapers can mess up their stories, and – to balance that – the unreasonable expectations of some complainants, such as when they'd like their criminal past to be covered up. Mrs Nichol will confirm that I take my complaints very seriously and very much to heart. To my mind, the hours of robust and principled debate at formal PCC meetings show that all Commissioners share this approach, though not necessarily with the associated destruction of furniture that we see in the Nichol household.

Ian Nichol
Commissioner, PCC

Ian Nichol is a public member of the Commission - appointed in March 2006. Ian is a qualified accountant and is presently a member of the Criminal Cases Review Commission.



The Commission

All Commissioners bring their own personal expertise to the PCC, coming from different backgrounds and with different experiences.

There are 10 public members, including the Chairman, who have no connection to the industry. Following open advertisement and interview, they are appointed by the Appointments Commission (which itself has a majority of lay members).

Cases brought before the Commission are discussed at length and different Commissioners put forward their own understanding and opinion. Rulings are reached by consensus following discussion.

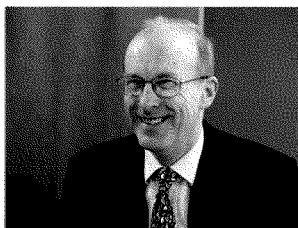
The editors – brought in to provide industry knowledge and the weight of peer judgement – are in the minority to ensure the independence of the PCC. Following nomination by one of the industry trade bodies, the editorial members of the Commission are also appointed by the Appointments Commission.



◀ **Baroness Buscombe**
Chairman



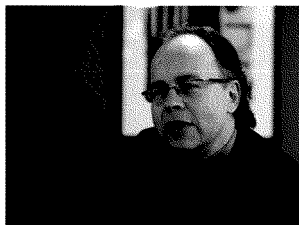
▲ **Eve Salomon**
Chairman, RICS Regulatory Board; Chair, Internet Watch Foundation; Commissioner, Gambling Commission



◀ **John Home Robertson**
Former MP and MSP



▲ **Esther Robertson**
Director (non-Executive), Scottish Council for Development and Industry



▲ **Ian MacGregor**
Editor, The Sunday Telegraph

Professor Ian Walden ▶
Professor of Information and Communications Law, Queen Mary, University of London



Simon Reynolds ▶
Editorial Director, Lancashire Evening Post & Wigan Evening Post



▲ **Matti Alderson**
Chairman, Direct Marketing Commission; Removals Ombudsman



▲ **Simon Sapper**
Assistant Secretary, Communication Workers' Union





The PCC now publishes the minutes of its meetings so as to be more open about its processes. It also has an online register of interests.

In 2009, the members of the Appointments Commission were:

- The Chairman of the PCC (until April, Sir Christopher Meyer and Baroness Buscombe thereafter);
- Guy Black, The Chairman of the Press Standards Board of Finance (until September, Tim Bowdler CBE and Guy Black thereafter);
- Andrew Phillips OBE (Lord Phillips of Sudbury);
- Lord Evans of Temple Guiting CBE; and
- Dr Elizabeth Vallance (Lady Vallance of Tummel).

There is more information about the Appointments Commission at: www.pcc.org.uk/whoswho.

Two distinguished senior figures left the PCC in 2009. Sir Christopher Meyer completed his tenure in March after having served for 6 years as Chairman and Tim Toulmin stepped aside as Director in late December after 10 years with the PCC. We would like to take this opportunity to thank them both for their dedicated service.

The following people also served on the Commission during the course of the year. We are very grateful to them all:

- Spencer Feeney (editorial member, until April)
- Colleen Harris (public member, until July)
- Vivien Hepworth (public member, until September)
- Simon Irwin (editorial member, until March)

John McLellan ►
Editor, The Scotsman



▲ Anthony Longden
Managing Editor, North & East London Newsquest



Julie Spence OBE QPM ►
Chief Constable of
Cambridgeshire Constabulary



▲ Peter Wright
Editor, The Mail on Sunday



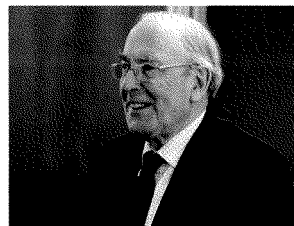
◀ Ian Nichol
Accountant; Member of Criminal
Cases Review Commission



◀ Tina Weaver
Editor, Sunday Mirror



▲ Lindsay Nicholson
Editorial Director,
Good Housekeeping



◀ The Rt Rev John Waine
Member of the Foundation,
University of Essex

Listening and improving

The PCC has sought to evolve ever since its inception in 1991, voluntarily instigating many changes in order to improve the standard of service to our users.

However, we recognise that there is always more to do, and are always happy to consider suggestions about how we can do more.

Governance review

Shortly after taking over as Chairman of the PCC in April 2009, Baroness Buscombe announced that the PCC's governance would be subject to an independent review. Speaking at the time, Baroness Buscombe explained that "it is important periodically to reflect on the way an organisation works to make sure we have taken account of good practice elsewhere and wider public expectations".

The review is examining and considering the arguments for change in five main areas: the PCC Board; the Appointments Commission; Transparency; Accountability; and the organisation's Articles of Association. Following a public call for submissions towards the end of last year, it is examining a range of suggestions, and is also undertaking a series of evidence sessions with various individuals and organisations, in order to fully listen to their proposals.

The review's website – which includes information about the members of the review panel as well as the submissions – is www.pccgovernancereview.org.uk. The report is expected to be published in early summer 2010.

Website

The PCC's website – www.pcc.org.uk – is the first port of call for many people seeking advice about how we might be able to help them, so it is important that it is as useful and comprehensive as possible. The site is updated every day with information about new complaints decisions, while the more general sections about how we work are reviewed on an ongoing basis to ensure they are up-to-date.

Last year, we decided to start publishing monthly summaries of every complaint we deal with (rather than just those that are formally adjudicated or resolved). So, it's now possible to look at complaints which fell outside our remit, for example, or which the complainant decided not to pursue past an initial stage. These summaries have been welcomed as an important improvement to the PCC's transparency.

Other changes made last year include the rewriting of the 'Frequently Asked Questions' and 'How to make a complaint' sections of the site, in order to make the language more understandable. Following suggestions from members of the public who had used the website, the online complaints form was amended so that more information about the articles could be included. We also improved the overall navigation of the site.

We also listened to suggestions that the website could be improved by better presenting information about a particular part of the Code in one place, in order to guide potential complainants about past rulings. A new section called 'Understanding the Editors' Code and Key Rulings' was therefore introduced, which links through to the relevant sections of the Editors' Codebook. The Codebook contains a wealth of information about how the PCC has interpreted the Code of Practice, and this new section ensures that members of the public as well as journalists now have access to it.

Although the website regularly receives good feedback from our customers, we are always grateful for new ideas and suggestions and will be looking at improving it further in 2010. Please email tonia.milton@pcc.org.uk if you have any comments.

Feedback

Like any organisation delivering a service to members of the public, it is important that we know how we are rated by those on whose behalf we work. One of the main methods by which we evaluate our performance is by surveying (on an anonymous basis) every person who receives a decision under the Code of Practice about their complaint. The results are made public on our website, and are generally positive. In 2009:

- 80% of complainants said that their complaint had been dealt with by the PCC thoroughly or very thoroughly;
- 72% of those surveyed said that the overall handling of their complaint was satisfactory or very satisfactory;
- 79% of people felt that the time it took to deal with their complaint was 'about right'.



Send us your own feedback via:

www.pcc.org.uk/review09



As an individual it can be quite frightening and upsetting to have a conflict with a large organisation and it is very comforting to have someone from an outside organisation take an impartial look at the case and help resolve the matter

Not the result I hoped for but very clear and dealt with quickly and efficiently

The best organisation I have dealt with in years

Even though our complaint did not get the outcome we would have liked, your service was courteous, prompt and efficient, so thanks for that

I was delighted with the solicitous and highly efficient way in which [PCC staff] handled my complaint and with the robustness of the adjudication

Some examples of more detailed feedback received last year

Report of the Charter Commissioner 2009

The office of the Charter Commissioner was instituted in 2004 to provide an independent examination of the handling of complaints. Any complainant who receives a decision from the PCC has the right to complain to the Charter Commissioner about how their case has been handled.



Sir Michael Willcocks KCB CVO
PCC Charter Commissioner

1. I assumed the post of Charter Commissioner for the Press Complaints Commission (PCC) in May 2009, taking over from Sir Brian Cubbon who was its first holder. My defined role continues to be one of considering complaints about the handling of cases taken to the PCC where a decision by them had been made. Although my remit is, therefore, solely to examine the handling of such complaints, and I have no authority to review or overturn the Commission's findings, the expectations of the majority of complainants are rather different from this and so I deal with this point separately below.
2. There were 35 complaints to the Charter Commissioner in 2009: 15 to Sir Brian and the remainder to me. This total represents some 1% of those cases where the PCC considered a complaint made within its terms of reference. Although I have studied the complaints and the responses made to them during the period of January-April, before I assumed office, I have confined my observations in this Report to those complaints which I have dealt with personally.
3. In all but one of the 20 cases I have considered, the complainants, although usually citing "handling" as the cause of their grievance, were in fact appealing to me against the PCC's decision. I made it clear to them all that this was outside my authority, but nevertheless I did examine the full PCC files of these cases and frequently discussed them with the staff of the Commission to ensure that I fully understood the context and rationale behind the decisions made. In this way I was often able better to explain the PCC's rulings to the complainants.
4. In one case the editor of a magazine agreed to my recommendation to amend an article to clarify the exact words used by the complainant which could have been misconstrued in the original piece. The complainant was fully satisfied by this outcome.
5. In two cases there were complaints about the release of private addresses to publications. I was able to explain how all correspondence between the parties in a case is shown to each side so that full responses could be made to the precise issues raised. However, I found that the PCC booklet "How To Complain", sent to help complainants frame their submissions, did not make it clear that addresses on letters would, therefore, be exposed unless the complainant specifically requested them to be removed. The PCC has accepted my recommendation to amend the advice to make this point explicit.
6. In four cases I had to explain the rationale behind the PCC decision to the complainants. As a result I have recommended that PCC decisions promulgated to complainants should err on the side of fullness of explanation. Often, if more detail from the brief to the Commission were to be included in the findings sent to the complainant, it would help clarify matters for them. I also had to explain the position of third party complainants on two occasions.
7. There were two cases in the 20 where I did find the PCC's handling of the complaint to be at fault. In one, the wrong newspaper was cited on the heading of the PCC's decision sent to the complainant. Understandably, as a result, he was convinced that the Commission had not properly considered his case. Although I was able to assure him that this was not so and the heading had been simply an unfortunate error for which he subsequently received a full apology from the person responsible, he was not placated. In the other case, an email between the PCC and an editor, which was not intended to be seen by the complainant, was sent to him in error. It was couched in a wholly inappropriate tone, giving the impression of over familiarity and thus lack of objectivity between the Commission and the paper concerned. This was not the case, but it was unfortunate that personal exchanges were mixed with consideration of the issues. At my request the Director of the PCC has issued guidance on this aspect of procedure to all staff.

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Financial Report

The PCC's income comes from the raising of levies on press organisations. In order for the PCC to retain a suitable distance from the industry, this funding is organised by a third party, the Press Standards Board of Finance (PressBof).

8. Once again, however, the majority of complaints to the Charter Commissioner sought a review of the PCC's decision affecting them. It would, I feel, be quite wrong for a single person sitting alone to be able to overturn the considered judgements of a Committee consisting of 17 persons drawn from the widest of backgrounds, including professional journalists. However, when I explain this to complainants, along with the consequent limits of the Charter Commissioner's powers, it does little to assuage their continued sense of grievance. In the sorts of cases I have covered above, I have at least been able to explain the logic behind some of the PCC's rulings, but there have been other cases where I have found that the complainant may indeed have cause for believing that their case should be re-examined.
9. In the past eight months I have been asked in seven instances for such a re-examination. Two of these I rejected as having no grounds for such a course of action, but I did ask the PCC to look again at the other five. In the event none of these re-examinations led to a change in the Commission's findings, but they did lead to some of the complainants feeling they had been more fairly treated and others at least better to understand the reasoning behind the decisions.
10. In referring such cases back to the Commission I am aware that it could be held that I am straying outside the boundaries of my responsibilities. I feel strongly, however, that this is a proper role for the Charter Commissioner and one that should be recognised formally. I have represented this view to the Independent Review of PCC Governance.
11. I finish by expressing my thanks to the members and staff of the Press Complaints Commission for their unfailing courtesy and helpfulness in the face of my constant questioning. I am able to assure all those who bring their appeals to me that I continue to be impressed by the thoroughness and impartiality of the PCC's work in arriving at their decisions, whilst I myself remain totally independent from them.

Sir Michael Willcocks KCB CVO
February 2010

Here are extracts from the Commission's accounts for 2008, the most recent year for which figures are available. They have been audited by Saffery Champness.

Item	Expense £
Staff and Commissioners' costs	1,088,519
Accommodation, including insurance	154,472
Telephones and faxes	17,834
Newspapers and other publications	11,310
Office equipment and leases	34,519
Stationery, printing and sundry costs (inc. monitoring)	58,909
Postage	13,512
Lawyers	97,584
Audit and tax consultancy	49,445
Charter Commissioner / Charter Compliance Panel	41,641
Consultants	74,894
Design and Literature	45,317
PR/conferences/entertainment	90,823
Travel and subsistence	46,950
Website and IT costs	33,764
Depreciation	33,952
Bank Charges	1,278
Total	1,894,723

The PCC is an independent self-regulatory body which deals with complaints about the editorial content of newspapers and magazines (and their websites). We keep industry standards high by training journalists and editors, and work proactively behind the scenes to prevent harassment and media intrusion. We can also provide pre-publication advice to journalists and the public.

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