



PCC Response to the Independent Governance Review

December 2010

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Introduction

This document forms the published response of the PCC to the independent Governance Review, which was published in July 2010.¹

This review produced individual recommendations, with which the Commission has now engaged. These amount to 74 specific items, which appear below. It should be noted that the numbering of these items has been slightly re-organised for the sake of clarity, and does not correspond precisely to the summary of recommendations at the end of the Governance Review.

The Commission welcomes the diligent consideration with which the Governance Review examined the structures and procedures of the PCC. The result is a set of recommendations which the Commission can take forward in both spirit and detail. There are very few points of disagreement within the PCC on the specifics of the Governance Review's thinking.

¹ This is available to read at http://www.pcc.org.uk/assets/441/Independent_Governance_Review_Report.pdf

Section One: Clarity of purpose

- 1. The Commission should take responsibility for setting out what its role entails and make clear the areas of activity against which it should be judged (paragraph 21);**
- 2. The Commission should make plain how it considers standards issues. The role of maintaining standards, under the Code, should cut across the organisation as a whole (paragraph 23);**
- 3. The Commission should not change its name to refer specifically to standards. Its role in considering standards should be made apparent both in terms of its public statements and actions in the context of enforcing the Code (paragraph 23);**
- 4. The PCC should be more open about what it means by – and what it wants to achieve through – proactivity. It should make public the areas in which it intends to do this (paragraph 27);**
- 5. The Commission should produce a document, published on its website, covering all of its aims and duties, including the specific basis for how it works proactively (paragraph 28).**

The Commission accepts these recommendations. It is in the process of redesigning its website for 2011, which will accommodate these documents. The documents are reproduced here as Appendices One and Two.

Section Two: Effectiveness

General organisational recommendations

6. The PCC should agree a list of performance objectives every year and publicly report on whether they were achieved, and, if not, why not (paragraph 32).

Starting from 2011, the Commission will set the following objectives:

<ul style="list-style-type: none"> <i>We will ensure the information we provide (online, in printed literature and on our Helpline) is clear, accurate and accessible</i> <i>MEASUREMENT: complainant survey statistics on quality of PCC information</i>
<ul style="list-style-type: none"> <i>We will aim to respond to a complaint within three working days, and deal with it as promptly as possible. We will aim to complete complaints, on average, within 20 days, and conclude formal investigations, on average, within 50 days</i> <i>MEASUREMENT: annual publication of time taken to consider complaints</i>
<ul style="list-style-type: none"> <i>We will aim for complainant satisfaction in the handling of complaints and a high level of service to those who use the PCC</i> <i>MEASUREMENT: complainant survey statistics on complainant satisfaction</i>
<ul style="list-style-type: none"> <i>We will aim to ensure members of the public – and representatives of the most vulnerable people in society – are aware of the PCC and its services</i> <i>MEASUREMENT: annual account of PCC communications work</i>
<ul style="list-style-type: none"> <i>We will aim to be open about our work and accountable for it. We will use our website to publish as much relevant information as we can, including our quarterly performance statistics</i> <i>MEASUREMENT: annual account of website activity</i>
<ul style="list-style-type: none"> <i>We will offer our training seminars to all newsrooms (national, regional and magazines), and provide pre-publication advice to journalists and editors</i> <i>MEASUREMENT: annual account of training seminars</i>

We will use an updated survey of complainants to measure the Commission's performance, and publish results on a quarterly basis. We will review our objectives every year.

7. Statistics should be consistently presented to enable year-on-year comparison. The Commission should consider research into complaints trends, in order to establish whether there are any failings within the industry that require redress and to allow for analysis of the consequences in terms of resource and practice (paragraph 32).

The re-designed website will present complaints information more clearly, and year-on-year comparison will be a feature of the annual report. The Commission is aware of complaints trends (for example, recently, cases arising from material taken from social networking sites) and proactively issues guidance on the back of them. Complaints staff will provide to

the Commission their perspective on trends. The PCC will consider research as appropriate in the future.

8. The Commission should institute a regular programme of polling public opinion on issues relating both to the PCC itself and press standards more generally (paragraph 32).

The PCC is committed to annual polling of public opinion. It will also make internal use of focus groups to obtain qualitative analysis of how people regard the PCC and relevant press regulatory and standards issues. This should help shape how we communicate with members of the public in future.

9. The PCC should set up an Audit Committee, to be chaired by a senior lay Commissioner, in place of the Business Sub-Committee and with wider terms of reference (paragraph 32).

The Commission accepts this recommendation, and is establishing its terms of reference. The Committee will oversee risk assessment and performance, alongside its financial oversight role. It is intended that this Committee will be chaired by the Deputy Chairman. The new PCC website will contain details of the membership of the Committee and its function.

10. There should be an annual “awayday” for the Board and the Secretariat to discuss plans for the next year and an agreed plan of work should then be presented to the Board (paragraph 32).

The Commission accepts this recommendation, and will – where appropriate – make further use of such days (something it has itself initiated in the past) and morning sessions before Commission meetings.

11. New Commissioners should be given a full induction, and be formally mentored by a colleague (paragraph 32).

The Commission accepts this recommendation, and has established a clear induction process for lay Commissioners.

12. The Charter Commissioner (who is to be renamed the Independent Reviewer) should attend Commission meetings twice a year (paragraph 32).

The Commission has already instituted this practice.

Role of Commissioners

13. Commissioners should be better informed about activities (such as the pre-publication advice, anti-harassment work and training) undertaken by the PCC and have input into them (paragraph 34);

14. The Commission should be updated on a weekly basis about any proactive approaches which have been made to individuals (paragraph 35);

15. The Commission should be updated on a weekly basis with any advisory notes circulated to the industry (paragraph 35).

The Commission has accepted these recommendations, and has instituted a weekly internal email update.

16. The Commission should ensure that it is examining ongoing issues, and its role in them, more effectively (paragraph 34);

17. The Commission should ensure that it discusses issues of major public concern, with a view to considering what action it might wish to take. A record of that discussion should be made public, where appropriate (paragraph 35).

The Commission already discusses issues relating to press regulation and the Code of Practice and will continue to do so. Minutes of its meetings are now published.

18. The Commission should set up working groups to analyse and test important policy issues (paragraph 35).

The Commission has already acted on this recommendation, and instituted a working group considering online issues. It will consider further groups as appropriate, bearing in mind the resources available to it.

19. The Commission should use complaints trends, or issues raised by working groups, to consider expanding its range of guidance to the industry on the application of the Code (paragraph 35).

The Commission will consider issuing guidance as appropriate. It is worth noting that the Editors' Codebook – available and updated online – contains a considerable body of guidance written by the industry itself, which makes use of decisions issued by the PCC. This is an important document for the industry on the application of the Code. The Commission will look to publicise it further to individual editors. The Commission also offers regular update seminars and training to all members of the industry, which provide detailed guidance about recent and important rulings.

Complaints

20. The PCC should seek to publicise as many of its rulings as possible (paragraph 38).

When its new website is launched in 2011, the PCC intends to publish reports on all cases that raise a breach of the Code. These will include upheld complaints, resolved complaints, and all cases where the newspaper has offered sufficient remedial action (which the complainant has not accepted as resolving the complaint). This latter category has not previously been published by the Commission.

The Commission issued more than 1700 rulings in 2009, and so – in common with other regulators – does not publish all of them. We will, however, clearly and publicly account, on our website, for every case that comes to the PCC.

21. When a complaint is resolved, the summary should refer specifically to the issues raised under the terms of the Code (paragraph 38).

We have consciously sought to expand the information contained in resolved summaries, and will continue to make them as full and meaningful as possible.

22. The Commission should make clear on its website where complaints have been found to have merit including: cases where it issues a critical ruling; cases where it finds that sufficient remedial action has been offered, but not accepted by the

complainant; cases which are resolved following remedial action (paragraph 38).

The Commission accepts this recommendation, and it will be incorporated into the website.

23. The PCC should develop a secure site on which all substantive complaints could be viewed and assessed by Commission members. A pilot should be instituted over the next year and kept under review (paragraphs 38 and 42).

The Commission will begin the development process of this in 2011.

24. The PCC should consider devolving some decision-making to the secretariat. This would mean that cases that appear to raise no prima facie breach of the Code would be assessed by the PCC office, and a decision issued without recourse to the Commission. The Governance Review recommends that the Commission institutes a pilot over the next year and keeps this option under review.

The Commission is actively considering this option, and will continue to do so. However, it believes there is considerable virtue in the fact all complaints under the Code are considered by the Commission as a whole.

Exceptional cases

25. The Commission must ensure that it is seen fully to examine its role when serious matters arise. It should be clear about what it is able to do, and make the public aware of it. The Commission already has the power to use oral hearings should it believe this would assist its function; it should be willing to deploy this power in appropriately serious circumstances and make public that it is doing so (paragraph 44).

The Commission acknowledges the thinking behind this recommendation, and makes clear that it already examines its role on a regular basis. It does not believe, however, that oral hearings are generally appropriate (or sufficiently practical) in the consideration of complaints, and would not be of benefit to complainants. The current system allows for complainants and papers to set down their positions before being examined by the Commission. There is no need for lawyers to advocate on a complainant's behalf. Access is free and fair, two virtues that are important to the PCC, which would be jeopardised with the general introduction of oral hearings for complaints.

Sanctions

26. The PCC must do more to demonstrate the effectiveness of its current sanctions, and ensure that they are properly exercised and understood (paragraph 45);
27. The PCC should publish a document outlining the potential outcomes and sanctions on its website (paragraph 46).

The PCC accepts that its sanctions need to be better understood. A section on "sanctions" will be part of the documentation published by the Commission that clarifies its function.

28. The Commission needs to do more work to ensure both that apologies are prominently published, and that people are aware of this. A working group on this specific issue would be a positive step (paragraph 46).

The Commission accepts that prominence is a significant issue, and is committed to ensuring corrections and apologies continue to appear with due prominence. Following positive engagement by the Chairman and Director of the PCC with the Editors' Code Committee, the Code has recently been changed to make clear that prominence of corrections and apologies must be agreed by the PCC before publication. This represents a significant step forward for the system. While the Commission will consider a working group on the subject, it feels that the issue can be kept under appropriate review by its Review Panel (charged with an annual audit of the Commission's work).

29. The PCC should consider revealing publicly when it has admonished an editor via correspondence (paragraph 46).

Examples will be recorded in the minutes of Commission meetings, and collated in the Annual Review.

30. The PCC should engage in more direct follow-up with editors, once a breach of the Code has been established and a ruling made (paragraph 46).

The Commission accepts this recommendation, and believes it to be a significant step in strengthening its sanctions. In cases where the Commission has upheld a complaint raising a significant standards issue, or negotiated a remedy to an apparently serious breach of the Code, the PCC will seek to discover what lessons have been learned and what action has been taken as a result of the complaint.

The Commission will also link this to its training programme, and offer specific internal seminars for publications to deal with lapses in standards.

One virtue of this development will be that – even if a complaint has been resolved to the satisfaction of the complainant – the Commission will take action to ensure standards will be raised as a result of the PCC's involvement.

31. The PCC should make more of the fact that the Code is written into journalists' contracts (paragraph 46).

The Commission will – as stated above – follow up breaches of the Code with editors and publishers, to see what action has been taken as a result. The Code is written into the contracts of the majority of newspaper journalists.

32. The Commission and PressBof should consider setting up a joint working group further to consider sanctions. We believe there are a range of creative ideas about how existing sanctions could be made more effective – and be seen to be so – and that these should be investigated (paragraph 48).

The Commission accepts this recommendation, and is in discussion with PressBof.

Section Three: Independence

The lay majority

33. The Commission should do more to reassure people about the conduct of its meetings (paragraph 51).

The Commission now publishes minutes of its meetings. It will continue to consider means of opening up how it works, including inviting observers to proceedings.

34. The option to reduce the overall numbers of the Board – while retaining the lay majority – should be kept under review (paragraph 53).

The Commission accepts this recommendation and will keep its size under review. It is worth pointing out that the current numbers mean a breadth of representation (of both lay and editorial members) which is beneficial to the system.

35. The lay majority should be more visible and the experience of lay Commissioners more effectively deployed (paragraph 54).

The Commission accepts this recommendation.

36. The Chairman of the PCC should be encouraged to appoint a Deputy Chairman from among the lay members, who could give support to the Chairman during the term of his or her chairmanship (paragraph 54).

The Commission believes this should be a matter for individual chairmen to consider. Baroness Buscombe, the current PCC Chairman, has appointed Ian Nichol as her deputy.

37. An enhanced register, available on the PCC website, should declare not only relevant outside interests of all serving Commissioners, as before, but the rules guiding serving editors on the Commission when titles in their groups are the subject of complaints (paragraph 54).

The Commission accepts this recommendation, and has published a register online. This is reproduced as Appendix Three.

38. The Board should make greater use of working groups with lay majorities to ensure that lay Commissioners contribute directly to the strategic thinking of the PCC (paragraph 54).

The Commission accepts this recommendation (see recommendation 18) in principle, but will judge the appropriate representation of lay and editorial Commissioners on a case-by-case basis.

39. The Commission should consult more regularly with external experts so that Commission members, together with the Secretariat, continue to be at the forefront of relevant thinking (paragraph 54).

The Commission accepts this recommendation, and will be inviting experts to speak at its meetings. The Secretariat will continue to receive briefings from interested parties (and has, in the past, attended presentations by members of the Islamic, Transgender and

Gypsy communities, for example).

The Editors' Code of Practice Committee

40. There should be greater transparency in the relationship between the PCC and the Code Committee (paragraph 60).

The Commission agrees with this recommendation, and has increased the transparency over the last twelve months. It will continue to highlight the separation between the Commission and the Editors' Code of Practice Committee in public statements and on its re-designed website.

41. The Chairman and the Director of the PCC should act as more than observers at Code Committee meetings; they should represent the views of the Commission at the table (paragraph 60).

The Commission accepts this recommendation, and has agreed a process to enable the Commission to make its views known.

42. A full report should be made by the PCC Chairman to the Commission following every meeting (paragraph 60).

The Commission agrees with this recommendation, and has instituted this process.

43. Before every review of the Code by the Code Committee, the Commission – perhaps through a devolved working group – should consider recommending changes. The Code Committee should respond formally to the Commission explaining their response, including the reasons why any suggestions have been rejected (paragraph 60).

The Commission accepts this recommendation.

44. The PCC should be consulted on any proposed changes to the Code before it is asked to ratify them (paragraph 60).

This recommendation has already been implemented.

Press Standards Board of Finance (PressBof)

45. PressBof should consider hosting its own website in which the following are explained: the role of PressBof and who serves on the organisation; how the funding is calculated; and a list of publishers who subscribe; how PressBof works with the Commission; the rules by which the independence of the Commission is sustained and guaranteed (paragraph 61);

46. PressBof should examine how it can encourage greater industry participation in the system, in a way that does not compromise the PCC's independence (paragraph 64);

47. Editors across the industry should be encouraged to consider raising specific ethical issues with the PCC, and asking for its guidance (paragraph 64).

These recommendations are for the board of PressBof, and the Commission endorses the idea that there should be greater transparency about the funding structure.

48. A publisher who persistently withholds funding for the PCC should be considered outside the self-regulatory process. In these circumstances, it would be a matter for the funding body to seek to restore relations with the publisher. It should give every reasonable opportunity for payment to be restored. Should this not happen, the Commission should be informed of the position. Following consultation with the Commission, and only as a last resort, PressBof could then make clear to the publisher that defaulting on payment would mean it was no longer part of the system. The Commission would as a result formally decline to consider complaints about the relevant titles, or offer guidance to their editors (paragraph 63).

The Commission accepts this recommendation.

Appointments: PCC Chairman

49. When a new appointment is being made, PressBof should consult with Commissioners at an early stage of the process, to take into consideration the Board's perspective on the needs of the PCC, and the likely skills and attributes of a future Chairman, as well as to receive suggestions as to possible candidates (paragraph 66);

50. The specifics of the contract should be shared with the Board of the PCC, as required by the Companies Act 2006 (paragraph 66);

51. PressBof should consult Commissioners prior to appointing or otherwise the Chairman for a second term (paragraph 66);

52. When a new Chairman is appointed, PressBof should ensure there is an opportunity at the earliest stage for the Chairman and Director to discuss their respective roles (paragraph 67).

These recommendations are for the board of PressBof, and the Commission endorses them.

Appointments: Lay Commissioners

53. The appointments process for appointing lay Commissioners should be tightened and made more accountable (paragraph 71);

54. The Appointments Commission should be replaced by a Nominations Committee of the Commission which should consider all appointments to the Commission (paragraph 72);

55. An independent, external panel member with no connection to the PCC should be involved in the recruitment process to ensure standards are properly upheld (paragraph 72);

Appointments: Editorial Commissioners

56. The Nominations Committee should review the needs of the Board in advance of any appointment, and provide information to PressBof. Efforts should be made to ensure that the regions of the UK are properly and widely represented. There should also be wide representation of publishers and types of publication (paragraph 77);

57. PressBof should consider this information when it nominates editorial members. The Nominations Committee will then be asked to approve the nominations. In the event that approval is not granted, the Nominations Committee should provide full reasons to PressBof and to the Commission (paragraph 77).

The Commission agrees to institute a Nominations Committee to handle appointments. It believes the appointment of lay Commissioners should primarily be a matter for the lay Commission, with some consultation with PressBof. Symmetrically, the appointment of editorial Commissioners should be a matter for the industry, with some consultation with the Nominations Committee.

The Nominations Committee will consist of three lay members, including the Chairman of the Commission (who would be the Chairman of the Nominations Committee). An independent assessor will be appointed from outside the Commission to ensure the selection process of lay members is robust and fair. The Chairman of PressBof will not be a member of the Committee, but will be consulted at the longlist stage.

At the end of the process, the Committee will make a nomination for ratification by the full Commission.

For the appointment of editorial members, the Committee will meet with the Chairman of PressBof to discuss the needs of the Commission. This would cover the Governance Review's recommendation that "efforts should be made to ensure that the regions of the UK are properly and widely represented. There should also be wide representation of publishers and types of publication". The Chairman of PressBof would then liaise with the trade bodies, and agree the representatives. The Committee would then be informed of the proposed names.

The new PCC website will contain further details of the membership of the Committee and its procedures.

58. The appointment of a lay member should be for a fixed three-year period, renewable once (paragraph 72).

The Commission accepts this recommendation, which has been previous practice but now will be formalised.

59. There should be fixed terms for editorial appointments of three years, subject to extension for a further three years by the approval of the Nominations Committee, in consultation with PressBof. When the status of an editorial member of the Commission changes, the Nominations Committee should liaise with PressBof about the need for a replacement (paragraph 77).

The Commission accepts the recommendation that editorial appointments should be for a fixed term of three years. The Commission believes the extension of editorial terms will be a matter for individual editors and PressBof. The Nominations Committee will be consulted in this process.

60. Editorial service on the Commission should become more widespread, and be regarded as a duty of editors. PressBof should take active steps to achieve this. This could include the advertisement of the posts. For national editors (of which there are a small number) a rota system could be established, to guarantee that all national editors eventually serve on the PCC (paragraph 76).

This recommendation is for the board of PressBof, and the Commission endorses the idea that editorial service be as widespread as possible.

61. For the PCC to be truly independent, it must retain the right to remove a Board

Member – whether editorial or lay – in circumstances where the Board Member is failing properly to fulfil his/her duties and responsibilities. This should be voted upon by the full Commission, and require a two-thirds majority. Such a resolution can only be passed if the member concerned has been given 14 days' notice of the resolution and the reasons, plus the opportunity to offer a response (paragraph 81).

The Commission accepts this recommendation.

62. Board working groups should consult journalists as part of increasing their understanding of press issues (paragraph 80).

This option will be considered as the need arises.

Section Four: Transparency

63. The PCC should publish the minutes of its meetings (paragraph 85).

This recommendation has already been implemented.

64. PressBof should explore ways of clarifying the funding system, making clear the basis on which funding is calculated and which publishers pay for the system (paragraph 85).

This recommendation is for the board of PressBof, and the Commission endorses the idea that there should be greater transparency about the funding structure.

65. The PCC should seek approval that the website satisfies Plain English requirements. Efforts should be made to establish a regular audit (involving informed external observers, such as victim support groups) of how clear and useable the website is (paragraph 85).

The Commission will work with the Plain English Campaign in the redesign of the website. The redesign will follow a survey of users. The Commission accepts the recommendation of a regular audit for the website.

66. The Commission should draw up a short protocol on how it approaches its duty of transparency, setting out what material – in connection with the complaints handling process – it will make available on request (paragraph 86).

The Commission accepts this recommendation, and now has an agreed protocol in place.

Section Five: Accountability

The Charter Commissioner and Charter Compliance Panel

67. The process of accountability as currently embodied in the role of the Charter Commissioner should be strengthened. The role of the Charter Commissioner should continue, and his title should become the “Independent Reviewer”, which would have clearer meaning to the public. His functions should be augmented to allow him to assess objections about substance as well as process. If he feels that there are substantive reasons for questioning a decision, he should refer the complaint back to the Commission for reconsideration. The Commission would then either alter its decision, or give reasons for upholding it (paragraph 90).

The Commission does not accept that the role of the Charter Commissioner should be amended, although it does recognise that his title should – for the sake of clarity – become the “Independent Reviewer”.

The Commission does not believe a role should be created by which the decision of seventeen people could be overturned by one. It believes the purpose of the Independent Reviewer is to ensure that the process by which a complaint has been considered is proper and accountable. In practice, this will mean cases can be referred back to the Commission if the Independent Reviewer believes the Commission has given insufficient weight to, or omitted proper consideration of, any aspect of the complaint. He will ensure the files presented to the Commission are fair, full and accurate.

This should give consumers confidence in the system they are using. An independent figure will be there to review precisely how the complaint was considered, and make recommendations that a case should be revisited if there are any legitimate handling concerns.

68. The next Independent Reviewer should be offered a single-term contract of no more than six years (paragraph 92).

The Commission has decided to offer a single term contract of no more than five years.

69. The Charter Compliance Panel should be renamed the Review Panel (paragraph 94).

The Commission accepts this recommendation. It proposes that the Review Panel will report to the Audit Committee. Membership of the Review Panel will be the Independent Reviewer and no more than two other individuals (one of whom may have connections to the industry).

70. The Independent Reviewer and the Review Panel should be appointed by the Nominations Committee. Members of the Review Panel should be given three-year contracts, renewable once (paragraph 95).

The Commission accepts this recommendation.

The Chairman and the Board

71. The Chairman should determine how individual Board performance is to be assessed (paragraph 99).

The Chairman will engage in face-to-face meetings with individual Commissioners to discuss performance.

72. Discussion of overall Board performance should be led by the Chairman at the Board's annual awayday (paragraph 99).

The Commission accepts that such a discussion will take place at an away day or other designated meeting.

73. During this event – in line with good Board practice – the performance of the Chairman should be discussed in his or her absence, in a session led by the Deputy Chairman, or a senior lay Commissioner (paragraph 99).

The Commission accepts this recommendation.

74. Every three years, consideration should be given to using an external facilitator for this process (paragraph 99).

The Commission accepts this recommendation.

APPENDIX ONE

The Press Complaints Commission

Who we are

The PCC is an independent body which administers the system of self-regulation for the press. It does so primarily by dealing with complaints, framed within the terms of the Editors' Code of Practice, about the editorial content of newspapers and magazines (and their websites, including editorial audio-visual material) and the conduct of journalists. It can also assist individuals by representing their interests to editors in advance of an article about them being published.

The purpose of the PCC is to serve the public by holding editors to account. We strive to protect the rights of individuals, while at the same time preserving appropriate freedom of expression for the press. We proactively advertise our services and reach out to people who may be in need of our help. We aim to promote high standards by developing clear guidance and practical principles through our rulings, and offering training and advice to editors and journalists.

How we work

The Commission comprises seventeen members and has a majority (ten) of "lay" or public members (including the Chairman) with no connection to the newspaper and magazine industry. The remaining seven Commissioners are serving editors. The PCC enforces the Editors' Code of Practice agreed by the newspaper and magazine industry, which deals with issues of accuracy and privacy in reporting and how journalists should behave in gathering the news.

The PCC acts by:

- negotiating remedial action and amicable settlements for complainants;
- issuing rulings on complaints;
- using published rulings as a means of guiding newsroom practice across the industry;
- publicly censuring editors for breaches of the Code;
- passing on pre-publication concerns to editors to prevent the Code being breached;
- passing on requests to editors that their journalists cease contacting individuals, and so prevent media harassment;
- issuing formal guidance, based on its interpretation of the Code, to the industry on important issues;
- instigating its own investigations under the Code in the public interest where appropriate;
- conducting training seminars for working journalists and editors;
- and liaising with other press councils internationally.

We are committed to transparency and accountability and publicise all of our rulings. We also raise awareness among policymakers, public agencies and charities, lawyers, officials, journalists and the general public about the work of the PCC.

Standards

The system is designed to maintain standards in the press by enforcing the terms of the Code and so holding editors to account, while still preserving appropriate freedom of expression. This is primarily achieved by the PCC administering an efficient and free complaints service. We encourage complainants, as the more people use the system, the more editors are held to account for their decisions. This will – and indeed does – lead to a rise in standards.

Some “standards” issues fall outside the remit of the Commission: questions of taste and offence; tone of coverage; newsworthiness of stories; quality of writing. It would be inappropriate for the Commission to comment upon these issues, as they are not covered by the Code of Practice. The test for the PCC must be whether the Code has been breached.

Sanctions

The PCC can enforce a range of sanctions, summarised below:

- negotiation of an agreed remedy (apology, published correction, amendment of records, removal of article);
- publication of a critical adjudication, which may be followed by public criticism of a title by the Chairman of the PCC;
- a letter of admonishment from the Chairman to the editor;
- follow-up from the PCC to ensure that changes are made to avoid repeat errors and to establish what steps (which may include disciplinary action, where appropriate) have been taken against those responsible for serious breaches of the Code;
- formal referral of an editor to their publisher for action.

Proactivity

The PCC cannot act on every story or issue that arises in connection with the press. It would not be practical, or possible, to monitor the output (online and in hard copy) of newspapers and magazines, and to seek to establish whether it complies with the Code of Practice. The Code is designed to protect individuals, and the PCC needs to respect the wishes – and consider the evidence – of those individuals when investigating complaints about information relating to them.

So, if an issue relates to a named individual, the PCC will generally not conduct investigations without that person’s consent. However, the Commission will not just wait for complaints to come in. We endeavour to:

- contact those at the centre of news stories to offer our services, when we become aware – either through information from individual Commissioners or the Secretariat, or third parties – of issues of possible concern relating to the application of the Code;
- act to help complainants shape their concerns, so that a complaint can be considered as efficiently as possible;
- of our own volition, initiate investigations relating to possible breaches of the Code where there are no obvious first parties who might complain (for example in cases involving payments to witnesses or criminals);
- issue guidance on best practice in areas that have caused public concern;

- help train journalists and editors about the application of the Code;
- raise awareness of the PCC with representatives of vulnerable people and interest groups, to enable them to use the service effectively;
- advertise and market our services as widely as possible.

When there is a major incident, attracting considerable media coverage, we will ensure that we act decisively and quickly.

APPENDIX TWO

How the PCC responds to a major incident

This explanatory note sets out what action the Press Complaints Commission takes following a major incident (such as an accident, natural disaster, attack on human life) in which media attention on those affected is likely to be intense.

As soon as it becomes clear that sustained media attention is likely to follow a news story, the PCC will act immediately, attempting to contact the subjects or victims of the incident. Where appropriate, it makes contact directly. However, for practical reasons, in most cases it contacts an intermediary and requests that a message is passed on. Examples of intermediaries include:

- the local police force (usually via the press office);
- the Coroner or Coroner's Officer (or the Procurator Fiscal in Scotland);
- the MP or other elected representative;
- the hospital(s) and/or NHS authorities dealing with the injured;
- a solicitor or agent, if one is named;
- the local religious or other community leader(s);
- any other representative whose name has been made public.

In the case of particularly large-scale incidents which are likely to involve the full range of emergency services, the PCC contacts the regional COI (Central Office of Information) group, a government body which runs a series of Regional Media Emergency Forums co-ordinating the response to such incidents.

Generally speaking, initial contact is made on the telephone, with a follow up email then sent. The PCC explains how it can help vulnerable individuals in the following ways:

1. **If someone does not wish to speak to the media:** the PCC can send a private advisory note to editors, making clear an individual does not wish to comment publicly on their situation. This can help to prevent any unwanted media approaches being made at all;
2. **If someone is being harassed by a journalist or photographer:** the PCC can issue a private 'desist notice' which requests journalists and photographers cease their approaches with immediate effect. This can be sent either to an individual publication if the concern relates to a specific title, or to the industry more widely if the concern is more general or appears to involve multiple publications;
3. **If someone is concerned about a story that has already been published:** the PCC can deal with a formal complaint under the Editors' Code of Practice (see <http://www.pcc.org.uk/cop/practice.html>).

The PCC ensures that all of its contact details are made available at this time (including the 24-hour emergency number), and that the individual or their representative is aware of the relevant parts of the Code. It also points people in the direction of any relevant guidance notes which may be helpful, for example on dealing with media attention in the aftermath of a death (which has recently been revised), or the rules on reporting inquests. An offer to send printed copies of literature will also be made at this stage.

A copy of a tailored briefing on how the Commission can help in major incidents is then sent. The PCC representative always explains that, in sensitive situations, its advice is confidential.

Deaths or incidents abroad

If the incident or death has happened abroad and British nationals are affected, the Foreign and Commonwealth Office is responsible for co-ordinating the help they receive. If the incident involves a large number of people, or is otherwise significant, the PCC can contact the FCO to offer its assistance in managing any problems with media attention. We point out that journalists working for foreign titles do not fall under our remit, but that journalists working abroad for British titles are expected to abide by the terms of the Code. In some circumstances, the PCC can pass on concerns about journalists' behaviour to other press councils, if one operates in the country in question.

The PCC has worked with the FCO to arrange for information about its services to be included in the FCO's Guide for bereaved families², a copy of which is given to families who suffer the death of a family member outside the UK.

Follow-up work

The PCC continues to stay in contact with the officials involved throughout the duration of the incident and its aftermath. PCC staff are always willing to speak on an out-of-hours basis.

The PCC promptly responds to any concerns raised either by people directly affected by the incident or by third parties. It considers, as far as possible, comments about the incident made in the press or on social media by those involved.

Continuing work

The PCC regularly works with emergency service providers, so that those supporting the vulnerable know how it can help even before something happens. Some examples of this work (which the PCC is always looking to expand and improve) include:

- liaising with DCMS to publish information in its 'Humanitarian Assistance in Emergencies'³ guidance;
- liaising with the Ministry of Justice to publish information in its 'Charter for bereaved people'⁴;
- running training seminars for police press and family liaison officers throughout the UK;
- contacting the Association of Chief Police Officers (ACPO), the Association of Police Public Relations Officers (APPRO) and the National Executive Board for Family Liaison to offer information;
- maintaining contact with various parts of the NHS (for example, Strategic Health Authorities and specialist hospitals) in order to ensure that those representing vulnerable individuals understand the protection offered by the Code of Practice;
- sending targeted briefing notes and literature to key emergency service contacts, and offering talks to explain the PCC's work.

² Foreign and Commonwealth Office: <http://www.fco.gov.uk/resources/en/pdf/2855621/bereaved-families>

³ Department for Culture, Media and Sport: http://www.cabinetoffice.gov.uk/media/132796/hac_guidance.pdf

⁴ Ministry of Justice: <http://www.justice.gov.uk/publications/docs/charter-bereaved-reformed-coroner-system.pdf>

Contact details

Scott Langham, Head of Complaints: scott.langham@pcc.org.uk

Press Complaints Commission
Halton House
20/23 Holborn
London EC1N 2JD
www.pcc.org.uk
complaints@pcc.org.uk

Telephone numbers:

020 7831 0022 (within office hours: Monday – Friday 9am – 5.30pm)

07659 152656 (emergency number for use outside office hours, primarily in cases of harassment by journalists or for pre-publication advice).

APPENDIX THREE

Register of interests for PCC Commission members

Editorial Commissioners are bound by the following principles:

- i) They do not consider complaints relating to titles over which they exercise editorial control.
- ii) They do not consider complaints relating to titles with which they have close links (e.g. sister titles).
- iii) If they report to an Editor-in-Chief, they will not consider complaints against any titles under that executive's control.

The Commission publishes a full list of titles in which Editorial Commissioners have an interest.

Anthony Longden, Managing Editor Newsquest North & East London:

Hendon & Finchley Times, Edgware & Mill Hill Times, Barnet & Potters Bar Times, Borehamwood Times, Harrow Times, Ealing Times Online, Hillingdon Times Online, Enfield Independent, Haringey Independent, Waltham Forest Guardian, Epping Forest Guardian, Wanstead & Woodford Guardian, Epping Forest Independent, Waltham Forest Independent, Watford Observer, Watford Free, St Albans & Harpenden Review, Welwyn & Hatfield Review

John McLellan, Editor Scotsman:

Scotland on Sunday, Edinburgh Evening News, Herald & Post (Edinburgh and West Lothian) Arbroath Herald, Buchan Observer, The Buteman, Brechin Advertiser, Deeside Piper, Donside Piper, Ellon Times, Forfar Dispatch, Fraserburgh Herald, Inverurie Herald, Kincardineshire Observer, Kirriemuir Herald, Mearns Leader, Montrose Review, Stornoway Gazette, Ayrshire Leader, Belshill Speaker, Cumbernauld News, Falkirk Herald, Glasgow East News, Glasgow South & Eastwood Extra, Grangemouth Advertiser, Kilsyth Chronicle, Kirkintilloch Herald, Lanark Gazette, Linlithgow Journal & Gazette, Milgavie Gazette, Motherwell Times, Fife Free Press, East Fife Mail, Glenrothes Gazette, St Andrews Citizen, Fife Herald, Berwick Advertiser, Berwickshire News, Southern Reporter, Hawick News, Selkirk Advertiser, Midlothian Advertiser, Musselburgh News, Peebles Times, Galloway Gazette, Carrick Gazette.

Ian MacGregor, Editor Sunday Telegraph:

Daily Telegraph, Telegraph Online

Lindsay Nicholson, Editorial Director Good Housekeeping:

Good Housekeeping, Cosmopolitan, Country Living, Coast, House Beautiful, Esquire, Harper's Bazaar, Prima, Prima Baby, Cosmo Bride, You & Your Wedding, Real People, Reveal, Best, Runner's World, Triathlete's World, Men's Health, Zest, Company, She, Handbag (website only), NetDoctor (website only).

Simon Reynolds, Editorial Director Lancashire Evening Post and Wigan Evening Post:

Preston Reporter; Burnley Express Tuesday & Friday; Pendle Express; Burnley Reporter; Pendle Reporter; Clitheroe Reporter; Clitheroe Advertiser; Padiham Express; Nelson Leader; Colne Times; Barnoldswick and Earby News ; Wigan Observer; St Helens Reporter; Prescott Reporter; Leigh Reporter; Wigan Reporter; Chorley Guardian; Leyland Guardian; Garstang Courier; Longridge News. Monthlies: Prescott, Standish, Shevington , Ashton and Wigan Town; The Valley; Rural Life WRUL; Morecambe Visitor; Lancaster Guardian; Morecambe Reporter; Blackpool Gazette; Lytham St Annes; Fleetwood Weekly News; Blackpool Reporter.

Tina Weaver, Editor Sunday Mirror:

Daily Mirror, Daily Record, Sunday Mail, The People, and all Trinity Mirror regional titles.

Peter Wright, Editor Mail on Sunday:

Daily Mail, Mail Online, Evening Standard, Metro