

Adviser

A guide to benefits, housing, employment, consumer and money advice

Citizens Advice Bureau

- _ Job Centre Plus: Q & A with the Benefits and Fraud Director
- _ Errors of law: How to spot them and what you can do to challenge them
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Complaints about the press

Most people will have heard of the Press Complaints Commission (PCC) and know it regulates newspapers and magazines. But not everybody understands how the PCC works and what exactly it does for the public.

“The PCC is constantly seeking a balance between the rights of individuals and the rights of the press”

The PCC is an independent body which deals with complaints from members of the public about the editorial content of newspapers and magazines. Its slogan ‘fast, free, fair’ sums up its aims and approach:

- _ ‘Fast’ because it deals with most complaints in just 35 working days
- _ ‘Free’ because there is absolutely no cost to the people complaining
- _ ‘Fair’ since the majority of Commission members - who take the final decision about all complaints handled by the PCC - have no connection with the press, ensuring that the PCC operates independently of the newspaper and magazine industry it is charged with regulating.

The fundamental purpose of the Commission is to protect people, particularly vulnerable people, who find themselves at the centre of press attention. This can, of course, raise a conflict given that Britain enjoys the advantages

of a free press. But the inherent dichotomy can be resolved by accepting that freedom can only be viable if it comes with responsibility. It is that acceptance that is embodied by the PCC which is constantly seeking to find the appropriate balance between the rights of individuals on the one hand and the rights of the press on the other. At a time of media convergence, when we are seeing wider cultural shifts than just changes to the way the press works, finding this balance is

increasingly important.

THE CODE OF PRACTICE

At the heart of the PCC's work lies the Code of Practice – a sixteen-clause set of ‘rules’ covering four main areas:

- _ accuracy;
- _ privacy;
- _ newsgathering; and
- _ discrimination.

The purpose of the Code is twofold - to give the press a firm set of rules by which it can be guided, and to give the PCC a

CASE STUDY 1

A woman complained that a newspaper had intruded into her family's grief by naming her nephew as a murder victim before some members of his family had been informed of his death.

The complaint was resolved when the newspaper – which explained that it had been informed by police that the man did not have any relations living in the area – published the following apology in its coverage of an appeal by Mr K's parents for witnesses to come forward:

‘In the Bath Chronicle of 2 January, we named (Mr K) as the victim of the city's New Year's Day murder. At that stage, his name had not been officially released by the police but we understood that there were no local relatives likely to read the news in our paper. We now acknowledge that we were wrong and would like to apologise for any distress our story caused’.

clear framework within which it can address complaints from members of the public. One of the benefits of self-regulation is that the Code can be adapted very quickly, and since the PCC's

AREAS COVERED BY THE CODE OF PRACTICE

- Accuracy
- Opportunity to reply
- Privacy*
- Harassment*
- Intrusion into grief or shock
- Children*
- Children in sex cases*
- Hospitals*
- Reporting of crime*
- Clandestine devices and subterfuge*
- Victims of sexual assault
- Discrimination
- Financial journalism
- Confidential sources
- Witness payments in criminal trials
- Payment to criminals*

The full text of the Code is available on the PCC's website at www.pcc.org.uk.

There may be exceptions to some of the clauses marked with an asterisk(*) where they can be demonstrated to be in the public interest. Of course, determining what amounts to the 'public interest' is notoriously difficult and the Code of Practice does not set out an exhaustive definition. Some general guidelines are provided, which set out, for instance, that detecting or exposing crime or serious impropriety can be in the public interest. However, the Commission will judge each case on its particular merits.

inception in 1991, the Code has undergone over 30 changes.

COMPLAINTS TO THE PCC

In 2006, the PCC dealt with 3,325 complaints from members of the public. By far the highest number of complaints dealt with by the Commission is to do with accuracy (over 72% of cases in 2006).

The Commission's primary aim is to resolve disputes between the public and the press and, by doing so, to foster a culture of conciliation between the two. The PCC will seek to find a resolution that is, primarily, satisfactory to the complainant. The outcome of a complaint will vary on a case by case basis, but examples of a suitable outcome might include a printed correction or apology, the publication of a letter from the complainant or a follow-up piece, the amendment of the newspaper's records or, in some cases, a private letter from the editor to the complainant.

Only if the Commission cannot resolve the complaint to the complainant's satisfaction will the case proceed to formal adjudication. In these instances, the complaint will be considered

by the Commission members at one of their formal meetings. Where the Commission upholds a complaint the publication concerned is obliged to publish the full text of the PCC's critical adjudication, and with due prominence. A copy of the ruling will be published in the PCC's biannual complaints reports and is also published on its website, both of which act as an important public record of the complaint. Any complainant who chooses to withhold his or her name from a published ruling may do so. Where the complaint relates to an invasion of privacy this can obviously be an important consideration.

HOW TO MAKE A COMPLAINT?

Usually the quickest way of getting a correction or apology for an inaccuracy or intrusion is to take up the issue directly with the editor. However some people are either uncomfortable doing so or do not consider the response they receive to be adequate. In cases such as this we would encourage them to contact the PCC as soon as possible.

CASE STUDY 2

The National Aids Trust complained that a newspaper had inaccurately described HIV rates in Eastern Europe. It also raised concerns that the article had confused HIV and AIDS.

The complaint was resolved when the newspaper published the following correction: 'On 16 November we reported fears immigrants from Eastern Europe made up a large proportion of new UK HIV cases. We have been asked to make clear Eastern Europe is not a significant source of new HIV diagnoses and Romania and Bulgaria do not have high HIV rates. They rank 39 and 44 respectively in the European league table of 52 countries.'

In addition, the PCC asked the newspaper to mark its records in order to help avoid confusion between HIV and AIDS in future.

The PCC has worked hard to ensure that the complaints process is as straightforward as possible. We require complaints to be made in writing, with a copy of the article in question and a letter summarising how the complainant believes the Code has been breached. Any other relevant letters or documents which might help to assess the complaint should be enclosed – for example, if the complainant has had previous correspondence with the editor.

Alternatively, complainants can complete an online form available on the PCC's website (www.pcc.org.uk) and send a link to the online version of the article.

Following its assessment, the Commission may conclude that there has been no breach of the Code or that it cannot take the matter further for some reason. Or the Commission may decide

that some remedial action taken or offered by the newspaper (such as a correction) has been a sufficient response to the complaint in which case it will conclude that no further action is necessary. However, when there is a potential breach of the Code the Commission will launch an investigation. In all cases we will write to you clearly explaining the reason for the decision.

ACCESSING OUR SERVICE

If it is to deliver a useful and effective service the PCC must ensure that it is accessible to everyone. It may come as a surprise to some people that the vast majority of complaints, on average 93%, come from the general public. Less than 3% come from those in the public eye, such as celebrities or other high profile individuals, while less than 5%

come from organisations and public bodies.

To help anyone who needs it, the PCC operates a local-rate helpline offering confidential advice and a 24-hour anti-harassment service for anyone experiencing harassment from a journalist. Information on how to make a complaint is available in a range of languages including Welsh, Urdu, Bengali, Arabic, Somali and Chinese. A textphone service is available for people with hearing difficulties. Lastly, the PCC's website (www.pcc.org.uk) includes a comprehensive database of all cases dealt with by the Commission since 1996 and is updated on a daily basis.

For further information about the PCC please contact:
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CASE STUDY 3

A woman complained that an article published in her local paper named her as a victim of sexual assault in breach of Clause 11 (Victims of sexual assault) of the Code of Practice.

The editor immediately accepted that the article breached Clause 11 of the Code. He offered his sincere apologies to the complainant through the PCC, and in a private letter of apology, outlined the steps that would be taken to ensure that there would be no repeat of the lapse. He explained that, while it was no excuse, an inexperienced reporter had prepared the article when senior members of the team were on holiday. Regrettably, the mistake was not then picked up in the sub-editing process.

The complainant was grateful for the steps that were being taken, but wanted the matter also to proceed to adjudication.

The Commission welcomed the editor's actions in apologising immediately and taking steps to ensure the problem would not be repeated. However, this was such a serious breach of the Code that, in the Commission's view, it would be difficult for any remedial action to be a proportionate response to the original transgression. The complaint was therefore upheld and the newspaper was obliged to publish the Commission's critical ruling.
