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Press Complaints Commission

From the Chairman

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Jean Mike,

Thank you for your letters of 20th April and 29th October, the former of which enclosed a submission to the PCC on possible improvements to self-regulation.

I apologise for the delay in responding to the submission and now enclose a commentary on its recommendations. This is not an official PCC paper and it has not passed formally through the Commission. It should be regarded as an informal contribution to discussion of the important issues, which you have raised. I am grateful to you for the time and trouble taken in putting the submission together.

Improving self-regulation

1.1 The advent of the 'corrections column' has been a significant development. I am in favour of these columns – which can, of course, take different forms – because the more the reader can settle differences direct with the editor, the better. But, it is also important to recognise that whether a newspaper adopts one is a matter for the editor. The selection and presentation of material for publication have been – and must remain – something that the PCC does not interfere with, provided that such material does not otherwise breach the Code of Practice.

There is also an argument – I would be interested in your views, especially in light of your 1.7 - that a more flexible system of correcting mistakes is better than a regular column. This is an aspect of the prominence debate. If all errors – great and small – are dealt with in a column, it can be said that corrections of major mistakes are unduly inconspicuous.

1.2 I quite agree that what many complainants want in response to what they see as an inaccurate article is the chance to reply. I believe that the Code is currently strong in this area – both in Clause 1 (ii) and Clause 2. I am not entirely clear how this differs from an 'automatic right of reply'. It seems to me that when an inaccuracy is demonstrated, newspapers are already obliged to correct it or allow a response from the affected party.

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- 1.3 Any form of prior restraint can, as you say, be open to abuse. Nonetheless, one of the most important PCC initiatives of recent times has been the introduction of a 24 hour helpline that is available to any complainant. This provides a way of giving advice to people on the Code, on how to approach newspapers and on making complaints. In relation to possible harassment, the helpline ensures that “desist messages” from people at the heart of a news story can be passed to newspapers at any time of day or night. This happens regularly. In addition, of course, newspaper editors can use the helpline to request advice on potentially contentious stories that they plan to publish – as well as calling our experienced case officers during working hours. Editors certainly do this on a regular basis. In providing this service, we have to be careful not to become “surrogate” editors.

I should also add – and by definition cannot provide details – that the PCC does itself take the initiative in warning editors of problematic stories, involving, for example, children or the vulnerable.

- 1.4 You will know that at the beginning of the year I asked Sir Brian Cubbon, Dame Ruth Runciman and Charlie Wilson to be the first members of the newly established Charter Compliance Panel. The job of the panel is to examine ways in which the PCC and its staff might improve procedures. Each year they will carry out an independent audit of cases we have dealt with. They have complete independence in deciding which files to scrutinise. One of the first points they have made to me is that, as you say, complainants do not always understand why we have a time limit on making complaints. As a result, our standard letters on this subject have been altered to include additional detail. Moreover, a decision has also been made to increase our usual time limit from one month to two.

On the issue of the PCC obtaining articles for complainants who cannot do so themselves, I am pleased to say that we do this on a regular basis – and have done so for some time.

- 1.5 There are, as you will be aware, extremely good reasons why the PCC does not generally entertain third party complaints. In the first instance, it is far more difficult to investigate a complaint without the co-operation of all those who are actually involved in the story. Secondly, potential complainants must have the right to choose *not* to complain if they so desire.

Nonetheless, there are numerous instances where there is no first party, as such, and in such circumstances it is open to anybody to make a complaint – particularly on the grounds of alleged inaccuracy. Indeed, we dealt with several complaints last year in relation to terminology associated with asylum seekers and these resulted in the issuing of a guidance note to editors.

Where it seems that individuals at the centre of a story might have reason to complain, we will often write to them or their representative to establish whether they wish to lodge a complaint. We took this action, for example, in relation to both Frank Bruno and his family and the family of Marc Vivien Foe last year. There have been other examples in less high profile cases.

On occasions when we receive a third party complaint the Commission will always give the complainant an opportunity to argue why his or her case should be investigated further. And, of course, there are cases where the PCC, of its own volition, will launch an investigation – a form of third party complaint, if you like.

- 1.6 I am interested to hear your views on the possibility of holding oral hearings. I believe there are good reasons for not doing so. It is one of the great advantages of the PCC that the complaints process is generally not adversarial. This is largely thanks to the arms-length mediation that we employ. To initiate oral hearings would compromise that and encourage a more confrontational approach which would not be in the interests of the complainant. There are, of course, occasions when a meeting between complainant and editor is useful and appropriate – and members of the Commission's staff are happy to arrange such meetings. There is, perhaps, in your argument a conflation of two different things: the merits, such as they are, of oral hearings as a means of righting wrongs; and the need for aggrieved but inexperienced people to have all the support and advice possible to help them frame complaints and get redress where this is merited. I think you do not give sufficient credit to the PCC case officers for the lengths to which they now go to ensure that complainants do not face the difficulties and frustrations you describe. I have also created an independent Charter Commissioner, whose job is to respond to those, who, despite all our efforts, believe their complaints have not been properly understood.
- 1.7 I am keen to highlight the importance of affording due prominence to corrections – but this does not necessarily mean equal prominence. It is implausible to imagine that a correction will always contain the same number of words as the original article and some inaccuracies are more significant than others. Such issues must be taken into account when deciding what 'due' prominence actually means. Indeed, on some occasions, where the transgression is of extreme seriousness, it might actually be suitable to have a correction that is *more* prominent than the original error – and more prominent than a dedicated corrections columns. More and more we are involved in negotiating the placing and precise wording of corrections and apologies: rightly so, given public concern about this.

It is worth pointing out that the new Code makes clear that Commission adjudications must be published with a headline reference to the PCC.

With regard to the tagging of files, when a newspaper acknowledges a mistake, such action is now commonplace; certainly a large number of complaints are resolved in this way.

- 1.8/1.9 I appreciate the thought you have given to how a system of fines and compensation might work. But, I do not believe that the Commission needs further sanctions. To introduce a system involving financial penalties for newspapers and monetary awards for complainants would be counter-

productive. I am convinced that the non-legalistic and non-confrontational approach of the PCC would be undermined in a mire of legal representation, appeals and so on. The PCC would cease to provide swift redress. My experience is that many editors would actually welcome fines, rather than the humiliation of publishing a negative PCC adjudication. In any case, as you set out yourself in point 1.3, what most complainants want is the chance to set things right or to put forward their side of the story.

- 1.10 Regarding the training of journalists, we already play a significant part in this area. Professor Pinker and Sue Roberts give countless lectures to students each year, while – perhaps more importantly – Alison Hastings is retained with a specific brief to train journalists on the big courses in the PCC. Stephen Abell and William Gore, our assistant directors, also answer numerous requests for information and interviews from students and other interested parties each year.

I am afraid I disagree with your suggestion that there is a need for a cross-media regulator or ombudsman. Firstly, there are enormous differences between the broadcast industry and the printed press – both in practice and by tradition – and those differences are appropriately reflected by the current system. Secondly, setting up any body to which disgruntled complainants could appeal against a decision of the Commission would be enormously burdensome and give no guarantee whatever of higher quality decisions.

Improving the Code

Many of your points are things for the Code of Practice Committee to consider. Our job is to interpret the Code. However, since your submission to us, the Code Committee has revised the Code and I have asked the Committee to review the relevance and effectiveness of it every year. I would only say that Clause 4 already addresses your concerns, and you will know that the PCC has an arrangement with broadcasters regarding media scrums. This is something that arose from the select committee inquiry of last year.

As to your letter of 29th October, I have been unable to give your further points the attention they deserve because of enforced absences in November. Off the top of my head:

- 1) The 4 December Conference. I really regret not being able to attend. You know why I have to absent myself. Professor Bob Pinker will be there in my place.
- 3) I will take a look at our list of links.
- 4) We do not have the resources to engage in a formal piece of research. But we do have good links across Europe with organisations similar to the PCC. I would be happy to share with you European views on “right of reply” and any other matters. I am going myself to the European Commission in Brussels in February to talk to a range of people about self-regulation. This may throw up some interesting insights.

- 5) I am not clear how much difference there is between us here. The PCC and its Code exist to protect the public from, and to provide remedies for, certain "abuses of media power". Everyday of the week we investigate complaints about alleged abuses. In so far as this results in increasing public confidence in self-regulation and helping to uphold high professional standards in journalism, the PCC buttresses the freedom of the press. One reason I took this job is that, having seen as a press secretary the power of government to manipulate the flow of information, I wanted to play a role in upholding press freedom: a free press is indispensable to democracy, as self-regulation is to a free press. But the PCC cannot assume the whole burden of defending press freedom: proprietors, editors and journalists all have a role to play – and the PCC does not, and should not, represent any of these constituencies. Our constituency is the thousands of people who come to us every year for help.

Let the debate between us continue!

Yours ever,

Christopher

Sir Christopher Meyer