PRESS COMPLAINTS **COMMISSION**

From the Director

Sir Michael Lyons
Chair
PM's Privacy Commission
BBC
Room G601, Stage 6
Television Centre
Wood Lane
London W12 7RJ

14th July 2011

Dear Sir Michael

Thank you for your letter of 24th June.

I am, of course, very happy to offer further information about the Press Complaints Commission. As you know, I want to be as helpful as possible in informing members of your committee about the work of the PCC. I know that you will want to be as thorough as circumstances allow.

Of course, since your letter, events have moved on, which has rather delayed my response to you. Last week, the Commission issued a statement making clear its intention to review its own constitution and funding arrangements, the range of sanctions available to it, and its practical independence. The PCC remains committed to the establishment of a more effective system, one that supports appropriate freedoms, but demands the highest ethical standards. There is now a public inquiry into media ethics, which will look specifically at the regulatory regime for the press. We believe that this will become a channel for appropriate improvements to the PCC. There is already widespread consensus that the model for press regulation should be a non-statutory one.

In passing, I would like to set on record my hope that your report will follow the terms of your inquiry's own remit. It is not clear, for example, what "regulatory regimes" (such as broadcast regulation) you have examined other than the Press Complaints Commission. Nor what scrutiny has been placed on "media" other than the printed press, especially including the online world. It appears to be the case that people in the public eye, to whom you have spoken, have outnumbered representatives of the public by a considerable margin. I trust that your report will not be imbalanced as a result.

The PCC is an organisation constantly working, and evolving, in order to best serve the public. Since the CMS Committee reported, the Commission has had an independent Governance Review, a 9-month audit of our processes and structures. Its report can be found on our website:
http://www.pcc.org.uk/assets/441/Independent_Governance_Review_Report.pdf.

Halton House, 20/23 Holborn, London EC1N 2JD
T: 020 7831 0022 **F:** 020 7831 0025 **E:** complaints@pcc.org.uk
Textphone for deaf or hard of hearing: 020 7831 0123
www.pcc.org.uk

In it were 74 recommendations. The PCC published its response to the report (http://www.pcc.org.uk/news/index.html?article=Njg1Nw), in which it made publicly clear that it was able to accept almost all of the recommendations.

Clearly, there is (as there always has been) acceptance of the need for further reform. We will contribute to the public inquiry on this score, and hope to be able to provide solutions in the construction of a regulatory framework that retains the benefits of the current system, and the expertise of its staff.

It is within this context that I answer your specific points below:

- The PCC is not responsible for the membership of the Editors' Code of Practice Committee. The body responsible for the Code is separate to the body responsible for making decisions. That is the case for the PCC, as with the ASA. However, following a recommendation from the Governance Review, a greater public influence to the Committee was instituted. This means that two non-journalists (the Director and the Chairman of the PCC) are active members of the Code Committee. The PCC itself (with its public majority) is consulted on any changes to the Code, and must ratify them before they can be enforced.

- The PCC currently has the largest lay majority of any similar press council in Europe. Its structure is, in essence, the same as another self-regulatory body in the UK: the ASA. Public members outnumber editors by 10 to 7. The Governance Review recommended that membership not be increased further, saying it would not "improve the independence of the PCC in practical terms as it is already safeguarded". The Commission is currently in the process of examining how its practical independence might be enhanced further.

- The PCC has increased its proactive work since the Select Committee report. It is impossible to outline every example for obvious reasons. However, there are three key areas:

  - contacting vulnerable people at the centre of stories, including in regard to whom concerns exist about standards of reporting, to ensure that they can come to the PCC. We did this 25 times in 2010.
  - intervening pre-publication to prevent physical harassment by journalists (including broadcasters) or the appearance of inaccurate or intrusive material. It is notable that, as Ofcom has no statutory powers pre-broadcast, the PCC has undertaken to handle concerns about the behaviour of broadcast, as well as print, journalists in terms of preventing media scrums.
  - issuing guidance and conducting training to the industry to improve standards. We hosted 60 seminars in 2010 across the newspaper and magazine industry.

All of this work must be continued in the public interest.

Contractual reference to adherence to the Editors' Code is now standard practice across the industry.

- The Governance Review said: "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". The PCC now publishes precisely its role in the area of standards: http://www.pcc.org.uk/AboutthePCC/WhatisthePCC.html.

- It seems to me that one area of practical improvement for the PCC in the future will rest on how to balance its complaints role (providing free redress for members of the public, who have no lawyers or representatives to speak for them) with a compliance role (dealing with broad issues of public concern). The latter must not come at the expense of the former.

- The PCC last year, following a further recommendation from the Governance Review, created the role of Deputy Chairman.

- The PCC, as stated above, is not responsible for the wording of the Code. The issue of incorporating prior notification into UK law was, as you know, recently rejected by the European courts. However, it is something that the Code Committee is examining, pending the conclusion of Max Moseley's proceedings. The Commission has previously upheld a complaint against the News of the World for failing to contact an individual before publication:

  http://www.pcc.org.uk/news/index.html?article=NTQwNQ.

- The Commission has undertaken recently to review its sanctions, and clearly this will be a matter for legitimate debate. Historically, there have been objections to the institution of a system of fines, which has the potential to slow down and antagonise the necessary mediation process. However, this will now be looked at again.

I hope you agree that the PCC has co-operated fully with your inquiry. I trust that any report will be fair-minded and factual, and coverage of it entirely impartial.

With kind regards.

Stephen Abell
stephen.abell@pcc.org.uk