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Press Complaints Commission

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Tim Toulmin

From the Director

10 February 2006

The Clerk to the Economic Affairs Committee
House of Lords
London
SW1A 0PW

for Mr. Graham Harrison,

Government policy on the management of risk

Thank you for the invitation to contribute to the Committee's inquiry.

I thought it might help if I first made a few general points about the PCC – which will not of course be news to your Chairman!

The PCC administers the editors' Code of Practice – the set of rules for newspaper and magazine journalists, which covers areas such as accuracy and privacy in reporting, and the behaviour of journalists in researching stories. I am enclosing a copy of the Code, Clause 1 of which is relevant to the reporting of risk. The PCC takes complaints under the Code from people who are affected by a particular story, and is chiefly a conciliation service which negotiates mutually acceptable resolutions to legitimate complaints. These might be corrections, apologies, follow up articles or letters for publication, or private undertakings about future conduct. In 2005 we resolved a record 348 cases, summaries of which can be found on our website (www.pcc.org.uk).

The Commission also publishes rulings on certain cases which, if critical of an editor, must be published in his or her publication prominently and in full. This is a powerful sanction which focuses the minds of editors on making offers to remedy complaints where there might be a breach of the Code.

There are seven editors and ten lay people on the Commission (including the Chairman), and there are no journalists on the Commission's full time staff. This high degree of independence from the regulated industry is unusual in press self-regulatory organisations.

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Turning to the subject of how the print media cover risk-related topics, your inquiry has already touched on some of the difficulties of establishing specific rules for this area beyond the general rules on accuracy which are applicable to all stories. These include the swift nature of the business of journalism, the fact that individual journalists, sub-editors and editors will not always, or often, be experts in the particular field that is being written about, and the role of the originators of the information in possibly exaggerating scientific findings in order to achieve greater publicity. This latter point is particularly important to bear in mind. The relevant rules on accuracy state that "the press must take care not to publish inaccurate, misleading or distorted information". Note that there is no general duty to ensure that information that is published is always accurate. For instance, an editor might successfully defend a complaint that the positive impact of a new drug has been exaggerated, on the grounds that the newspaper was correctly reporting the claims of a drug company or researcher and not asserting for itself that the claims are true. The test for the editor is to show that he or she had grounds to publish the claims, and that he or she has done so in accordance with the Code's rules on distinguishing between conjecture and fact.

The same applies for the presentation of statistics. Of course, the rules on accuracy apply to journalists and editors when reporting statistics, but they are entitled to form their own view on their meaning, providing again that they distinguish between their view and the established facts of the matter.

There is also the somewhat obvious fact that newspapers only have a limited amount of space in which to present thorough research or complicated analyses of risk. There is a particular challenge in summarising what might be quite textured research into a short headline of no more than a few words. Inevitably, parts of the story might be omitted or editorial decisions taken about the prominence afforded to one aspect of the story with which others might not agree. The PCC's approach to headlines mirrors the law – that the headline of an article should be read in conjunction with the text before considering whether it is misleading – but does go a bit further. The Commission has recently found against newspapers where the headline has been out of all proportion to the position as correctly outlined in the article. Neither of these cases involved stories about risk.

Complaints about risk or the misleading presentation of statistics are in fact rare. This might indicate that there is no general concern about the manner in which risk is communicated by the press, suggest reader sophistication in digesting how the information is presented, or suggest that those who could complain are insufficiently aware of the current rules set out in the Code of Practice and the role of the PCC..

With regard to complaints from government and public bodies, the PCC can and does receive them, and will deal with them in the same way as any other complaint. I am enclosing one or two examples for your information.

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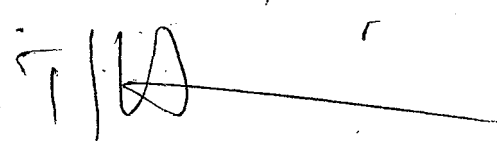
It is worth mentioning that there could be a role in helping to raise standards for things other than writing new rules. As Lord Wakeham has pointed out, there was a useful initiative a few years ago involving the Royal Society and the Social Issues Research Centre (SIRC), whereby they provided newsrooms with a list of experts on a particular subject to encourage journalists to get an informed view if a newsworthy story arose on that subject. This sensibly recognised that journalists cannot be experts in every field, and that in time-poor newsrooms journalists are more likely to seek the views of someone if they have their contact details handy. They also provided guidelines on Science and Health Communications, which were endorsed by Lord Wakeham (as chairman of the PCC), in order to improve accuracy in reporting. I am not sure what the Royal Society's and SIRC's views are about whether this approach has been successful, or indeed whether the guidelines have since been updated.

In general, standards in reporting rise on the back of workable, common sense rules, and the receipt of good complaints through which the Commission's case law can be developed. This filters through the industry, with editors nationally learning from the mistakes of others. We would therefore encourage all those concerned about the reporting of risk to complain to us. If the Committee has any recommendations about how the PCC can improve awareness of its service then we would be grateful to receive them.

I hope this is helpful.

With kind regards.

Yours sincerely



Tim Toulmin


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Complainant name: The Rt Hon John Prescott MP

Complaint Date: 12/09/2004

Clauses noted: 1 2

Publication: Sunday Express

Complaint:

The Rt Hon John Prescott MP complained to the Press Complaints Commission that a series of articles published in the Sunday Express on 12 September 2004, headlined "Terror escape fiasco", "Six million will be left behind to die" and "Half-baked plans leave our cities vulnerable to terror", contained inaccuracies in breach of Clause 1 (Accuracy) of the Code of Practice and that he had not received an opportunity to reply in breach of Clause 2 (Opportunity to reply). He also complained that a further article published in the Sunday Express on 26 September 2004, headlined "Cover-up that risks the safety of us all", was inaccurate in breach of Clause 1 (Accuracy) of the Code.

The complaint was rejected.

The first series of articles concerned the evacuation plans for London in the event of a terrorist attack. The complainant outlined four inaccuracies within the piece. Firstly, the document was not the Government's main evacuation plans for London but rather a response by the Government Office for the South East to the plan. It only therefore detailed parts of what would occur if the main plan were implemented. Furthermore, the statement that it would take the military 24 hours to deploy was inaccurate because regular military units could deploy as soon as requested - the purpose of the Civil Contingencies Reaction Force (CCRF) was to reinforce the initial response after the first 24 hours if required. Thirdly, to assert that the plan had yet to be finalised was inaccurate since the substantive plan was completed at the end of 2003. Such a complex plan, however, would always be subject to revision. Finally, the comments quoted from the Opposition failed to reflect work which had been undertaken by the Government. The newspaper did not publish a letter from the Rt Hon Nick Raynsford MP in response to the articles. The complainant argued that this was a breach of Clause 2.

The complainant contended, in addition, that the newspaper's follow-up article accused ministers of attempting to "gag" the newspaper and that Mr Raynsford, in person, had tried to silence it. No such attempt had ever taken place.

The newspaper asked whether the Commission should adjudicate on a complaint made by a senior Government minister acting solely in an official capacity and relating solely to coverage of a political or administrative controversy. It argued that the Government had a number of publicity resources at its disposal and that a powerful retort to the article had already been published on its own website. A more important reason, in the newspaper's view, was that the Commission was being drawn into party politics and this could set a precedent for politicians who could use the Commission as an automatic response for unpalatable coverage. Moreover, the Code stated that the press was "free to be partisan" - in this regard, Commission was being asked to comment not only on the accuracy of the newspaper's statements but also the accuracy of the Opposition's views, which had been reported in the newspaper. The Government had been given an opportunity to respond prior to publication and the authenticity of the leaked official document had not been challenged by the Government.

The newspaper refuted the assertion that the document was a response by the Government Office for the South East to the plan. It said that the document was headed "Operation Sassoan Planning Framework March 2004" and was consistently labelled "restricted - policy in confidence". The circulation of the document was limited "to appropriately cleared officials

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directly involved in the planning for Operation Sassoön" and its purpose was to "describe the overall concept of the operation and to provide suitable planning guidelines". With regard to the military position, the document said that "military assistance might be available with specialist and regular forces on site within 24 hours and Civil Contingencies Reaction Forces available within 24-48 hours". The article fairly summarised this. Moreover, it was clear that the evacuation plans had yet to be completed at the date of the document – it was in large part a preliminary survey identifying the topics for which detailed plans would be needed. The final complaint was a criticism of the Conservative Party and not the newspaper.

Turning to the follow-up article, the newspaper said that it was clear from the text as a whole that the reference to "silencing" or "gagging" the newspaper did not refer to an injunction or any other direct method of restraining it. The article made clear that there was a vigorous Government campaign to discredit the story.

Decision: Rejected

Adjudication:

The Commission's task is to take complaints under the Code from anyone affected by a newspaper or magazine article. It is not precluded by its rules from dealing with complaints of a political nature – although it does have the discretion to decline to deal with complaints for any reason if it considers it appropriate to do so. It may be that at certain times – during an election campaign, for instance – it would be appropriate to suspend the investigation of complaints of a political nature. In this case, however, there did not seem to be any particular reason why the Commission should not entertain the complaint. The Commission also wished to make clear that, while it sees the protection of the individual at the heart of its work, Clauses 1 and 2 of the Code relates to all published information. There is nothing to suggest that the rules on accuracy do not extend to organisations.

On this occasion, the Commission did not consider that the complaint had established any points of significant factual inaccuracy that would breach Clause 1 of the Code. The dispute over the articles published on 12 September related essentially to differing interpretations of the document by the newspaper and official Opposition on one hand, and the Government on the other. It was not for the Commission to interfere with the newspaper's publication of such interpretations. Nonetheless, one means of settling the dispute amicably may have been the publication of a letter from the relevant minister. It was therefore regrettable that the wording for a suitable letter had not been agreed, although there was no obligation on the newspaper to publish one when there were no material factual inaccuracies in the articles. The Commission noted that in any case the Government had published its own interpretation of events on a website. There were no issues under Clauses 1 or 2 to pursue.

Regarding the complaint about the 26th September article, the Commission noted that there was a difference of opinion about whether or not the government had tried to 'gag' or 'silence' the newspaper over its claims. While it was clear that there was no formal or legal attempt to stifle publication, the newspaper clearly felt that the government's response to the publication of its report on the 12th September amounted to a bid to silence it on the subject. It was entitled to publish this view. There was no breach of Clause 1 on this point.



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Complainant name: The Rt. Hon. Geoff Hoon MP

Report: 66

Paper: Daily Mail

Clauses noted: 1

Complaint:

The Rt. Hon. Geoff Hoon MP complained that an article was inaccurate in stating that he had lied to the Hutton Inquiry.

Resolution:

The matter was resolved when the newspaper published a clarification which accepted that the complainant had not lied in respect of whether he had seen the question-and-answer material that led to Dr Kelly's identification. It also accepted that Lord Hutton had found as a fact that Mr Hoon had not lied.

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Complainant name: Mr Steve Mayner of Wandsworth Council

Report: 72

Paper: Daily Mail

Clauses noted: 1

Complaint:

Mr Steve Mayner of Wandsworth Council complained that an article about a couple and their severely disabled children was misleading in that it failed to give a full account of assistance given to the family by the Council.

Resolution:

The matter was resolved when the newspaper published a letter from the complainant in which he noted that the Council had provided care and special school arrangements for the children at a cost of £123,000 a year. He also made clear that the family's request for the Council to pay for alterations to their home had been examined by the Court of Appeal, which had agreed that, where parents can afford the expenses, the local authority can reasonably expect them to pay for any necessary alterations for the care of their disabled children.

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