Building confidence - text of Sir Christopher Meyer's speech to launch 2005 Annual Report

Building Confidence

Today I am launching the PCC's annual report for 2005. It is the fifteenth, and perhaps the most detailed, that we have published.

In my introduction to the report I describe the PCC as a window on real life. Our report is in turn a window on the PCC.

Together with our newly re-modelled website and recently published reports for 2005 of the Charter Commissioner and Charter Compliance Panel, members of the public have virtually a 360 degree view of the PCC: our Code of Practice, our structure, our achievements, how we can offer speedy, practical help, and where we have needed to improve our performance and change our working practices.

At Halton House, transparency is more than a vogue word. It is one way in which we instill confidence among members of the public. An opaque, delphic system commands little confidence and undermines the case for self-regulation.

Visibility works hand in glove with transparency. If people don't know about us, they won't come to us. A few weeks ago, the PCC was in Liverpool with its regular twice-yearly road show to the great cities of the United Kingdom. The road shows serve both transparency and visibility. At public workshops and a town meeting, we explain, we inform and we debate.

Liverpool was one of the best such occasions, where, for over 90 minutes, my colleagues and I took questions from a substantial audience. But we were upset to hear from a couple, who had by all accounts suffered from unacceptable media harassment, that at the time they knew nothing of how the PCC could have helped them.

In 2005 a record number of people came to us with complaints and concerns. It shows that we have taken huge strides in recent years both in making the PCC known around the UK and in raising levels of confidence in our effectiveness and independence. But the exchange with the couple in Liverpool is an immediate and salutary antidote to complacency and self-congratulation. There is much, much more to be done to raise our profile nationally. I am repeatedly depressed by the number of people to whom I have to explain what the PCC does and how it works.

Here I return to a familiar theme. At the PCC we make an enormous effort to preach the gospel of self-regulation around the UK. It is not just the Open Days. Many of us at Halton House are on the road each month talking to this or that audience. On the principle that it is good to get them young, I have just addressed four schools in as many weeks.

But we could do an Open Day every week – every day – of the year and still not reach an audience to match the millions who read British newspapers and magazines, on- and off-line. So, once again I urge editors to publish prominent daily references to the PCC.

There are now good examples of this happening. But the practice is not universal and should be extended to websites, which, of course, fall within the PCC's competence. It is in the industry's own best interests to buttress self-regulation in this way; and, for the faint of heart, I can assure you that, on the evidence so far, the prominent advertising of the PCC has not led to a surge of complaints against the publication in question.

There are a couple of points from the Annual Report which I would particularly like to underline.

I have spent a great deal of time in the last three years knocking down like ninepins a series of misconceptions about the PCC. Some refuse to stay down.

For example, there is a view, often pedaled by media commentators and others who should know better, that our conciliation process is flawed because the apologies and corrections which emerge from it are routinely buried at the back of the paper. This is a criticism that needs to be taken head on because last year, as you will see from the report, we resolved more cases to the complainant's satisfaction than ever before. The increase was 41% over 2004. This was by any standards an extraordinary achievement by the case officers of the PCC (and not a bad effort by editors, either); and I would hate to see it devalued unfairly.

Last year I argued strongly for the prominent display of corrections and apologies. The press has had a case to answer on the question of prominence. So, we decided to do our own monitoring of the placing of corrections and apologies by newspapers and magazines.

The facts go a long way towards demolishing the mythology. Over three quarters of corrections and apologies appear either on the same page or further forward than the article under complaint. Add those that appear in regular corrections columns – which many argue have a prominence of their own – and the figure rises to 82%.

To be frank, I would have been disappointed had the figures been otherwise. An integral part now of the conciliation process is not just the wording of, say, an apology; but where the text will appear and how prominently.

The figures undermine, incidentally, the argument made sometimes for going straight to adjudication, instead of trying to resolve cases. That is all to the good: if we were to triple or quadruple the number of cases adjudicated, the whole system would clog up.

But, again, no complacency! The 2005 results are a springboard for doing better. We are repeating the monitoring exercise this year and will report again in 12 months' time.

None of this is to belittle the authority of the critical adjudication, which lies at the heart of self-regulation's credibility. Indeed, the relative economy with which this weapon is deployed only serves to underscore its effectiveness and deterrent power.

But, one of the skittles which will not lie down is that the critical adjudication – or censure – is a slap on the wrist compared with a monetary penalty. Three years on I feel even more strongly than when I started at the PCC that the power of naming and shaming is a more potent sanction than the ability to impose a few thousand pounds worth of fines – if ever a proportionate tariff could be established.

You can take it that before anybody moved into the editor's chair they would be indemnified one way or another against having to pay any fine. That would mean that they would not be touched personally; and that they might even factor a possible fine into the editorial budget. You can also be pretty sure that management would fight a fine with battalions of lawyers and the whole system would, once again, grind to a halt.

Far better to hit sinning editors where it hurts most: in their self-esteem and professional reputation by obliging them to publish prominently and unedited the full text of the censure. Nor is the message lost on the rest of the industry.

Some of our harshest critical adjudications last year involved intrusions into privacy. Overall, 2005 saw a record number of privacy cases and a record number of privacy resolutions. As in previous years, complainants came from all walks of life - some public figures, most with no claim to celebrity at all – and they were vastly more numerous than those who took their chances in the Courts. On the record so far, and especially because we have the power to stop harassment in its tracks, the PCC continues to have the advantage over the Courts of offering clearer guidance as to where the boundaries lie in newsgathering; and swifter action where those boundaries are transgressed.

This is why, under the broad heading of privacy, we received last year very few formal complaints of harassment. It probably explains also why the Courts have not yet had to consider a legal action about harassment that would test the principles set out by the European Court of Human Rights in the case of Princess Caroline of Monaco.

Those who have suffered from the attentions of the paparazzi might take a different view. Sitting where I do, I hear from time to time alarming stories about the paparazzi in pursuit of their prey. Of course, in a celebrity obsessed world, the competition for photographs of the rich and famous is intense. Many celebrities court this attention; many don't. Others try to set the terms of their own publicity. Still others, like the non-celebrity couple from Liverpool, find themselves inadvertently hurled into the vortex of media madness.

On the whole British publications are pretty careful to ensure that the photographs they print have been taken in accordance with the Code. People would be surprised at the amount of material that is not published because editors cannot be certain of the manner in which a photograph had been taken. I cannot, of course, speak for foreign publications. The London paparazzi feed a global, not just a British, appetite for celebrity photos.

But it is right to warn that it will probably be only a matter of time before the Commission is asked to investigate, on the back of a photo published in Britain, a serious complaint of paparazzi harassment that is backed up by video or other evidence. If it is, and there is no public interest justification, the industry can be assured that our condemnation will be swift and harsh. It is not right that the physical safety of individuals should be compromised in the pursuit of a photo.

I read with great interest Lord Justice Sedley's recent lecture, in which, in respect to privacy, he argued for statutory regulation. One point which tends to be missed in this debate – statutory control or self-regulation, fines or no fines – is that the issues with which we wrestle every day at the PCC will get no more tractable for being handled by a statutory regulator. Deciding where the zone of privacy meets the public interest is about as challenging as it gets, and is often deeply contentious. Even a celestial regulator, assisted by the angels and archangels with King Solomon thrown in to help, would be confronted by the same difficulties in coming to judgement. Leave aside issues of principle raised in Lord Justice Sedley's lecture – I disagree with him profoundly on the need for statute – I suspect an underlying factor for him is simple disagreement with us on where we draw the line in privacy cases, compounded, dare I say it, with some misunderstanding of how the PCC works.

Among the PCC's characteristics are its flexibility and its capacity to adapt swiftly to changed circumstances. It is hard to see how these qualities could be replicated either through the law or by an organization based on statute. For example, our Code has been amended over thirty times since the PCC's inception fifteen years ago. This year's review meeting of the Code Committee took further important decisions in principle on improving the Code. The results of the review will be announced soon.

It is this flexibility and adaptability that make our form of regulation well suited to other areas.

Take the internet.

What chance is there of successfully applying a set of statutory rules to information transmitted online – where anyone can be a publisher and there is no spectrum scarcity?

None.

The only effective way of ensuring that online journalistic information is subject to certain standards is for those standards to be self-imposed. Improvements in technology and the proliferation of news sites make the case for self-regulation, because they expose traditional legal forms of media regulation – rooted in the days when the small number of television channels needed to be licensed – as hopelessly inflexible, and easily avoidable.

What is more, there is a clear commercial advantage in news providers – newspapers and magazines in our case – voluntarily subjecting their online offerings to the Code of Practice: it helps consumers distinguish between the quality of publishers' information and that contained on sites where no such standards apply. It also helps build trust in the brand.

But the internet also presents us with a great challenge.

We cannot ignore the pace at which information provision is changing. In some ways the media – converging at an alarming pace – are at a crossroads. The technology is developing at bewildering speed. Newspapers and magazines can offer increasingly sophisticated packages of audio-visual material – a trend that will only deepen and accelerate.

The industry is thinking creatively about the implications of all this for the manner in which journalistic content is regulated. My personal view is that this new and exciting area cannot be left in a regulatory vacuum. To the contrary, it cries out for the sound principles of self-regulation. I am pleased to report that there has been constructive dialogue between the industry and the PCC about this, the results of which will become clear before too long. I am optimistic about the PCC's ability to rise to this challenge.

There is one issue not touched on in the Report which merits an observation.

Recently, the Information Commissioner, Richard Thomas, wrote to me, as he did to members of the newspaper and magazine industries, about the suborning of people by agencies paid by publications to obtain confidential information. This is something that I have intermittently discussed with Mr. Thomas over the last two years or so. It was as a result of our exchanges that the PCC published last year, in collaboration with the Information Commissioner's office, an advice note to journalists about the Data Protection Act and how it impinged on their profession.

Part of the purpose of the note was to remind journalists that offering money for confidential information, either directly or through third parties, was illegal. Mr. Thomas is clearly concerned that this is a practice which continues. He would like the PCC to do something more about it. I intend to tell him once again that we can and do urge on journalists respect for the law – bribery has no place in journalism. I will go on urging. And I look forward to discussions with Mr. Thomas about what more he thinks the PCC can do about this within the self-regulatory framework. But clearly it would not be viable simply to duplicate the criminal law in the Code of Practice.

15 years of the PCC has changed the culture of an entire industry. Editors and journalists now routinely consider the information they have received – and how they have obtained it – against the requirements of the Code. The public has a well established, effective framework within which to complain about the press. Thousands of people have obtained redress for inaccuracies or intrusions, thousands more been given advice before things go wrong.

But the message of our annual report for 2005 is that nothing stands still. We must build on this success. We must constantly strive to improve our service. We must anticipate and adapt to the challenges rolling towards us from the horizon. When I began as Chairman three years I spoke of the PCC being in a state of "permanent evolution". It is as true today as it was then.

ENDS

25/5/06

<< Go Back