

PRESS COMPLAINTS COMMISSION

CHARTER COMMISSIONER



2007

REPORT OF THE CHARTER COMMISSIONER

1. I continued in 2007 to consider complaints about the handling of complaints by the Press Complaints Commission where the Commission had taken a decision. I do not review the substance of the Commission's decision, only the handling of the complaint. I report my findings to the Commission, with any recommendations.
2. I received 47 complaints. This represents 5% of the decisions where the Commission did not uphold or resolve a complaint that was within its terms of reference. I examined the PCC file in all cases. The Commission accepted all my recommendations.
3. In these six cases I found a handling issue requiring further action:-
 - a. The editor had not answered all the points raised in a complicated complaint. After further information from the editor, the Commission confirmed its decision that sufficient remedial action had been offered to the complainant, and I was able to give him a detailed and comprehensive reply on all his points. In addition the Chairman wrote a personal letter to the editor about the inadequacies in his original reply and the time he took to reply.
 - b. A complaint was excluded from consideration because it was about a third party (who was an election candidate). The Director of the Commission and I wrote to the complainant regretting that the original reply was delayed until close to the date of the election and explaining the third party decision.
 - c. A complaint was grouped for reply with others already received on the same subject. As a result the complainant did not receive the stock letter saying that the complaint and the decision would be sent to the editor, and he was annoyed to find his complaint and the Commission's decision published in the newspaper. I explained the position, with apologies.
 - d. A woman complained generally about a "No Breach" decision and also that the Secretariat's letters to her had addressed her as a man. I was able to convey the Director's apologies for the mistakes. The handling of the complaint was otherwise correct.
 - e. A complainant complained to me that it had taken a long time to deal with his complaint and that he had not been kept informed at least every 15 working days, as is the aim. I gave him a careful account of the reasons for the delay and conveyed the apologies of the Secretariat that the intervals between letters to him slightly exceeded the normal maximum.
 - f. The editor had not responded to one aspect of a complainant about the accuracy of a report of an inquest. The Commission had judged that any inaccuracy on this point was not significant. Following the complainant's approach

- to me, the editor was approached, and he wrote her a personal letter accepting her standpoint and apologising. The complainant did not accept that this resolved her complaint.
4. In the majority of cases that came to me the complainant was in effect asking me to review the substance of the Commission's decision. I explained that I was concerned only with the handling of complaints. A number of these complaints raised issues that were not of the greatest importance: for example complaints about a photograph of a street in America that was said to be out of date; and about the possible faking of a photograph of a large animal.
 5. In a number of cases where the complaint had been correctly handled, I was able to deal with misunderstandings about the Commission's practice. In particular I explained that:
 - a. A newspaper's failure to observe literal and absolute accuracy in a report or article is not necessarily a breach of the Code.
 - b. There are solid reasons why the Commission does not generally accept complaints from third parties.
 - c. The Commission's processes cannot be those of a court of law. The Code uses the language of the Human Rights Act, and the Commission takes note of legal rulings about that Act.
- The Secretariat accepts that in appropriate cases the Commission's decision on a complaint should seek to anticipate these difficulties.
6. In one case the Commission had found no breach of the Code in a newspaper report about a shopping trip by the inmate of a special hospital. It appeared from a letter to me from the Patients' Advocacy Service that the hospital authorities could find it helpful to discuss the general issues raised in this sort of case. The Secretariat has been in touch with the hospital.

Sir Brian Cubbon GCB
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