

PRESS COMPLAINTS COMMISSION

CHARTER COMPLIANCE PANEL



2008

REPORT OF THE CHARTER COMPLIANCE PANEL

- 1 The Panel audits the standard of service given to complainants by the Press Complaints Commission. The members in 2008 were Sir Brian Cubbon and Mr Harry Rich.
 2. This is the Fifth Annual Report of the Panel. This year –
 - we have audited a sample of 2008 files:
 - where the complaint was made under Clause 6 (Children), 7 (Children in Sex Cases) or 11 (Victims of Sexual Assault); and
 - where the decision was that Sufficient Remedial Action had been taken or offered by the editor, but this had not been accepted by the complainant as resolving the complaint; and
 - we examined
 - the weekly summaries of complaints for decision by Commissioners for two weeks in May and June 2008, and
 - the adjudications issued since our last audit.
 3. We have had discussions with the Chairman and the Directors of the Commission about our examination of individual complaints. These individual cases, together with the Charter Commissioner's cases in 2008, have informed the conclusions in this report. The Commission has endorsed our comments.
 4. It has been agreed that in future years the Panel should also have a preliminary discussion with the Commission about individual cases in the audit sample at a Commission meeting during the year. All decisions on complaints require approval in detail by the Commission, and our audit therefore covers Commissioners' own contribution on individual complaints. A preliminary discussion with the Panel will enable Commissioners to see and discuss the details of cases that lead to the Panel's recommendations.
- Publicity for breaches of the Code*
5. In many cases where there may appear to be a prima facie breach of the Code the Commission's mediation process produces a satisfactory remedy (eg an apology or correction). We are glad that the Commission is implementing our earlier recommendation that where there has been a breach of the Code, the error or mistake should be clearly identified in the summary of the outcome on the PCC website. This has been done regularly and effectively in the Commission's Newsletter in the last twelve months.
 6. In serious cases and those where resolution by mediation is not appropriate, a critical adjudication, which has to appear with due prominence in the publication, brings home to the editor, and to editors generally, errors and breaches of the Code. We recognise that adjudications have been used more in recent years. After reviewing the complaints in our sample we emphasise that it is important that as a complaint moves through the system, the complaints process within the Office is always alert to the possibility that an adjudication may be more appropriate than another outcome.

A sufficient response by the editor

7. Complaints which might otherwise lead to a critical adjudication are sometimes dealt with adequately by a response from the Editor, even though the complainant does not agree that this resolves the complaint. These cases are classified as Sufficient Remedial Action. We have drawn attention to the inconsistent use of this classification, eg where there might not be a breach of the Code and therefore nothing requiring a remedy under the Code. We are glad that the Commission has altered its practice, so that the phrase used in such cases is normally that there has been a sufficient response to the complaint.

Photographs

8. Complainants scrutinise the Commission's decisions on photographs with some rigour. One difficult area is where a photograph is said to be published "for illustrative purposes" and those photographed are recognised. The defence that "readers generally" would not recognise them does not wash with readers who know them. Experience has shown the need for great care in setting the context in which personal photographs are published.

Headlines

9. It is well established that the accuracy of a headline has to be judged in the context of the article or report as a whole. But a headline still has to be a reasonable interpretation of the meaning of what follows. We note with approval that the Commission has recently become tougher on this.

10. Our audit surfaced a number of complaints where the careful use of quotation marks in a headline would have helped to indicate what was a personal opinion rather than an established fact.

Corrections

11. In this audit we have seen corrections/apologies where the inaccuracy that has occurred is referred to obliquely, eg as "a misunderstanding", or a regret "for any misunderstanding". But "inaccurate" is the word used in the Code, and this word properly meets complainants' desire for a clear acknowledgment of what was in fact an inaccuracy.

Drafting of decisions

12. In our last report we drew attention to awkward or wordy language in the drafting of some decisions. We noted some improvement in this area, but are glad to know that this is receiving further attention.

Standards generally

13. When a decision is issued on a complaint, the drafting of the decision, as well as the substance, is submitted to every member of the Commission for approval, and Commissioners are responsible for the whole decision when issued. It would help to bring a sharper focus to the Commissioners' scrutiny if in the coming months special attention is given to the issues discussed in this report.

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