PRESS COMPLAINTS COMMISSION

CHARTER COMMISSIONER

FIFTH ANNUAL REPORT

2008

Report of the Charter Commissioner

1. I continued in 2008 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 52 complaints. This represents about 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 5 cases my consideration led to a substantial change in the outcome of the complaint:-

   a A magazine claimed that specific sums were saved by buying one product rather than another. The original decision of No Breach did not deal expressly with the claim of "savings". The editor agreed not to use the word "savings" in this context in future. The complaint was resolved.

   b A published correction of a clear inaccuracy had [regretted] "any misunderstanding". This was not accepted by the complainant, but the Commission decided that it was a sufficient remedy. The complainant pointed out that Clause 1 of the Code was in terms of "inaccuracy". The editor agreed to publish a new correction accepting that there was an inaccuracy.

   c A letter had been published giving the sender a wrong first name. The editor had not replied when the sender of the letter complained to her. The Commission found No Breach of the Code. The editor, on being told of the complainant's approach to me, pointed out that a correction had been published at the time and apparently not seen by the writer of the letter. The writer accepted this as resolving his complaint.

   d The editing of a reader's letter before publication appeared to change its meaning, which prompted another letter criticising the writer of the first letter. The first writer was refused the opportunity to reply by the editor, and a complaint about this was turned down by the Commission on the ground that the editing had not led to an inaccuracy under Clause 1. On my recommendation, the complaint was reviewed by the Commission with reference to Clause 2 (Opportunity to reply). The Commission issued a further decision accepting that the complainant should have been allowed to reply to the mistaken assumptions about his original letter, although the time interval meant that a correction in the newspaper was not essential. The complainant agreed that this resolved his complaint.

   e A photograph of some flats accompanied a report that two bodies had been found, although the building where the deaths had occurred was only in the corner of the

picture. After a No Breach decision by the Commission, the editor agreed to publish a correction saying that the main block of flats in the picture was not where the deaths had occurred. The complainant agreed that this resolved his complaint.

4. In a number of cases where the complaint had been correctly handled, I was able to clarify the Commission's practice and explain the decision more fully. For example:

   a A newspaper's estimate of the number of deaths in a civil war was still in dispute when the Commission decided that there had been no breach of the Code. A fuller explanation was obtained for the complainant from the newspaper. The Commission considered the complaint again and confirmed its decision that there had been no breach of the Code.

   b A newspaper had published a care home's records of a dead relative. I was able to explain why Clause 3 (Privacy) related only to living persons, and that it was the care home that disclosed the records.

   c The headline on a court report had included in quotation marks prosecution evidence that might be contested. The complaint was that this was unfair and prejudicial. The Commission had declined the complaint on the ground that it was about a third party. I was able to add that it was a well-established convention that this use of quotation marks means that the words were used in court and not that they were true.

   d A complaint was that a paper had uncritically reported a police statement that a police officer had been stabbed by a man he was arresting, and later it was decided not bring charges. The Commission had found no breach of the Code, and later issued a further decision dealing with detailed points put to me. The decision itself was unchanged.

   e A complaint claimed that a comment piece about Italian tourists was offensive and racist, and that similar language about Jews or Muslims would not have been allowed. The complaint was properly handled, but I added that the Commission operates on the basis of the Code of Practice, which forbids discriminatory comments only about individuals and not about national or ethnic groups.

   f A letter to a magazine was published with the full name and address of the writer. There was no breach of the Code but the complainant thought that the decision said that the magazine's practice had been explained to her in advance. I was able to apologise for the ambiguity in the decision on behalf of the Commission and to say that it is the general practice of newspapers and magazines to regard the letters they receive as available for publication including the name and details of the writer, unless they are specifically asked not to publish them.

5. But 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, and I explained that I was concerned only with the handling of complaints. Some complainants greatly resent decisions that the Commission has found no breach of the Code, arguing that the newspaper has not maintained the "highest professional standards" (stated to be a duty in the preamble to the Code).

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