

## **For the Press Complaints Commission governance review**

### **Submission by Brian Deer**

I write to request consideration of an incident last year involving actions by the PCC, and to invite the governance review to draw appropriate lessons.

I'm an investigative reporter, working for The Sunday Times under a variety of arrangements - staff, contract or freelance - for many years.

Last February, the paper published two reports by me on the MMR vaccine issue. They were based on investigations carried out over a period of some five years, and alleged - I say revealed - the manipulation and alteration of data in the original 1998 research which launched what has become a worldwide controversy over vaccine safety. As a result of this controversy, parents have been frightened, or tormented with guilt. Vaccination rates have fallen. Children have sickened. Some have died.

After publication (and I've been unable to establish when), the PCC received complaints from Dr Andrew Wakefield, the primary focus of my reports. His complaints ran to some 73 pages, and I say are baseless and disingenuous in almost all material respects. A 133-page reply, written by me, is presently pending service on the PCC.

I submit the following to the governance review:

(a) The Sunday Times was criticised by the PCC for alleged slowness in responding to Dr Wakefield's complaints. This was notwithstanding the detail of those complaints extending to what amounted to dozens and dozens of individual purported grievances, most of which required careful deliberation, retrieval of evidence, and written response. Nevertheless, in its criticism, I believe the PCC treated us in a manner akin to those who have published relatively trivial disputed matters, and gave next to no consideration to the extraordinary burden placed on a newspaper when faced with what I say are a barrage of vexatious, dissembling technical criticisms.

(b) Pending the PCC's deliberation of the immensely detailed matters underlying my investigation - concerning issues of great public import affecting the safety of children - The Sunday Times was told by the PCC to take down my reports from the Times Online website: amounting to a public withdrawal of my findings. In other words, in receipt of an uninvestigated complaint from an individual accused of serious misconduct, the PCC - either with no thought, or with what I must assume to be prejudicial thought - gave Dr Wakefield immediate apparent (and I say false) relief and, at least temporary (and I say false) vindication.

Unsurprisingly, Dr Wakefield extensively published the PCC's decisions, as vindication of himself, causing a wave of what I say are false and defamatory

claims to be published on the worldwide web. These have caused confusion, and, I say, harm to both parents and children. In response, The Sunday Times, quite rightly, reposted the stories at Times Online, with a note indicating that they were subject to a complaint. Nevertheless, the damage was done, and it's now widely believed by members of the public, in the UK and worldwide, that the PCC has criticised my journalism, and that grounds exist to believe my stories to be untrue.

During this incident, I wrote in the strongest terms to the PCC's then-deputy director. I stressed the implications for investigative journalism, and the public interest, if the PCC ordered stories to be taken down, without any consideration of the merits of those stories, purely on the say-so of a person who, in those stories, is accused - I say exposed - of serious misconduct.

I ask the governance review to investigate this matter, and to study my correspondence with the PCC. I believe this incident gives real pause for thought over the ability of the PCC to process, and adjudicate on, complex stories involving allegations of misconduct. I don't criticise individuals. I think this is essentially a matter of resources.

When the time comes for me to serve my response to Dr Wakefield's complaint, the PCC will be faced with what I believe to be the most complex and time-consuming adjudication it has ever faced. A General Medical Council inquiry - giving fair consideration to similar material involving Dr Wakefield and two others - has run for nearly 200 days, and has cost more than the PCC's total budget, possibly for several years. This is the fairness extended to doctors. I wait with interest on the fairness to be extended to a journalist.

I have no doubts about my stories. In the light of the PCC's actions with regard to them, however, I have real anxieties over its ability to give fair consideration to the work of investigative journalists. As I say in one of my communications with the PCC, the message I received from its actions was, in my opinion, a signal to all of the very few remaining journalists in the UK who pursue complex public interest investigations: Don't.

A handwritten signature in black ink, appearing to read "Brian Kee", followed by a horizontal line.

**21 January 2010**