

Submission of Comments to the PCC Governance Review

By **Nick Wilkinson**

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Parliament is currently feeling bruised by the Media, especially by the Press. This is not just because of the long-running expenses saga, but because of notably poor governmental/media relations for both main Parties since the early 1990s. Even if there is a big intake of new MPs after the 2010 General Election, this bruised feeling will remain. Taken together with other recent changes in the technology and structure of information and comment dissemination, it will need only some small clash in the early years of the new Administration to stimulate a new (probably not altogether friendly) Parliamentary Review of regulation of the Media.

If Press self-regulation is to be preserved more or less intact, it is essential therefore for the PCC now to address its own structure and performance, in a way which is convincing to the public generally. This means facing up to lingering views that the PCC is neither genuinely independent of editors, nor genuinely representative of the expectations of the public (let alone those of Politicians). The current PCC Governance Review unfortunately perpetuates these views to the extent that it excludes any direct consideration of the roles and composition of the Code Committee and of PressBoF, but there are nevertheless opportunities for increasing public perceptions of PCC openness and independence.

The PCC Board

- The PCC Board is widely perceived as being dominated by editors; and editors bring to their adjudications not just expertise in how the Press operates (justifiable), but also the conventions, pressures and attitudes of those against whom the public complaints are made (less acceptable). A heavier weighting of the number of lay commissioners ('public' commissioners as I prefer it) would reduce this perception.
- The public commissioners are not perceived as being representative of the wider public, but as middle-aged, middle-class, metropolitan, Judaeo-Christian, usually white, 'quango kings and queens'. More pro-active encouragement to those of wider backgrounds to apply for these appointments is needed.
- It is not at present formally part of the role of the public commissioners to represent the public, nor to champion the expectations of the public where accuracy and privacy (in particular) are concerned; most public commissioners have seen their role primarily as applying the guidelines handed down by the all-editor Code Committee. Handling complaints is de facto an adversarial situation (public v editors), and this needs to be recognised by the public commissioners meeting regularly and separately, to discuss whether they are indeed adequately representing public expectations. This would not destroy the respectful relationship between editor and public commissioners that currently exists, but it would all be less inappropriately cosy.

- In measuring public satisfaction with the PCC, as much attention and weight should be given to whether its decisions are readily accepted, as is currently given to the speed, helpfulness etc of the Secretariat, and to the number of complaints dealt with.
- Where matters enter the realm of media/governmental politics, internal or external, the views of the public commissioners need to be sought ab initio, rather than left to the judgement of the Chairman and the Director (and editors/PressBoF), and reported to public commissioners post-hoc; some of the PCC mishaps of recent years would probably have been avoided had this happened.
- The credibility, and the reflection of public expectations, of the Code Committee would be greatly enhanced by the addition to it of, say, three experienced current public commissioners. The differences to the Code would in practice, I believe, be few and nuanced (eg greater attention to considerations of the public interest criteria), but it would publicly get away from the current situation where the public (and editor) commissioners are in reality merely asked to rubber-stamp what has already been decided by the Code Committee.

The Appointments Commission

- To the public, there is no logic in the Chairman not also being appointed by the Appointments Commission; indeed the fact that s/he is appointed by the PressBoF is regarded by critics as further evidence that the PCC is not truly independent.
- There has been some wry comment (eg to me by a Peer) that the PCC (Chairman, Appointments Commission, Charter Commissioner) has become a House of Lords 'benefit'; the Appointments Commission at least should perhaps be a little more representative of the wider and less exalted public.
- The PCC Chairman should not be a member of the Appointments Commission, but should be in attendance, to advise on the balance of qualities and backgrounds required on the PCC when new appointments are being made, and on the performance of existing members (in the same way as s/he does for editor members).
- The Appointments Commission should not allow editor or public commissioners to serve for more than five years; no commissioner can remain open-minded and retain a fresh eye for longer, given the weight and detail of weekly complaints.

Transparency

- Allowing the public to sit in on PCC meetings would preclude the essential free and frank discussion, and threaten third-party confidentiality.
- There is no major reason however why the PCC website should not include a summary of each meeting; this would exclude details which would identify the complainant (should s/he so wish), but would include enough of the subject and principles discussed to show the reasoning which led to the decision; the individual commissioners' comments would also be non-

attributable, other than making clear which were editor and which public commissioner views.

- The written advice given to potential complainants is good as far as it goes, but it does not give him/her much idea of the relevant PCC case-histories and 'mantras' (eg 'an address is not intrinsically private', unless, ironically, you are an editor or famous and can claim danger of stalking; or that 'being photographed by the Press in the privacy of one's garden is acceptable if you can be seen from a public place'). In fact, such a body of case-histories is not easily available anywhere to anyone, even to new commissioners.
- The website and public announcements have been much improved over recent years, but everything is somehow bureaucratic-looking; it does not need dumbing down, but the presentation could be more graphic and average-reader-friendly.

Accountability

- In my time the Charter Commissioner did occasionally exceed his brief to comment just on procedural aspects of case-handling, by helpfully and tactfully suggesting some point that might have been overlooked by commissioners or the Secretariat in the making of the decision; this role should be formalised.
- To extend his role even further, to be an avenue of appeal short of judicial review, would be healthy; how to do this in practice, and how to define the appeal role, requires deeper study and access to the PCC archives.
- There is a wider question of accountability: to whom, if anyone, should the PCC be accountable? Clearly not to Government, or it would cease to be self-regulation. Nor to PressBoF, or the PCC would cease to be independent. In logic, it should be accountable only to the public, a nebulous concept, unless codified by being responsible to the elected Parliament (but to whom there precisely?). Or unless the public commissioners were in a clear majority, and were formally given the role of representing the public.

Final Thought

The Press in 2009 often say that 'MPs just don't get it, do they?' We must ensure that MPs cannot say in 2010 that 'Editors just don't get it, do they?'

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