

## Press Complaints Commission

### Charter Compliance Panel

#### First Annual Report

2004

#### Report of the Charter Compliance Panel

1. The Panel was appointed from 1st January 2004 to audit the standard of service given to complainants by the Press Complaints Commission. The Panel consists of Sir Brian Cubbon, Dame Ruth Runciman and Mr Charles Wilson.

2. We have examined over 200 complaints files in total. We looked at a sample of complaints where the complaint was -

- 1 not dealt with in less than  
12 weeks
- 1 resolved
- 1 rejected because it was made too late after publication
- 1 rejected because it came from a third party
- 1 not pursued by the complainant after being made
- 1 made under clause 12 (Discrimination)
- 1 made under Clause 5 (Intrusion into grief and shock)

We also looked at a sample of complaints where it was decided that no further action was needed following an offer (eg a correction) by the newspaper; and we examined the files leading to all the formal adjudications in the first eight months of 2004.

3. We have seen a summary of the 59 complaints made to the Charter Commissioner in 2004 about the handling of complaints.

4. We have held meetings with the Chairman of the Commission, the Director of the Commission, and the complaints officers. We have had complete access to all the complaints files in our audit samples, and we have received total co-operation from the Director and staff of the Commission. We have made three written reports to the Commission.

5. In general we are satisfied that complainants receive a high standard of service from the Commission and the staff. We have been impressed by the care and effort

shown by the complaints officers, particularly in striving to find an acceptable resolution of complaints. We have made a number of recommendations during the year that should help to improve standards of service further.

6. Following our recommendations, there have been the following changes in practice and procedure:-

a. While the Commission will normally seek the resolution of a complaint only where the complaint suggests a breach of the Code, it is accepted that it may be appropriate in selected cases to try to sort out certain problems with the newspaper that would not seem to raise a breach of the Code.

b. It used to be a requirement that a complaint had to be made within a month of the publication complained of; this was a severe test, not readily understood by complainants. Complaints need now to be made within two months of the publication complained of, and the Commission will exercise its discretion to allow complaints outside the two months time limit. Similarly, a complainant who goes first to the newspaper and then to the PCC has two months to go to the newspaper and a further month, after the newspaper's decision, to come to the PCC; and the PCC will give some more latitude where the newspaper has not told the complainant about the PCC's time limits.

c. We found some examples of serious delay before a complaint was finally decided. Where complaints more than 12 weeks old go to the Commission, the delay will now be explained; and attention will be drawn to all complaints more than eight weeks old. Stronger internal procedures should ensure that the Commission is not responsible for undue delay before a complaint is finally decided. Where a complaint has been delayed, the complainant will be told, where possible, when a decision is likely. A running action sheet, giving dates, will be attached to all complaints files to facilitate monitoring and auditing.

d. We suspect that in a few cases the newspaper dragged out its response to a complaint to the disadvantage of the complainant. Office procedures will be more rigorous in watching out for such cases, and the Panel will draw attention to any further cases of this kind in its audits.

e. PCC literature will mention that the complainant can remain anonymous even if a complaint goes to adjudication, so that a complaint is not resolved just out of fear of publicity from an adjudication.

f. The resolution of a complaint often turns on whether the newspaper is ready to print a correction/apology or just a letter from the complainant. While each case must be judged on its merits, the Commission has established general criteria for judging which of these remedies is appropriate.

g. Some complaints that seem important are dropped by the complainant for no apparent reason. In future, the Commission will receive a separate list of "potential breaches of the Code not pursued" with a summary of each complaint, and this category will also be included in the Commission's annual statistics. The stock responses to initial complaints will be revised.

h. In order to avoid a misleading impression of too close a relationship between Commission staff and editors, Commission staff will not use first names in letters to newspapers on PCC headed paper.

i. Although the Code forbids discriminatory references only about individuals, not groups, a Guidance Note in 1997 recognised that some general reporting and comment about mental illness (including headlines) can cause distress to mental patients and their families. The Commission staff will research the complaints in this area over recent years and the Commission's response to them, and will arrange a scan of the press for the use of discriminatory words.

j. The Commission will engage an independent expert to advise on the design and interpretation of the customer surveys conducted by the PCC.

k. We saw a draft of the recent edition of the How to Complain leaflet. Our comments led to a number of changes. We suggested that the next edition of the leaflet should include a flow chart setting out the paths a complaint might take.

We are pleased with the response by the Commission to our recommendations.

7. We have also made some general observations to the Commission. Although we are not concerned with the substance of Commission decisions or with the drafting and interpretation of the Code, the audit process gives a useful insight into the grievances of complainants. Our comments were:

a. We have been struck by the importance complainants attach to headlines. We recognise that the Commission assumes that headlines are usually read in the context of the article or report as a whole. This argument is more easily understood in a complaint about accuracy than in a complaint about intrusion into grief or shock or about discrimination, where the force of the headline can do the damage that the Code seeks to prevent, whatever the rest of the text says. Inaccurate headlines can intrude into grief and be discriminatory in themselves.. We hope to include complaints about inquest reports in a future audit.

b. We hope that the Commission will consider, when funds are available, having a free 0800 or local rate 0845 number for complainants to use in phoning the PCC.

c. We welcome the increase in 2004 in the number of adjudications, compared with 2003. While the selection of complaints for adjudication should not be artificial or arbitrary, there is advantage in having a good number of adjudications to raise and strengthen the public profile of the Commission and make its standards of service more transparent.

d. Unlike many other complaints schemes, a complainant whose complaint is rejected by the newspaper is not necessarily told about the PCC, and its time limits for complaints. We suggest that the Code Committee might seek the agreement of editors to making this a standard practice, together with regular slots in their newspapers giving basic information about contacting the PCC.

Sir Brian Cubbon  
Dame Ruth Runciman  
Charles Wilson

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