

Press Complaints Commission

Charter Commissioner

First Annual Report

2004

Report of the Charter Commissioner

1. I was appointed from 1st January 2004 to consider complaints about the handling of complaints by the Press Complaints Commission where the Commission had taken a decision. My terms of reference require me to report to the Commission, with any recommendations. I am not to review the substance of the Commission's decisions, only the handling of the complaint.
2. I received 59 complaints during the year. In 18 I was unable to consider the matter – either there had not been a formal decision of the Commission or I was being asked in effect to review the decision of the Commission.
3. Nearly all my cases involved a complaint under Clause 1 (Accuracy) of the Code.
4. All the recommendations I made were accepted by the Commission. (I intend to mention in my Annual Reports the details of every case where my recommendation was not accepted.) Where I am satisfied that the complaint has been properly handled and I have no recommendation to make, I reply direct to the complainant, and give the Commission a summary report of these cases at least every six months.
5. In seven cases the following action was taken upon my consideration of the representations made to me:
 - a. In one case the Commission had decided that the remedy offered by the newspaper was sufficient, but it was not clear that the Commission had considered all the elements of the complaint. The newspaper agreed to publish a statement which was acceptable to the complainant.
 - b. In one case the Commission's decision implied that the newspaper had offered to publish a statement dealing with all the matters criticised by the complainant, but this turned out to be not the case. The newspaper then offered a full statement, which the Commission regarded as sufficient, but it was not acceptable to the complainant.
 - c. In one case the Commission agreed to reconsider the complaint, as the complainant felt that his criticism of the newspaper had not been fully considered.

d. The Director of the Commission apologised personally to the complainant in three cases for delays in the complaints procedure; one of these revealed a procedural gap which has now been remedied. In another case the Director apologised for a minor error of fact in the Commission's decision letter.

6. In a number of other cases I clarified the decision taken on the original complaint and explained the operation of the Code. For example -

a. Where the Commission found that a complaint under Clause 1 (Accuracy) raised no breach of the Code, complainants found it difficult to accept that a minor inaccuracy is not automatically a breach of the Code, eg where it is incidental to a comment or opinion.

b. Complainants could not understand why, as it appeared to them, an editor's offer of a remedy led too easily to a decision that no further action was required. I tried to explain that in each case the Commission had considered whether the remedy was sufficient in the particular circumstances of the complaint.

7. I was able to refute a suggestion on one complaint that racism had influenced the Commission's decision; and a suggestion in another that there had been improper political influence on the Commission. There was a complaint in another case that the PCC staff were unhelpful; my finding was that I was not satisfied that the complaint was justified. (This was the only case I had where there was any hint of criticism of the staff.)

8. I mentioned the Charter Compliance Panel's audit of discrimination complaints to complainants who argued that the Commission had taken too restrictive a view of the Code on their complaints alleging discriminatory reports about groups.

9. Arising out of my recommendations the Commission agreed to make these changes in practice

i There should be more discretion to seek the editor's comments even where it appeared to the Office that there was no breach of the Code. (This point also came up in the Charter Compliance Panel's audit.)

ii The stock letters and leaflets have been revised to make it explicit that resolution will not be attempted for every complaint.

iii There should be firmer criteria for deciding whether a correction or a letter from the complainant is the appropriate remedy for an inaccuracy. (This point also came up in the Charter Compliance Panel's audit.)

iv Advertisement features ("advertorials") are outside the PCC's remit, and complaints about them should be rejected on that ground.

v The Commission can take an earlier grip on complaints where the newspaper's offer is complicated, and proceed to an adjudication.

vi The public presentation of Clauses 1 and 2 will take account of the confusion that has arisen on the application of these clauses to the many different situations in which they can arise – see paragraph 6 above.

vii I had a number of complaints where a complaint to the Commission had been rejected as coming too late. Following a recommendation from the Charter Compliance Panel, the Commission agreed to a substantial relaxation of the time limits.

Sir Brian Cubbon

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