

Charter Commissioner Second Annual Report 2005

Report of the Charter Commissioner

1. I continued in 2005 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 7% 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 four cases my investigation led to a substantial change in the outcome of the original complaint. It is very gratifying that in all four cases the editors responded positively and quickly to the points raised with me, even though they might have expected that the Commission's original decision had disposed of the complaint. The details of the four cases were:-
 - a. A prisoner was mistakenly said by a newspaper to have had legal aid for an action against the prison authorities. The Commission had decided that the newspaper's offer to publish a clarification was a sufficient remedy. But the wording of the decision had relied on the complainant's apparent failure to complain about the same mistake earlier, and further enquiries showed that the newspaper had received an earlier letter of complaint. There were other defects in the handling. After the complainant wrote to me, these points were put to the newspaper, which readily agreed to add a personal apology to the clarification, which it also sent to the prison authorities. The complainant accepted this as resolving his complaint.
 - b. It was reported that "friends" of a public figure had tipped off a photographer about a visit he was making. The Commission decided that the newspaper's offer to publish a letter from him was a sufficient remedy since the report had not said that the complainant had personally tipped off the photographer. The complainant pointed out to me that his complaint had also been about the alleged involvement of his "friends". The newspaper printed a clarification, which the complainant accepted as resolving his complaint.
 - c. The Commission had dismissed a complaint about harassment outside a court by a photographer on the ground that the photographer had not been identified. After a letter to me, enquiries were made of the editors of the two newspapers involved in the court case. One readily acknowledged that the photographer was his employee, and though he had a different version of the alleged harassment, he sent a personal apology to the complainant, who accepted that this resolved the complaint.
 - d. A newspaper had published statistics of postal voting that included mistakes. They were quickly corrected. A little later the newspaper published another article, which included a photocopy of the original headline, which had used the wrong figures. The Commission found that this was not a breach of the Code. The complainant wrote to me to say that this was illogical. When this was put to the newspaper, it published a correction acknowledging that the headline reflected incorrect figures and giving the correct figures.
4. In the following ten cases the Commission agreed with me that the wording of its decision could be improved:
 - a. A mistake had been made in the correspondence between a complaints officer and the complainant before a No Further Action decision. The complainant protested to me that the decision did not mention the mistake. With the Commission's approval I conveyed to the complainant the Commission's apologies for the mistake, but pointed out that the real mistake had been made by the editor (and repeated by the complaints officer) and did not affect the substance of the Commission's decision.

This case showed the occasional need, where there is not a critical adjudication, to point out forcefully an editor's mistake. The Commission has agreed with the Charter Compliance Panel – see paragraph 9 of the Panel's report for 2005 – that in such cases the Chairman of the Commission should send a suitable letter to the editor.

b. The Commission decided that a disputed quotation in a newspaper article was not a breach of the Code. The decision mentioned that the newspaper had tried to check the quotation with the complainant. The complainant protested to me that the newspaper had not demonstrated with telephone records that it had tried. The Commission sent the complainant a full clarification of its decision, which was justified by the reporter's shorthand notes of the quotation and by other corroboration, apart from any attempt to check the story with the complainant.

c. A complainant questioned a No Breach decision that appeared to suggest that a reader's letter in a newspaper should be regarded as comment and as such could not be inaccurate or misleading under the Code. The Commission agreed that the Secretariat should clarify the letter and explain that it had carefully considered whether the reader's letter was based on points of actual inaccuracy but had taken the view that it was not and that the letter as a whole was neither misleading nor factually inaccurate.

d. A complainant complained to me that in the wording of a No Breach decision the Commission had not understood the particular words that he had complained about in a newspaper article. The Director apologised to the complainant for the discrepancy and said that it did not materially affect the Commission's decision.

e. A complainant wrote to me questioning the wording of a decision that an article about Islam raised no breach of the Code. The Director sent him a letter of clarification, which had been approved by the Commission.

f. A complainant questioned whether a decision had taken account of the previous example he had given of unfair articles. The Commission agreed that I should tell him that it was fully aware of the previous articles and it confirmed its decision.

g. A complaint turned on whether a notice to quit that had gone to the complainant's tenants could be described as an eviction in a newspaper headline. The Commission decided that, in view of other material in the newspaper article, the newspaper's offer to publish a letter from the complainant was a sufficient and proportionate response. The complainant found the wording of the decision inadequate and confusing. The Commission arranged for the complainant to receive a further letter explaining that it did not consider that the newspaper article, when read as a whole, was a factually inaccurate or misleading account of what had taken place.

h. A report of one day's hearing at a professional disciplinary tribunal had included a photograph taken at the end of the day's proceedings but not the decision taken that day by the tribunal to drop some of the charges. A complaint was made. The Commission decided that it was sufficient that the final outcome of the hearing was published at the end of the case. The editor was not asked for his comments. Following a complaint to me, the editor was involved and explained how the agency report of the hearing had reached him later than the photograph and had missed his deadline. This was passed on to the complainant, who did not press the point further.

i. The Commission found no breach of the Code in a complaint about an article in a technical journal. The complainant wrote to me disputing the arguments and details in the decision. The Commission agreed that there was a mistake of detail in its decision. The complainant was told this and given a clarification of the reasons in the decision, which still stood.

j. The Commission declined to consider, as coming from a third party, a complaint that a headline and photo caption had presumed the guilt of persons charged with terrorism. In correspondence with the complainant the Secretariat mentioned that one Commissioner had commented that the complaint was about possible contempt of court and a matter for the Attorney General. The complainant questioned the decision with detailed argument and asked why the Commission had not sent his complaint to the Attorney General. With the Commission's approval, I wrote to the complainant explaining that the Commission does not have a roving role to take up every possible breach of the Code and that the legal representatives of the accused persons could take what steps were necessary to protect their interests; and that the Commission had confirmed its decision and its approval of all the letters that had been sent to the complainant.

5. In the remaining cases I was satisfied that the complaint to the Commission had been properly handled. I was able to assure the complainant that it had been considered by the whole Commission. In most of these cases 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. Where possible, I added an explanation of the Code and the Commission's policy and practice: eg on the exclusion of third party complaints. Other points put to me in some cases were that every inaccuracy should be corrected, or that the Commission should ensure better "balance" in newspaper reports.

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