

**STATISTICS AND CASE STUDIES  
2009**



# Press Complaints

# INTRODUCTION

**THE SERVICES OFFERED BY THE PCC ARE OFTEN BEST UNDERSTOOD BY AN EXAMINATION OF SPECIFIC CASES. LATER IN THIS SECTION, WE CONSIDER SOME OF 2009'S KEY RULINGS. BUT, IN ANY ASSESSMENT OF THE COMMISSION'S WORK, IT IS ALSO IMPORTANT TO TAKE A LOOK AT THE OVERALL FIGURES INVOLVED.**

In the past, statistical information about complaint numbers has led to a certain amount of confusion. That is primarily because there has been a heavy focus on the total number of people who have contacted the PCC. We have tended to present one letter or email as one complaint, even when the issue raised is one that falls outside the Commission's remit (because it is about a TV programme, for instance) or when the letter contains so little information that matters cannot be progressed. And when 500 people have written to us, all concerned about precisely the same thing, we have counted them as 500 separate complaints (despite the fact that the PCC only makes a single ruling). This approach has become unsustainable at a time when the number of (often unsubstantive) contacts by email continues to rise significantly.

During 2009, the Commission made significant changes to the way in which its statistics are presented. In part, this simply meant increasing the amount of information being published. Monthly lists of all concluded complaints are now available at [www.pcc.org.uk](http://www.pcc.org.uk). But changes have also been made to the categorisation of cases, primarily in order to distinguish better between the complaints we could deal with (see pages 3 to 6) and those we couldn't (see pages 7 and 8). The new categorisation also ensures that a fuller distinction can be made between numbers of complaints and numbers of complainants.

**We hope this new approach is effective. For any queries about our statistics, especially concerning like-for-like comparisons with previous years, please do contact us. The glossary on page 17 contains explanations for some of the terms we use in this book.**

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# KEY STATISTICS

**18**  
Public censure  
by PCC

approx **37,000**  
Total number of contacts  
in writing to PCC

**738**  
Total number of complaints with merit

**111**  
Remedied to the  
satisfaction of the PCC

**1134**  
Complaints investigated

**609**  
Settled to the satisfaction  
of the complainant

**993**  
Complaints which raised  
no breach of the Code

# COMPLAINTS

## THE COMPLAINTS WE COULD DEAL WITH

### Complaints with merit

In 2009 there were 738 complaints that raised a possible breach of the terms of the Editors' Code of Practice (compared to 678 in 2008). 609 of those complaints were amicably settled when the newspaper or magazine in question took remedial action with which the complainant was satisfied – usually (in 541 cases) this action followed successful mediation by the PCC but, on some occasions, the matter was resolved even before the Commission launched its investigation. Where a settlement was reached between the parties, the PCC did not make a subsequent ruling on the case.

In the remaining 129 cases, the PCC ruled that there had been a breach of the Code, although, in 111 of those, remedial action by the offending publication (even though not considered suitable by the complainant) was considered sufficient by the Commission and public censure was therefore unnecessary. Critical adjudications – in which the Commission elected publicly to censure the editor – were issued in the 18 cases where remedial action was either not forthcoming or was inadequate, or in cases where a breach of the Code was so egregious that it could not be remedied.



## Resolved complaints

**2009 saw a record number of complaints being settled through mediation to the satisfaction of the complainant. Summaries of every such case (except those where the complainant asked for no further publicity) can be seen at [www.pcc.org.uk](http://www.pcc.org.uk). To find out more about complaints from Lord Mandelson, Ummah.com, Leona Lewis and many others, please visit our website.**

Complaints can be resolved in a variety of ways. Some are obvious: the publication of an apology or correction; the removal of offending material from a newspaper's website; or a published letter from the complainant. Other methods are more surprising: a meeting with the editor or journalist; a bunch of flowers; or a trip to an adventure park.

It is important to the credibility of the self-regulatory system that, when mistakes are made, they are corrected properly and with due prominence. This does not mean necessarily that a correction must fill the same space as the original item, but there must be a relationship between the significance of the initial transgression and the strength of the remedial action.

Our survey of corrections and apologies we negotiated in 2009 was broadly encouraging since the vast majority (83.9%) appeared either further forward than the offending material, on the same page or in a dedicated corrections column.

The Commission will work hard to improve its record in this area, and calls on the industry to play its part in publishing corrections prominently. In 2010, the PCC will be examining the issue of online corrections and what constitutes 'due prominence' online.

### Complaints that raised no breach of the Code

Overall, the Commission received just under 1000 distinct complaints where a ruling was possible but where the terms of the Code were not breached. In all of these cases, the PCC issued rulings to the complainants, some following an investigation, others for which no investigation was necessary. 21 of those rulings were published by the Commission because they raised significant points of principle and are recorded on the 'adjudications' section of our website.

### Prominence of Corrections and Apologies:

**66.2%**

Further forward or on the same page

**4%**

More than 5 pages later than the original

**17.7%**

Designated corrections column

**12.1%**

Within 5 pages of the original

# COMPLAINTS

## Investigations

When the PCC talks about an investigation into a complaint, it means that an initial assessment has shown that there may be a possible breach of the Editors' Code of Practice. Consequently, a designated PCC complaints officer will write to the editor in question and request a response to the issues raised by the complainant.

The editor may accept (following prompting by the PCC office) that something has gone wrong. In these cases, PCC staff will act as mediators, trying to find a settlement that is acceptable to the complainant. If no settlement is possible, the matter will return to the Commission for formal assessment. It may conclude that an offered remedy is sufficient.

But it may decide that a breach of the Code has not been – or cannot be – remedied and in those cases it will publish a critical adjudication, which the offending publication is also obliged to publish in full and with due prominence.

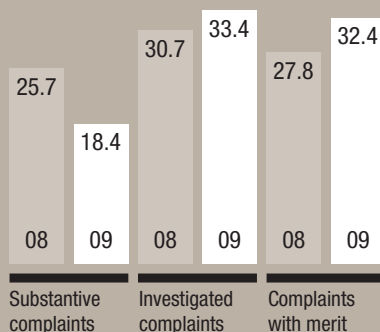
If the editor does not make any offer to settle the complaint, but puts forward a defence, the PCC will use its investigation to obtain all of the necessary information, and test the assertions made on both sides, before the Commission examines the complaint in full. It will then issue a ruling as to whether the Code has been breached.

Overall, the Commission initiated 1134 investigations in 2009, up from 949 in 2008.

## Complaints by time taken

The PCC aims to deal with complaints in an average of 35 working days. In 2009, it dealt with substantive complaints in an average of just 18.4 working days. Complaints which warranted an investigation took longer in general to deal with but we still reached our target average:

## Number of days taken





● Resolved	541
● No breach	223
● Sufficient remedial action	90
● Public censure	18
● Not pursued	262

Overall, the Commission initiated 1134 investigations in 2009, up from 949 in 2008.



● National titles	51.51%
● Regional and local titles in England and Wales	33.33%
● Scottish newspapers	8.24%
● Magazines	4.79%
● Northern Irish newspapers	2.13%

### Complaints by type of publication

People are often surprised that complaints about the national press do not make up a higher proportion than they do. Looking at cases where an investigation was warranted, the proportions are as shown.

# COMPLAINTS

## THE COMPLAINTS WE COULDN'T DEAL WITH

Each year, the Commission receives large numbers of emails and letters that it cannot act on, for example because the issue raised does not fall within the PCC's remit, or because the complainant has provided insufficient information to allow a proper assessment of their case.

In fact, because access to email has made initiating a complaint so easy, the Commission now deals with many hundreds of contacts each year where complainants don't follow their concerns through when asked to provide additional details. This can at times be frustrating but it is important to make clear that we respond to all emails and letters we receive. And in cases where a significant issue has been raised but not followed up, we will do all we can to elicit more information.

In 2009, exactly 2,600 contacts were not pursued by the complainant after their initial email or letter, which is a similar figure to the previous year. The Commission

was in no position to take these matters any further.

Complaints which the Commission ruled were from genuine 'third parties' – people complaining about a matter to which they were not directly connected but where there was an obvious 'first party', who could have complained – rose slightly to 155 (including multiple complaints about the same thing). There were some particularly notable incidents which led to numerous such complaints. The death of Michael Jackson, for example, generated a huge amount of media coverage, some of which members of the public objected to on the grounds that it intruded into the grief of those close to him.

Complaints that were outside the Commission's remit (because they were about TV, advertising or Sudoku puzzles for instance) also rose slightly to 777 and there were 196 cases that raised matters of taste and decency with which the PCC does not deal.

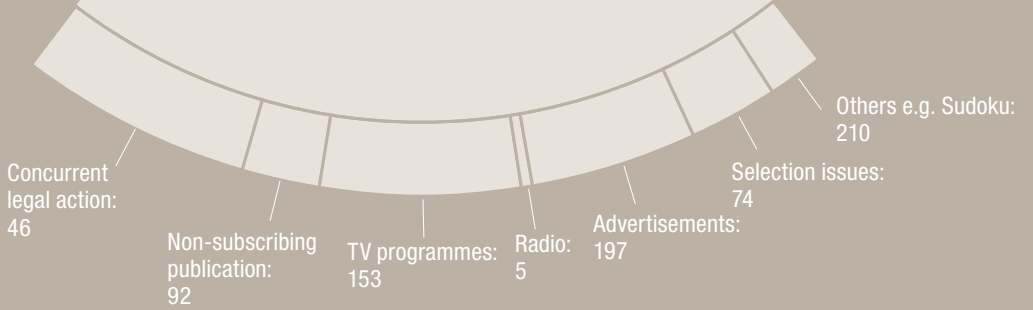
**more detail and downloads  
at [www.pcc.org.uk/review09](http://www.pcc.org.uk/review09)**



**Complaints we couldn't deal with**

● Not pursued	2,600
● Outside remit	777
● Matters of taste	196
● Third party	155
● No finding possible	8
● Disallowed for delay	5

**The outside remit category can be broken down further:**



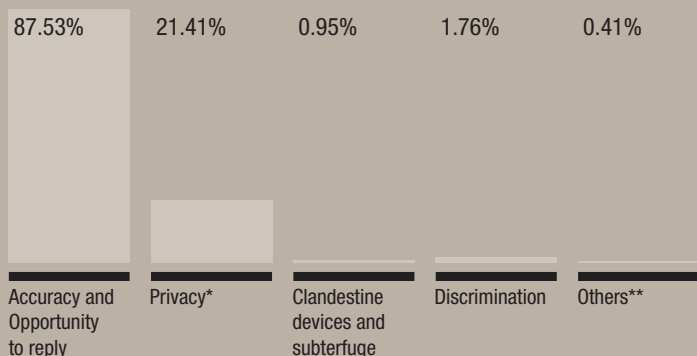
It is clear from the 2009 figures that the PCC is increasingly busy. Many more people contacted us to raise concerns than ever before. We carried out a record a number of investigations and settled more complaints by mediation than at any other time in the PCC's history. Overall, more complaints had merit in 2009 than in any previous year.

We are proud of these figures because they show that people can trust the PCC to set matters right when they have gone wrong. They also seem to show that the public sees the Commission as a helpful forum for expressing concern about the press, even if there has not actually been a breach of the Code of Practice. After all, the rise in overall contacts continues to exceed the rise in cases that have merit.

But at the heart of the Commission's work are the individual cases, some of which we examine in the remainder of this section. Those cases raise numerous issues; they can be extraordinary or mundane. Statistically, there are two key causes of complaint – inaccuracy and intrusion into privacy. Of complaints that warranted investigation, over 85% made claims about breaches of Clause 1 (Accuracy) of the Code.

Privacy remained the area that often caused most controversy, with the Commission having to balance the competing rights of individual privacy and freedom of expression. 21% of all investigated complaints had a privacy angle to them. And when it came to published rulings, over 50% dealt with concerns about privacy. That figure rose to over 55% in cases where the editor was censured, which may reflect the seriousness with which the PCC views an unwarranted invasion of privacy.

### Issues raised (in complaints with merit)



\* Privacy = Clauses 3, 4, 5, 6, 7, 8, 9 & 11 of the Code

\*\* Others = Clauses 13, 14, 15 & 16 of the Code

N.B. Many complaints raised a number of issues under the Editors' Code, which is why the combined figures in this graph add up to over 100%.

Over the course of the last few years, the PCC has dealt with a number of cases where numerous individuals have complained about the same issue – some have been orchestrated, others have arisen spontaneously. The ease with which complaints can be made and increasing access to the internet are two drivers of this trend. In 2009, there were some very notable examples of what might be described as ‘multiple complaints’.

## Top 5 for 2009

**1// 25,000+**

Jan Moir in the Daily Mail –  
“Why there was nothing ‘natural’  
about Stephen Gately’s death”

**2// 5,971**

Fourteen articles in 10 different  
newspapers relating to the  
British National Party

**3// 395**

James Martin in the Mail on Sunday –  
“The Tesla Roadster is the all-electric  
supercar that’s as fast as a Ferrari”

**4// 197**

OK! Magazine – “Jade Goody  
Official Tribute Issue”

**5// 76**

Sunday World – “Grotesque” (Front  
page photograph of a suicide victim)

# Campaigns

## Jan Moir and Stephen Gately



An article by Jan Moir in the Daily Mail, which made comments about the death of pop star Stephen Gately, caused particular outrage and led to over 25,000 people expressing their concerns in writing to the Commission. That level of contact was completely unprecedented – in the whole of 2008, the PCC received fewer than 5,000 written contacts.

This situation raised all sorts of questions for the Commission – as well as highlighting the power of social networking websites. For instance, how does a small

organisation (with 15 members of staff) actually process so many complaints? And more fundamentally, should volume alone have an impact on the way in which concerns are judged?

A number of changes have been made to the Commission's website and databases so that our systems can better cope with a spike in complaint emails. However, the issue for the PCC can never be how many people have taken a dislike to an article, or been offended by it. What is at stake is whether or not the Editors' Code of Practice has been breached – and that is unaffected by the number of individuals who complain.

That said, even though the PCC will not consider sheer weight of complaints to be necessarily an indicator that the Code has been breached, it recognised that there was a need for the genuine concerns of a large number of people to be aired and debated fully. This it did in a lengthy ruling at the beginning of 2010. And because a complaint had been made by Stephen Gately's partner, Andrew Cowles, the Commission was able to rule on concerns (under Clause 5 (Intrusion into grief or shock) and Clause 12 (Discrimination) of the Editors' Code of Practice) that would not have been open to consideration on the basis of the other 'third party' complaints.

## James Martin on cyclists

A piece by the well-known chef, James Martin, which appeared in The Mail on Sunday in September, drew the wrath of almost 400 complainants, who objected to his characterisation of cyclists. Many were also concerned at his description of having deliberately run a group of bicycle riders off the road by passing them at speed in his car while blaring his horn.

The newspaper removed the reference to cyclists when it became aware of the level of concern that had been caused. Mr Martin also offered a profuse apology on his own website. A number of complainants remained unhappy and asked the Commission to make a ruling on the case. This it did, concluding that, while clearly causing considerable offence, the article had not breached the Editors' Code of Practice.

## The BNP

The PCC also received a number of multiple complaints about articles concerning the British National Party. Members and supporters of the party, often acting in concert (and sometimes using identical wording in their letters), said the reports in question were misleading. However, it was clear to the Commission that the issues at stake were inextricably linked to the party as an official body. As a result, it took the view that it would only consider the substance of the complaints if they were raised by BNP officials. A number of formal complaints have subsequently been dealt with on this basis.

# CASE STUDIES

Over the course of 2009, the PCC made a number of keynote rulings in important areas. One of the ways in which the Commission seeks to improve industry practice is by setting down principles within its decisions, to act as case law for the future.

These rulings are then incorporated into the Editors' Codebook, an industry publication that carries the lessons learned from PCC experience.

We have highlighted some examples from the year:

## PRIVACY AND SOCIAL MEDIA

**1)** In March 2009, the Scottish Sunday Express wrote a front-page article about survivors of the Dunblane shooting in 1996 – who were now turning 18 – ‘shaming’ the memory of the deceased with “foul-mouthed boasts about sex, brawls and drink-fuelled antics”. The article featured a number of photographs of the teenagers taken from their social networking sites.

While the information was publicly accessible, the Commission ruled that – since the shooting – the teenagers had done “nothing to warrant media scrutiny, and images appeared to have been taken out of context and presented in a way that was designed to humiliate or embarrass them”. This represented a “fundamental failure” to respect their private lives. The complaint was upheld.

**2)** An article in April 2009 in the People reported that a serving police officer, John Hayter, had posted a message on Facebook about the death of Ian Tomlinson during the London G20 protest saying “I see my lot have murdered someone again. Oh well, sh\*t happens”.

In this case, the Commission decided that the publication of the information was justified in the public interest, even though the complainant’s Facebook profile could only be accessed by his online ‘friends’ (one of whom had contacted the newspaper). The Commission’s ruling made clear that “the individual in question was a serving police officer, commenting on a matter that was the subject of considerable media and public scrutiny. He had done so in a way that made light of a person’s death and the role

apparently played by the police. There was a clear public interest in knowing about police attitudes (whether publicly or privately expressed) towards the incident”. The complaint was not upheld.

These decisions raise important questions for journalists to ask when considering material taken from social networking sites, most notably:

- What is the nature of the material and its context? Publishing even publicly-accessible material in a newspaper or magazine can represent an intrusion.
- How has the individual sought to protect the information? A public interest is necessary to justify circumventing privacy settings.

# Key rulings 2009

## PROMINENCE

The Editors' Code of Practice makes reference to corrections and adjudications being published with "due prominence". In 2009, the Commission was asked to rule on this requirement on various occasions, with the following two cases being of particular significance.

**1)** The Sunday Times wrongly alleged, on a front page, that Dr Tony Wright MP (Cannock Chase) had accepted money to surrender a tenancy agreement, and then moved to the same block with a lower rent. In fact, it had confused the complainant with another MP of the same name. While Dr Wright had obtained an apology from the paper, this had been published on its letters page (page 20) and he was dissatisfied with its prominence.

Given the seriousness of the error, the Commission did not consider that the newspaper's placement of the apology

was appropriate on this occasion. The complaint was upheld under Clause 1 (Accuracy) of the Editors' Code.

**2)** The Commission also criticised Woman magazine in 2009 after it failed to publish an upheld PCC adjudication in full and with due prominence. Part of the penalty for breaching the Editors' Code is the requirement to publish the Commission's criticisms in full.

In this case, the original article had appeared on a double-page spread over pages 8 and 9. The publication of the adjudication on page 30 was insufficiently prominent. In addition, the ruling appeared in a smaller typeface than the rest of the page; did not make reference to the PCC in the headline; and had been heavily edited, with around half of it not included. This was unacceptable to the Commission, prompting a further critical adjudication which the magazine then published prominently and in full.

## HARASSMENT

In November 2009 the Commission upheld a complaint against the Daily Record for harassing a manager at a lap-dancing club while researching a story about her becoming pregnant by a Scottish Premier League footballer. The complainant had made it clear that she did not wish to speak. The newspaper gave a written assurance to the PCC that it would not approach the complainant again – yet two further approaches ensued, including one at a very late stage of pregnancy.

The Commission ruled that it should be a "relatively simple matter" for newspapers to communicate internally about such requests, noting that most newspapers manage to do this every day with no such confusion. Indeed, the Commission said that it was "disappointing that the procedures of a major newspaper such as the Daily Record should turn out to be so lacking". The complaint was upheld under Clause 4 (Harassment).

**"It was [...] disappointing that the procedures of a major newspaper such as the Daily Record should turn out to be so lacking"**



## REPORTING OF SUICIDE

In April 2009, the Commission upheld a complaint against the Reading Chronicle for publishing “excessive detail” about a suicide. The article reported the death of a woman who had taken her own life by consuming poisonous leaves. It included the type of leaf used; how the deceased found out about it; the fact there was no antidote; and a reference to the speed of the process.

In the Commission’s view, this information may have been sufficient to spell out to others how to carry out such a suicide. The complaint, which came from the parents of the deceased, was therefore upheld.

## CHILDREN

The Commission upheld a complaint against the Scottish News of the World for running an article about the alleged behaviour of a seven-year-old boy in Scotland, who had been involved in anti-social incidents.

While the Commission accepted that the newspaper had had some grounds for the story, it was concerned that the most serious claims (allegations of violence and the assertion he had been expelled from a string of schools) could not be substantiated. This was significant in a story about such a young child.

The Commission also ruled that the newspaper’s attempts to conceal the identity of the child had been insufficient, and that there was not appropriate justification for running his picture, even though it was pixellated.

## ALFIE PATTEN CASE



In February 2009, the Commission launched its own investigation into payments to the families of Chantelle Stedman and 13-year-old Alfie Patten for stories about the background to the birth of Chantelle’s baby Maisie.

The purpose of the investigation was to establish whether the alleged payments by The Sun, The People and the Sunday Mail had been made in breach of Clause 6 (iv) of the Editors’ Code of Practice which states the following:

“Minors must not be paid for material involving children’s welfare, nor parents or guardians for material about their children or wards, unless it is clearly in the public interest”.

Two weeks after the PCC’s announcement, however, the High Court made a Reporting Restrictions Order which effectively precluded both further approaches to the families and the publication of any new information about Chantelle, Alfie and Maisie. This limited the Commission’s ability to make enquiries and publish information about the case.

Nonetheless – as this subject related to a matter of considerable importance –

the Commission issued some guidance, on the general issue of paying parents for information about their children’s welfare. In particular, the Commission says that editors should ask themselves three questions:

- Is the payment alone responsible for tempting parents to discuss a matter about their child that it would be against the child’s interests to publicise? If so, only an exceptional public interest reason could justify proceeding with the arrangement;
- Is there any danger that the offer of payment has tempted parents to exaggerate or even fabricate the information?;
- Is the payment in the child’s interest?

While accepting that parents have a right to freedom of expression, the Commission emphasised that editors must come to an independent judgement as to whether publication of information – and the payment involved for the material – is in the child’s interest:

“On some occasions, this will mean – where there is an insufficient public interest in the story – that payment should not be made, even if the parents are happy for the story to be published”.

# Key rulings 2009

## PRIVACY AT A FUNERAL

In November 2009, the Commission upheld a complaint against the Bristol Evening Post about its coverage of a local death by suicide. The mother of the deceased was concerned about the actions of a photographer on the day of the funeral – who had been asked to leave – and the publication of photographs of the event at a time of intense grief.

**“Parents grieving for the loss of their child should not have to be concerned about the behaviour of journalists”**

While the Commission accepted that newspapers have an important role to play in the reporting of tragic events – which it did not wish unduly to restrict – there was a need for restraint and sensitivity on the part of the newspaper, particularly given the age of the complainant’s son and the manner in which he had died.

The PCC felt that the newspaper should have sought to determine the feelings of the family before sending someone to cover a funeral of this nature: “parents grieving for the loss of their child should not have to be concerned about the behaviour of journalists, or the likelihood that details of the funeral would be covered without their consent”.

## CELEBRITY HOMES



In early 2009, the Commission ruled that The Mail on Sunday had breached Clause 3 (Privacy) of the Editors’ Code of Practice when it reported that James Bond actor, Daniel Craig, had bought an apartment in North London. The newspaper had referred to the district of London in which the property was situated, named a park it was near and included a photograph of the house in which the apartment was located.

The Commission has previously made clear that newspapers should not gratuitously identify the homes of

individuals who might be exposed to specific security problems. Daniel Craig, who said he had been the subject of unwanted and overzealous attention from fans, fell into this category. The Commission concluded that the article had included just too much detail and ran a clear risk of identifying the property without justification, resulting in a breach of the Code. It decided that the newspaper’s actions following the complaint – including the removal of the online article; an offer to apologise; and an undertaking as to future publication – remedied the initial breach sufficiently.

# IDENTIFYING THE RELATIVES OF CRIMINALS

The Commission rejected two separate complaints – from Patricia Hewitt MP and the former England football captain, John Terry – that articles in The Sun in 2009 had identified them in breach of Clause 9 (Reporting of crime) of the Editors' Code of Practice.

**“The Commission was satisfied that Ms Hewitt and her husband were genuinely relevant to the story given their current and previous roles and comments”**

The John Terry story related to his mother and mother-in-law accepting formal cautions for shoplifting. He argued that the coverage was focused on him when

he was not genuinely relevant to the story and had not been involved in the incidents.

The Commission ruled that the newspaper had not revealed a “hitherto unknown connection between the parties”. It also considered that the complainant was genuinely relevant to the story and could legitimately be made its focus. The stores involved directly sponsored the England football team and “the complainant, as captain, could reasonably be said to be the public face of the team”. It added that Mr Terry was “also one of the highest-earning footballers in the world who, it was said, provided for his family financially. The fact that – despite such wealth – his mother and mother-in-law had been involved in claims of shoplifting was clearly relevant to the matter”.

The Sun also reported that Patricia Hewitt's son had been charged with possession of cocaine. Ms Hewitt said that the coverage had unnecessarily referred to her and her husband in breach of the Editors' Code. While accepting that her son had committed a criminal offence, she nonetheless believed that the newspaper only published the story with such prominence due to her public role as an MP, and that of her husband, who was a judge. This was unfair, she claimed, because she and her husband had been careful never to speak publicly about their children and her son deserved to be treated as a private individual.

**“The Commission was also convinced by the argument that [John Terry] was genuinely relevant to the story and could legitimately be made its focus”**

The Commission could understand Ms Hewitt's concerns about unwelcome media attention regarding her son. However, it decided that the newspaper's argument – that the roles of Ms Hewitt (a former Health Secretary) and her husband (a judge who was on record as having spoken out about the issue of drugs) were genuinely relevant to the story – was justified.

## ENGLAND SKIPPER 'MORTIFIED'

# John Terry's mum arrested for shoplifting



EXCLUSIVE by NICK PARKER  
ENGLAND soccer captain John Terry's mum and mother-in-law have been cautioned for shoplifting. The Sun can reveal.  
See Terry, 50, right, and Sue Poole, 54, were accused of stealing £800 worth of clothes and food from M&S and Tesco in Weybridge, Surrey. Chelsea star Terry, 28, left, is said to be "mortified".  
Full Story – Page Five

# Key rulings 2009

## MPS' EXPENSES



In 2009, newspaper front pages were dominated by revelations involving expenses claimed by Members of Parliament. The coverage led to a number of complaints from MPs, mostly in regard to the accuracy of the stories.

**1)** An article in March 2009 in the News of the World claimed that the MP for New Forest East, Dr Julian Lewis, was “hardly ever” at his constituency home and also claimed he had sought to censor publication of its story. Dr Lewis argued that the article was based on inaccurate information provided by a political rival.

The Commission “was not impressed with the newspaper’s evidence” to support either of the claims and considered that it should have offered a prompt and clear correction. It failed to do so and the complaint was therefore upheld under Clause 1 (Accuracy) of the Editors’ Code.

**2)** The PCC also upheld a complaint from Brian Binley, the MP for Northampton South, after The Daily Telegraph claimed he was a “millionaire” and possessed a “multi-million pound fortune”. Mr Binley said that both assertions were inaccurate and supplied evidence of his actual financial situation.

While the point at stake was a narrow one, the Commission considered that it was “significant”. The Daily Telegraph had not checked Mr Binley’s financial position prior to publication and had not been able to corroborate its contentions. In such circumstances, it should have “offered promptly to publish a correction and apology which accepted the articles were incorrect”.

**3)** A separate complaint against The Daily Telegraph – from the Stafford MP, David Kidney – was rejected. Mr Kidney complained that the article had implied misbehaviour in relation to council tax claims he had made. While he had repaid around £2,500 to the Fees Office, this was the result of a mix-up, he said, not of any deliberate attempt to over-claim.

However, the Commission noted that it was not in dispute that the complainant had (for whatever reason) made a duplicate claim. The newspaper had not said directly that his actions were deliberate and a more detailed explanation – referring correctly to a ‘mix-up’ – was contained within a special supplement, which was published on the same day. The Commission did not uphold the complaint.

## PAYMENT TO CRIMINALS

In May 2009, the Commission upheld a rare complaint under Clause 16 (Payment to criminals) of the Editors’ Code, which prohibits payments to criminals or their associates, following a complaint against Take a Break magazine.

The magazine published the story of Christine Chivers, who had pleaded guilty to an arson attack on the home of another woman, Christine Wishart. The article was based on information provided by Ms Chivers’ daughter, who was paid £1,000, and it included Ms Chivers’ claim that, in spite of her plea, she had not carried out the attack. Take a Break argued that it was important to highlight a potential miscarriage of justice.

The Commission did not accept the magazine’s defence: “It was clear that Ms Chivers’ crime had been exploited for money in breach of the Code...” and there was nothing in the article of “sufficient public interest to justify the payment... It did not point to any clear evidence of a miscarriage of justice, and it was not part of a campaign to have the conviction quashed”. While the magazine was not prohibited from publishing Ms Chivers’ story, the Commission concluded that “the decision to offer payment was misguided and the editor should have recognised that immediately”.

## DISCRIMINATION

In the later part of the year, the Commission rejected a discrimination complaint from blogger Iain Dale against the Daily Mail. Mr Dale objected to a diary item, which described him as “overtly gay” and referred to an interview he had given to Pink News in which he encouraged its readers to attend the open primary, saying it was “charming how homosexuals rally like-minded chaps to their cause”. He believed that the references were pejorative and the article was homophobic.

**“The right to freedom of expression includes the right – within the law – to give offence”**

Although the Commission understood how the complainant found the comments to be objectionable, it ruled that Clause 12 (Discrimination) of the Code had not been breached. The item had used no pejorative term for the complainant, nor had it ‘outed’ him. In the Commission’s view, the piece was uncharitable, but – in the context of a diary column, known to poke fun at public figures – was not an arbitrary attack on him on the basis of his sexuality.

The Commission said: “Where it is debatable – as in this case – about whether remarks can be regarded solely as pejorative and gratuitous, the Commission should be slow to restrict the right to express an opinion, however snippy it might be. While people may occasionally be insulted or upset by what is said about them in newspapers, the right to freedom of expression that journalists enjoy also includes the right – within the law – to give offence”.

# Glossary

**Adjudication** – A ruling by the PCC which it decides to make public, either because the complaint has been upheld or because there is an important matter of principle at stake. Other rulings, on straightforward cases which do not involve public censure of a newspaper or magazine, are not currently made public.

**Complaint with merit** – One which warrants remedial action by the newspaper or magazine. If remedial action is not forthcoming, the complaint will be upheld, leading to public censure by the PCC.

**Investigation** – An enquiry by the PCC into a case which, on first examination, appears to raise a breach of the Code of Practice. The first stage is a letter to the editor, requesting a response to the complaint.

**Non-subscribing publication** – A title that does not subscribe to the system of self-regulation overseen by the PCC. Most complaints about non-subscribing titles actually relate to online-only publications such as Yahoo News, foreign newspapers or foreign-language newspapers.

**Resolved Complaint** – A complaint that is settled to the satisfaction of the complainant.

**Third Party** – Somebody who is unconnected to the subject of a complaint where there is an obvious ‘first party’ who could complain if they wanted to. The Commission will usually decline to deal with a complaint from a third party in such cases.

In cases about issues of general fact, of improper payments by editors, or of the inclusion of excessive detail about suicide, the Commission will take complaints from any reader. If a third party raises a complaint that appears to suggest a serious issue under the Code, the PCC will contact the first party and seek to initiate an investigation.

**Selection issue** – An issue relating to the editorial selection of material that does not engage the Code and that, therefore, falls outside the Commission’s remit (e.g. a decision not to publish a reader’s letter or decision to stop publishing a regular feature).

**Substantive complaint** – A synonym for a ‘complaint we could deal with’, one where we can either mediate a settlement or make a formal ruling as to the merits of the complaint when judged against the Editors’ Code of Practice.

# WWW.PCC.ORG.UK

**PCC Helpline: 0845 600 2757**

**24hr advice line: 07659 152656**

**(Please leave a short message explaining the nature of your concern and you will be phoned back.)**

**NB: This is for use in emergencies only, primarily in cases of harassment by a journalist or for pre-publication advice. It should not be used for general complaints enquiries, which can be made online.**

## **Head of Complaints**

**Scott Langham ([scott.langham@pcc.org.uk](mailto:scott.langham@pcc.org.uk))**

**Complaints email – [complaints@pcc.org.uk](mailto:complaints@pcc.org.uk)**

