

Review of the year
2009

Press Complaints Commission

Contents

- 01 Introduction from the Director
- 03 PCC staff
- 05 Behind the scenes
- 07 A day in the life of the Complaints department
- 09 Protecting the vulnerable
- 11 Working with complainants
- 13 Working with journalists
- 15 Working internationally
- 17 CMS Select Committee Report on Press standards, privacy and libel
- 19 Q&A with a public Commissioner
- 21 The Commission
- 23 Listening and Improving
- 25 Report of the Charter Commissioner 2009
- 26 Financial Report

Introduction from the Director

We achieve a considerable body of work, and want that to be out in the open for everyone to see.



This section of the report is designed to show a bit more about what the PCC actually does: the working parts of the system. I have been at the PCC for several years, only becoming Director at the end of 2009, and so I have seen (and performed) most of the jobs within the organisation. This means that I have had the chance to see how committed people are to making the PCC a success.

I think it is important for our report to convey this. The view of PCC staff is that we are offering a public service and – to the best of our ability – seeking to raise standards in the press by ensuring that all individuals can hold editors to account for their actions. We want to be open about how we do it.

So, there is a piece here about the “behind-the-scenes” work of the Commission: preventing harassment, giving pre-publication advice and proactively offering help. There is also a feature on the complaints department, which should show what complaints officers get up to all day (and sometimes all night).

The report covers the educative side of the PCC: we train journalists across the country, seeking to shape future decisions that will be taken in the newsroom. And we are involved in educating those on the other end of complaints. We want to help people who represent those who appear in the press to know more about us, and to use us with greater success.



Of course, all of the decisions that are made by the organisation come from the Commission itself, a body of 17 members. Crucial in the system is the fact that 10 are members of the public, compared to only 7 editors. This means that editorial expertise (and peer judgement) is balanced – and indeed outweighed – by the independent assessment of those unconnected to the industry. We have asked one of our lay members, Ian Nichol, to explain a bit more about what they do.

While I believe the PCC is occasionally subject to unfair criticism, it is of course right to accept that we can perform better as an institution. In the past, people may not have recognised that this is our attitude: the accusation of complacency is, after all, easy to make and impossible to refute. But the PCC is not a complacent body. In 2009, Peta Buscombe instituted a Governance Review to examine how the PCC works, which includes public consultation. We also have an independent figure to examine our complaints handling and the report of the Charter Commissioner, Sir Mike Willcocks, is included within this review for the first time.

The PCC is subject to other external scrutiny. In 2009, the CMS Select Committee conducted a wide-ranging investigation into press standards (including phone message hacking). We welcome the attention the Select Committee has brought to the PCC, and will use their comments (and others) as an impetus for the future.

In the end, I hope that this part of the report shows a little bit about the practicalities of the Press Complaints Commission. There is a quote from Oliver Wendell Holmes, Jr that I will rip out of context as a concluding point: “The life of the law has not been logic; it has been experience”. It is only by doing (by making decisions, by settling complaints, by setting standards) that any form of regulation can work. The PCC is, in the end, a pragmatic institution, experienced in the day-to-day activity of addressing concerns about the newspaper and magazine industry. We achieve a considerable body of work, and want that to be out in the open for everyone to see.

Stephen Abell
Director

The Commission has a permanent staff of 15 people.

Based in Holborn, the secretariat deals with thousands of written complaints and telephone enquiries each year. Our staff train journalists and engage with complainant groups; they work to protect the vulnerable and are on call 24 hours a day. These are the people at the heart of the PCC.

PCC Chairman



◀ **Baroness Buscombe**
Chairman

PCC Director



◀ **Stephen Abell**
Director
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Kim Baxter ▶
PA to the Chairman and Director
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The Complaints department

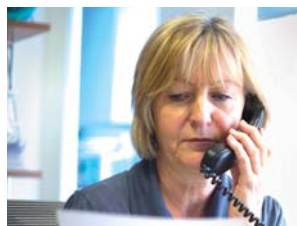
The Complaints department comprises 6 staff, each of whom manages a caseload of between 40 and 50 complaints. In addition to dealing with formal complaints, Complaints Officers also give advice to both editors and members of the public who have a query related to the Code of Practice.

Scott Langham ▶
Head of Complaints
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Administration

The Administration department works with the Complaints department to ensure that all correspondence connected to a case is processed efficiently. It also offers general advice to members of the public and looks after the day-to-day running of the PCC.



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Communications and Public Affairs department

The Communications and Public Affairs department is responsible for the PCC's public relations work. It also runs the organisation's outreach work, training seminars and the PCC events programme, as well as managing the PCC website.



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Each year, we try to shine a light on some of the activity that goes on behind-the-scenes at the Commission, as we feel it represents some of the most valuable work that the PCC does. It is not that the process is secretive; rather – as it often concerns individuals' privacy – it is not something that can be publicly discussed in great detail.

Officers of the Commission are available on a 24-hour basis to give advice to potential complainants.

Some examples from 2009:

- the family of a soldier, who died while serving in Afghanistan, wished reporters to stop contacting them for comment;
- the family of a young girl, who had taken her own life, came to the PCC twice: first to make clear to editors that they did not wish to be contacted for comment in the immediate aftermath of the death; then to ask to be left alone during the inquest. The girl's school also used the PCC to limit the presence of journalists outside the gates, given the potential impact on other pupils;
- the elderly parents of a mother and daughter, who had taken their own lives, felt distressed by contact from print journalists and broadcasters and wanted to be left alone.

The PCC issued 69 such requests in 2009, and in doing so made a difference to individuals who otherwise would have struggled to handle press attention. One said to us: "I wouldn't have been able to cope with doing this without your support and guidance". Many of those who contacted us were related to victims of tragedies. Some were related to the perpetrators of terrible acts (the elderly relative of those convicted in the abuse case involving Baby P, for example), but had no other connection to them. None of them had the means to make their concerns clear to the media as a whole. Giving such people a voice is at the heart of the public service the PCC wants to offer.

Behind the

Stopping harassment, including before it begins

The PCC, of course, accepts that some people at the centre of news stories wish to speak to journalists. The PCC, and the Editors' Code of Practice, protects their right to freedom of expression. However, it is also the case that many do not want to be contacted by the press, and find even polite inquiries distressing. The Commission can make clear to editors (and broadcasters) that they have been asked to ensure that journalists desist in their attentions. This gives people, often already stressed and distressed by a situation, the opportunity to recover in private.

This is a service that is designed, primarily, to help members of the public, who are not used to being in the public eye. It is also used by celebrities and public figures, who wish to avoid a confrontational relationship with the press and make use of the PCC's more collaborative approach. Cases include:

- a husband and wife, who work in the television industry, who wished to ensure that photographers would not take pictures of their children going to school;
- a pop star, who had been the subject of an assault and was concerned about the aggressive behaviour of photographers following up the story;
- a television personality who was concerned about photographers outside his home, after the death of a relative.

In September, the PCC was contacted by the Football Association, representing England football manager Fabio Capello. He was concerned that he was being persistently pursued by photographers while on holiday. The PCC circulated his request for attention to desist. Unfortunately, due to a communication breakdown, two newspapers published images of Mr Capello and his wife. This was a rare example of the system not working in full. However, both newspapers sought to remedy the problem, by apologising and offering substantial donations to charity. In that sense, the validity of the process was enhanced due to the seriousness with which a lapse was dealt.

Adrian Bevington, the Director of Communications for the FA, has commented on its relationship with the PCC:

“The advice and assistance we received from the PCC on this matter was crucial to achieving a sensible resolution. We have been clear from Mr Capello’s appointment that we will look to engage positively with the media on football matters, but in return expect Mr Capello and his wife to have their privacy respected. The PCC has been instrumental to this approach being successful and, apart from this particular case, the Capellos have been able to enjoy a level of privacy we believe they are entitled to. It is a very good example of the PCC working.”

Ensuring responsibility before publication

The PCC has no powers of prior restraint, and cannot formally require the non-publication of a story. If it had such powers, there would be no freedom of the press. However, the PCC does act to ensure that the press exercises its freedom with responsibility. An individual concerned that a story is about to appear can use the PCC to frame an argument on their behalf. The editor is still left with the final say in publication – as is right – but will be making the decision based on more detailed information about the views of the affected party. PCC staff also give editors advice about what the Commission’s view might be on a particular issue.

“I am very lucky to have a good working relationship with the press, however the guidance that the PCC has given on a number of occasions has been valuable and much appreciated”.

An agent for several high-profile television programmes and celebrities has said:

“The PCC has given us extremely good advice and acted on our behalf on a number of occasions for artists and the shows. For people who find themselves in the public eye either suddenly or over a long period of time, the PCC provides a service which often couldn’t be achieved by a lawyer with such positive solutions for both the press and the individual”.

Proactive approaches

While the Commission wishes for its reactive service to be as efficient and effective as possible, it accepts that there are certain circumstances where it must be proactive. When the PCC becomes aware (either from examining coverage or receiving information from third parties) that individuals may be experiencing problems with the press, officers seek to contact appropriate representatives. This takes place on a weekly basis through the year.

ne scenes

Some examples:

- A newspaper thought that a television personality was pregnant (following a relationship with a colleague). She used the PCC to make clear that this was untrue (and the speculation would be intrusive). The newspaper did not publish the story;
- The family of a young girl with swine flu were concerned about her being identified. There was no public safety issue connected with her, as she was being treated in the appropriate way, and the family wished to make clear their desire to protect her from press attention;
- An actor from a soap was undergoing treatment for a mental health condition. Her representatives wished to inform the press of this position, so they could ensure her privacy was respected.

Whether dealing with harassment or pre-publication concerns, the PCC offers the same service to all parties (members of the public, family liaison officers, lawyers, public figures). This is simply not the case with a legal system that excludes countless people for reasons of cost and accessibility. The fact that the PCC is used by those who do have access to the courts can show the benefits of what we offer. Simon Cowell, one such figure, has used the PCC to deal with concerns about personal harassment, and issues relating to his acts. He has said the following:

Again, it would be inappropriate to reveal too many details, but some examples in 2009 include:

- Following the death of a couple who had got into difficulties while trying to save their dog, we contacted Strathclyde Police to make clear the PCC’s services (the couple had a young son, who had been orphaned). We have since sent a range of literature to be used by the Force;
- Once the names of the five Britons who were on board a missing Air France flight had been released, we made ourselves available to families via the Foreign and Commonwealth Office (FCO). The FCO has now included information about the PCC in its revised ‘Guide for Bereaved Families’;
- Following the death of a woman in Glasgow who had tested positive for swine flu, we contacted the Greater Glasgow NHS Board with details of the PCC’s services. As the number of deaths began to escalate nationwide, and it was beginning to look difficult to contact Trusts and Hospitals on an individual basis, we contacted the Director of Communications at the Department of Health, who arranged for information to be disseminated to all Strategic Health Authorities throughout the UK as part of their preparation and briefing measures. The same efforts were also made with the Scottish Government.





A day in the life of the complaints department

8.30

The office contacts a police press office in the North of England to offer its assistance and guidance to a bereaved family following a high-profile death which features heavily in the morning papers. Informal contact is followed up with an email to the relevant individual, providing useful telephone numbers (including the out-of-hours service) and links to the Editors' Code of Practice.

10.15

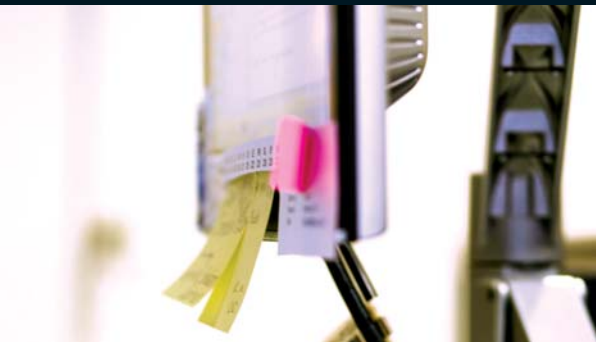
An upheld adjudication is press released, having been published in full that day by the offending publication. Various media organisations and blogs pick up the story and write about it.

11.00

The new complaints – which have mostly arrived by email – are logged on and presented for initial assessment. Numbers vary depending on the time of year, although it is not uncommon for 50 complaints to be considered in one day. Complainants generally receive an acknowledgement of their complaint within 24 hours. Should any complaint appear to raise an issue under the Code, it is taken forward immediately.

11.30

Following an email from a complainant, a member of the Complaints department calls a Scottish local newspaper editor to discuss the possible publication of a correction to which he is amenable. The discussion is followed by an email from the Complaints Officer to the editor in which a draft wording which might well be suitable is put forward for his consideration.



12.15

The Complaints department meets to discuss its cases with the Director. There are normally between 300-400 active complaints at any one time, and significant cases raising important Code issues are considered by the team as a whole.

14.30

The office receives a call from a national newspaper asking for guidance in regard to a photograph of a celebrity which has been provided by a news agency. A member of the complaints staff draws attention to potential Code issues which the Commission might have to consider in the event of any complaint: does the photograph show the person engaged in any private activity?; does the person have a reasonable expectation of privacy in the location?; are there any circumstances of harassment?; is there any public interest? The editor will now decide whether to publish, within the context of the PCC advice.

15.00

Negotiation on a complaint has been unsuccessful. The Complaints Officer involved in the case therefore prepares the matter for formal consideration by the Commission, drafting the text of a possible decision for its approval or otherwise, based on relevant rulings that have previously been made.


16.00

The bereaved family the Commission contacted early in the day has received a number of press enquiries and – aside from issuing a brief statement through the police – does not wish to speak to the media. The office passes on an advisory note on behalf of the family to national newspapers and magazines, and relevant local newspapers, to make them aware of the position.

22.45

The Commission receives a call to its 24 hour emergency helpline after an individual has been telephoned repeatedly at her home by a reporter for a Sunday newspaper. She does not want to comment and feels intimidated. The office then contacts the Managing Editor for the newspaper to make him aware of the position and to pass on the formal request for the journalist to desist. No further approaches are made to the individual.





Newspapers and magazines will always want to cover stories about death, especially premature death or death in unusual circumstances. This is not a bad thing in itself; it is in the public interest for a community (either national or local) to be informed about the deaths of its members, and it would not be right for the PCC to restrict such stories unduly. But we know through our experience of speaking to those who have been bereaved that dealing with calls and requests for information from journalists following the death of a loved one can be extremely upsetting. Equally, there is often a lack of understanding about the fact that a tragedy may be reported. It is vital that the friends and family of people who have died are told at an early stage that press interest may be forthcoming.

As the behind-the-scenes section (pages 5 and 6) of this report explains, the PCC can offer assistance in various ways to individuals who find themselves caught up in a media story. Although the PCC has always done a considerable amount of proactive work in this area, our efforts have been significantly stepped up in the past year. In part, the recognition that we needed to do more in this area stemmed from our experience of how suicides in and around Bridgend in 2008 were reported, both locally and nationally.

In last year's Annual Review, we set out how we sought to contact many local organisations in South Wales as it became obvious that the deaths were becoming a major news story. However, we subsequently learned from people in the region that there was a general lack of understanding about our powers and availability. It was important that we took this criticism on board, and learned from it.

Primarily, this has involved working more closely with police family liaison officers, since they are often the first point of contact for grieving families. In 2009, we worked with the National Executive Board for Family Liaison to disseminate information to all its members in police forces throughout the country. Following a successful presentation to the Board, several individual police forces (including the

Protecting the vulnerable

Metropolitan Police, Derbyshire and Cheshire) requested talks and seminars from PCC staff, which we were pleased to arrange. Feedback from these sessions was positive, with one attendee commenting:

“Just a short note to say thank you very much for your presentation on Monday. I think the PCC is one of those things Officers need to store in the back of their minds ready to use when the need arises. It was useful to hear what you can do for us and I am extremely grateful to you for taking the time to come and talk to us”.

We also worked with the Ministry of Justice, who helped us to contact over 85 organisations specialising in bereavement support. As the government department with responsibility for the work of Coroners, the MoJ last year published an important new “Charter for bereaved people”, which now includes a reference to Clause 5 (Intrusion into grief or shock) of the Editors’ Code of Practice and the services offered by the PCC. We subsequently contacted the Coroners Officers Association to ensure that Coroners’ offices up and down the country have information about the PCC to hand when they are advising any family concerned about media attention.

A number of important new contacts were made in 2009 via the government’s Central Office of Information, which coordinates the activities of regional emergency forums. Each forum has a sub-group that deals with media-related issues at times of emergency and crisis. They include representatives from the police, fire and ambulance services as well as local Councils, all of which are likely to need to know about the PCC should a major incident arise. Our efforts to engage with the UK resilience structure in this way have prompted a good response, and we intend to build on this in 2010.

Other examples of work in the area of bereavement support include: exhibiting at the annual conference of the National Institute of Funeral Directors; arranging for an interview to be broadcast at a conference organised by the charity Cruse; arranging links to the PCC website on relevant external

websites such as Victim Support and the Home Office; and maintaining ongoing contact with Strategic Health Authorities and other NHS bodies.

Our work to promote responsible reporting of suicides has continued in 2009, and we remain in regular contact with both the Samaritans and Papyrus. We were pleased to welcome into the PCC offices a member of Samaritans’ staff, who spent a few days looking first-hand at the kind of complaints we deal with, and the outreach work that we do.

Rachel Kirby-Rider, Director of Fundraising and Communications at Samaritans, said:

“We greatly value the relationship that we have with the Press Complaints Commission in order to aid sensitive and responsible portrayals of suicide and self-harm; lessening the impact on bereaved families and guarding against excessively detailed news reports that could trigger copycat deaths”.

A PCC representative attends every meeting of the All-Party Parliamentary Group on Suicide Prevention (chaired by Madeleine Moon MP) in order to listen to any concerns that its members may raise about media reporting. This contact also ensures that MPs with a particular interest in suicide reporting also stay up-to-date with relevant PCC decisions and case law.

We are committed to ensuring that editors and journalists understand PCC decisions as they relate to suicide, and our ongoing series of training sessions with the industry (see page 13) regularly include such cases.



We greatly value the relationship that we have with the Press Complaints Commission in order to aid sensitive and responsible portrayals of suicide and self-harm

Rachel Kirby-Rider,
Director of Fundraising and Communications
Samaritans



Working with complainants

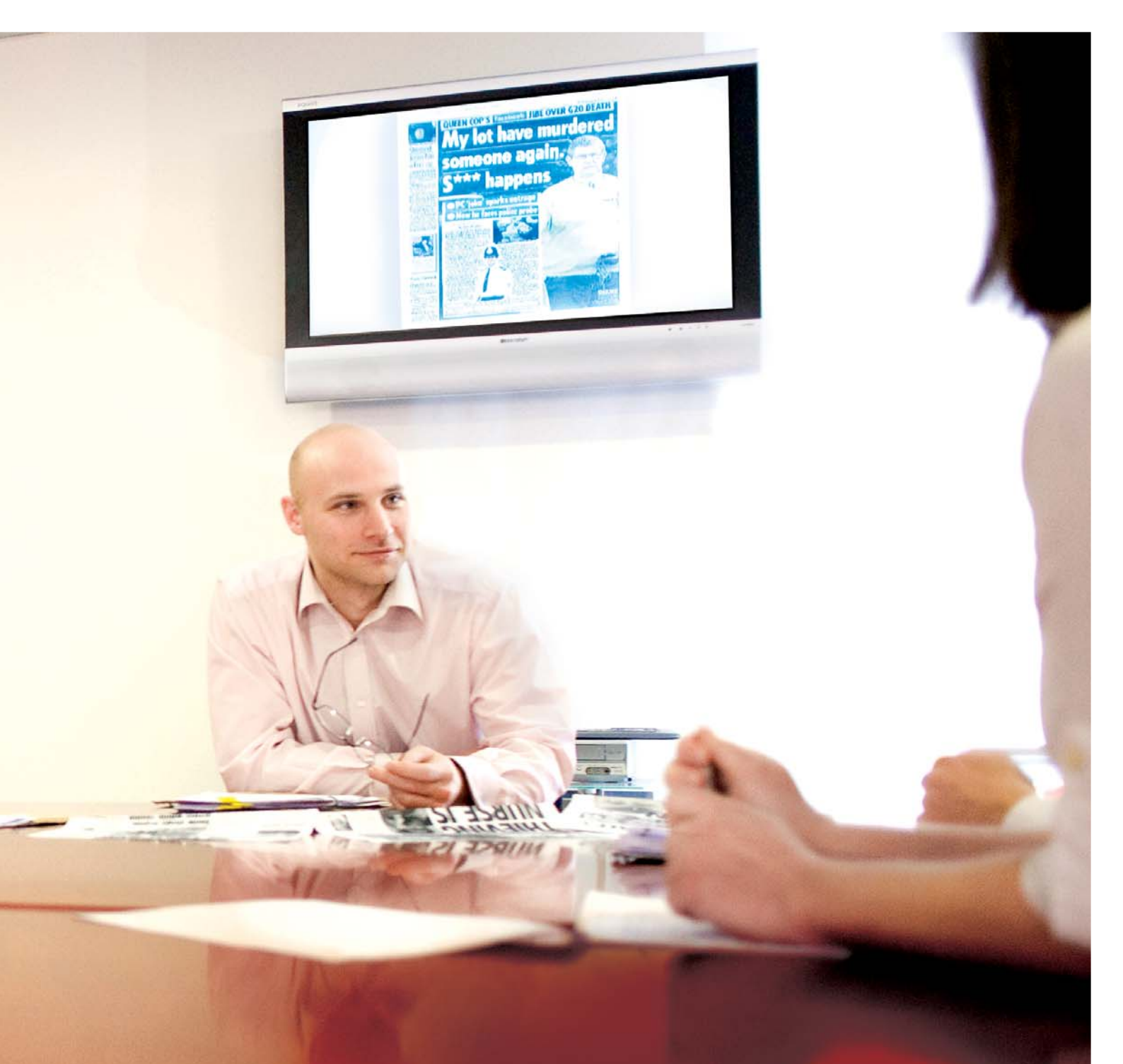
Improving understanding of the PCC's work and services among those who have complaints to make about the press is vital. In 2009, we continued our programme of public open days, visiting Nottingham in June. We also rewrote and redesigned our 'How to Complain' literature – available both online and in hard copy – to better explain to the general public how the PCC can most appropriately help in various situations. Our website continues to be updated regularly with information to help users identify when their concerns are ones we can deal with, and when they are not.

As well as these general measures to improve understanding, the PCC has expanded its programme of reaching out to those who either have particular concerns about press reporting or who are likely to find themselves representing others who do. In particular, we target groups representing minorities, be they ethnic, religious or health-based for example. We also target public authorities, who are likely

to come into contact with vulnerable individuals, especially at times of grief or shock. In 2009, we engaged particularly with police family liaison teams, Coroners' offices, healthcare communicators and funeral directors. In addition, we maintained our rolling programme of seminars for media shielders in the armed forces, working closely with the Defence Media Operations Centre, now based at RAF Halton in Buckinghamshire.

The PCC also participated in several initiatives designed to improve media reporting of issues connected to children and young people. We hope to do more in this area in 2010, not least in our capacity as members of the UK Council for Child Internet Safety.

Important contacts with the suicide prevention and mental health sector have been strengthened throughout the course of the year. In 2010 we will co-host a seminar on wider issues connected to reporting of mental health.



PCC staff undertook speaking engagements at numerous events, including:

- Kingston University, 'Muslims and the Media' conference;
- Cardiff University, 'Africans in the Media' conference;
- Rethink regional meeting, 'Mad about the Media' group;
- 'Every Headline Matters', a consultation by the Institute of Global Ethics to examine a shared vision between the media and young people;
- Cruse Bereavement Care, annual conference;
- Association of Chief Police Officers, Media Advisory Group;
- Independent Police Complaints Commission, Family Liaison conference;
- Police Family Liaison National Executive Board;
- Cheshire Police Force, Family Liaison Officers;
- Justice Media Law conference, 'Free Speech v Privacy: assessing the latest developments in media law and human rights';
- Lexis Nexis Media Law conference, 'Privacy and the PCC: adapting to changing circumstances';
- Westminster eForum on internet regulation, 'Taming the Wild Web? Internet Regulation & ISP Responsibility';
- Cardiff University, 'Future of Journalism' conference.

Where it is not possible to meet in person, we ensure that copies of PCC literature are sent to relevant individuals and organisations, so that they have information and contact details to hand. We also provide a range of briefing notes and articles for specialist publications and websites.

Working with journalists

The Press Complaints Commission has a clear role in maintaining and raising industry standards. Its function as adjudicator in cases that can't be mediated (or that are not appropriate for mediation) is key in this regard. By ruling on what is and is not acceptable, the Commission sets benchmarks for editors and journalists, gradually establishing case law across all areas of journalistic activity.

It is not enough, however, for the PCC to make rulings and then assume that they will somehow be absorbed automatically. This is why the Commission plays an ever-increasing role in the professional development of in-post journalists, from junior reporters to news editors, photographers to chief subs. Most of our work in this area is done by holding update seminars at which real PCC cases are discussed and analysed, with journalists first considering how *they* might have judged the complaint and then examining the Commission's own ruling.

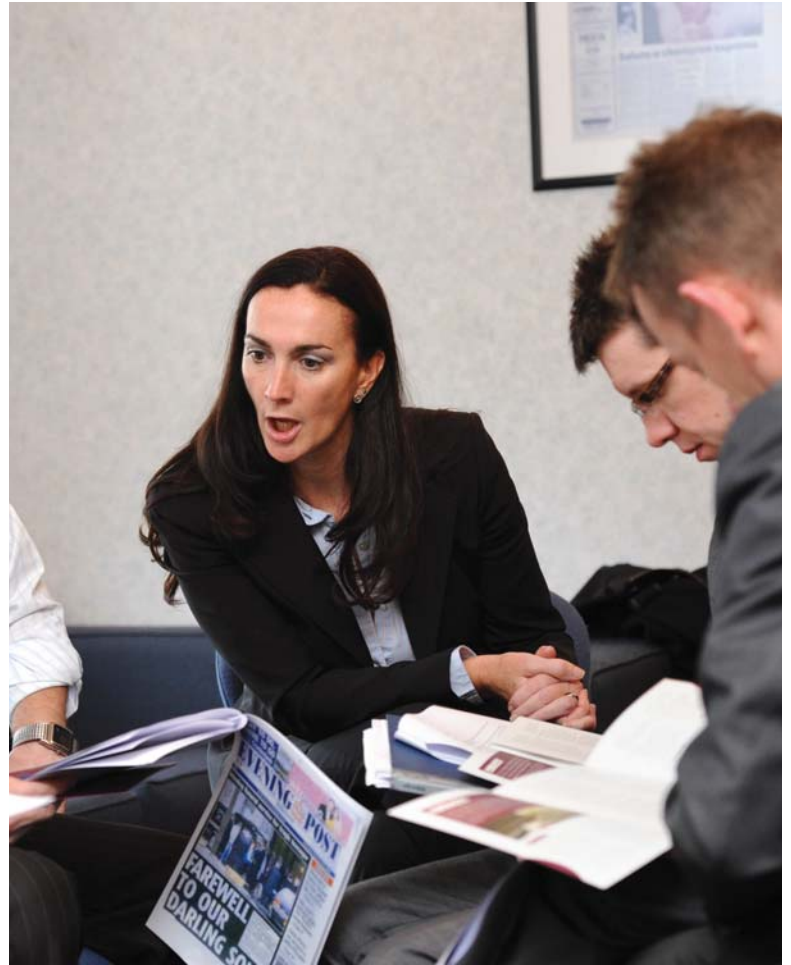
Because of increasing demand for such seminars, the PCC generally seeks to run them in-house at any publication that expresses an interest. During 2009, seminars were held at the Bristol Evening Post and the Birmingham Mail, with further regional events planned for 2010 in Belfast, Newcastle and Southampton. National newspapers too have recognised the value of their journalists being familiar with PCC case law and 2009 saw a record number of seminars at national titles, some newspapers requesting a series of events to ensure that all staff were able to take part. The Commission is committed to responding positively to all requests for training and professional development, and seminars can be tailored to suit particular publications or areas of journalism and the number of attendees – from half a dozen to over a hundred.

In all, PCC staff and representatives ran thirty-three seminars for in-post journalists. These reached hundreds of reporters, photographers and other editorial staff on national titles (broadsheet and tabloid), regional newspapers and magazines.

This work is in addition to our involvement in courses for trainee journalists. Once again, the PCC has a strong commitment to ensuring that those who have been through formal journalistic education are fully aware of how the Commission interprets the Editors' Code of Practice in key areas. Staff of the Commission are greatly assisted in this programme of lectures by Alison Hastings, former editor of the Newcastle Evening Chronicle and an ex-Commissioner, as well as by Professor Bob Pinker, another former member of the Commission and for a time its Acting Chairman. In 2009, PCC representatives spoke to students on well over 30 undergraduate or post-graduate degree courses. We also hosted talks and seminars for dozens of school groups and parties of overseas students. Our teachers' resource pack remains available at www.pcc.org.uk and will be updated with new case histories in 2010.



PCC Director, Stephen Abell (bottom left) and consultant, Alison Hastings (below), talk to journalists at a recent update seminar for staff at the Belfast Telegraph and Sunday Life. Participants discussed the Commission's interpretation of the Code on key issues by an examination of recent cases.



Working internationally

The media is increasingly globalised and something that appears on a website hosted in Australia is just as accessible here as information on a UK website. This doesn't mean that a newspaper in Britain can automatically publish something because it has already appeared on an obscure website elsewhere in the world.



But what it does mean is that individuals caught up in a story can become the subject of global scrutiny like never before. As a result, it is vital that the PCC is able to assist people who are experiencing problems abroad.

If the problems relate to UK journalists working in foreign countries, the PCC can deal with them easily – the behaviour of British reporters and photographers is a matter that falls within the Commission's jurisdiction wherever the journalists may be. But what about material that has appeared in a newspaper or magazine that is published outside the UK's borders? Or what if an individual is being harassed by foreign journalists?

It's here that our relationship with other Press and Media Councils can be of great practical benefit to complainants. Within minutes we can – and have – put complainants in touch with PCC-equivalent bodies in Belgium or Australia, Canada or Germany. Not every Press Council can offer exactly the same range of services as the PCC – especially in connection to pre-publication concerns – but they are best placed to offer help and advice to people who don't know exactly what their rights are.

As well as providing immediate, practical benefit to complainants, our links with counterpart organisations help us to develop press self-regulation in a positive direction: learning lessons from other countries, avoiding pitfalls they might have experienced, while borrowing ideas that have proved successful elsewhere. Changes to the presentation of our own statistical information in 2009 followed a close examination of practices abroad.

Much of this information and advice exchange happens through meetings of the Alliance of Independent Press Councils of Europe (AIPCE). Members of the Alliance are also much more readily in contact with one another by email than in times gone by, which undoubtedly reflects the need to be as up to date as possible with developments in the field. At the 2009 meeting of AIPCE, topics under discussion included the various mechanisms for mediating complaints and models for sustainable funding of Press Councils. The Alliance welcomed as members the newly-established Press Councils of Serbia and Moldova.

The last year also saw the PCC participate in a major Council of Europe project to 'Speak out against Discrimination' in the media. The project examined the role that self-regulation can play in rooting out prejudice, noting that there is not necessarily a single solution to suit all geographical areas. The project remains ongoing but it has already been helpful in providing an additional framework for comparing the ways in which different Press Councils go about their work. For instance, it is clear from the work already done that, like the PCC, most Press Councils do not offer specific protection to groups (as opposed to identifiable individuals) against discrimination. Yet on another point of comparison – the make-up of its board – the PCC is in the clear minority: it has a greater ratio of public to industry members than any other comparable body in Europe.



For more information about the Alliance of Independent Press Councils of Europe please visit:

www.aipce.net

or contact Will Gore, the Commission's Public Affairs Director
will.gore@pcc.org.uk

CMS Select Committee Report on Press standards, privacy and libel

After a long investigation, conducted throughout 2009, the Parliamentary Culture, Media and Sport Select Committee released its Report on Press standards, privacy and libel in February 2010.

It made a number of recommendations with regard to the reform of libel laws, press standards and regulation. The Committee's inquiry sought to address concerns amongst the media that the operation of libel laws and the impact of costs were stifling press freedom, as well as considering the balance between personal privacy and freedom of expression, and the increased use of injunctions and super injunctions. It also examined press standards in the UK, considering two recent cases: the reporting of Madeleine McCann's disappearance; and the suicides in and around Bridgend in 2008.

The Select Committee took the view that self-regulation of the press is greatly preferable to statutory regulation. It criticised some of the work of the PCC, and recommended that the Commission should be seen to take a far more active role in ensuring that standards are upheld, and that it should have the power to impose financial penalties on newspapers that breach the Code of Practice.

The level of scrutiny which the Select Committee has applied to the PCC's practices was welcome, and the Commission – while not agreeing with some of its assertions – has responded to the report on that basis. By necessity, the Select Committee's report focused on a limited period of time and a few individual cases, which – of course – contrasted with the Commission's ability to rely on an archive of thousands of cases and the experience of its varied Commissioners. However, the PCC values the Select Committee's shared commitment to self-regulation which is firmly embodied in the Report, and is very willing to engage with the Select Committee in dialogue to continue its development for the future.

The Select Committee also reopened its inquiries into allegations about phone message hacking conducted at the News of the World prior to 2007 (which had led to the imprisonment of Clive Goodman and Glenn Mulcaire). Articles in July 2009 by the Guardian newspaper contained further information about the practice, most notably the fact that

The Select Committee took the view that self-regulation of the press is greatly preferable to statutory regulation

the News of the World had made a confidential settlement following a legal action by Gordon Taylor (who had been one of the victims of the message hacking).

In July 2009, the PCC reconsidered its own inquiries and recommendations in 2007 (following the trial of Goodman and Mulcaire), when it had sought to ensure that internal controls had been improved at the News of the World and to establish industry-wide guidelines on the issue of subterfuge. The Commission examined whether it had been misled by the News of the World in 2007, and whether there was any evidence to suggest the practice of phone message hacking was ongoing.

The PCC considered that the answer was “no” to both questions, and published a report to that effect in November 2009. The Select Committee report of 2010 was critical of the News of the World (saying its executives suffered from “collective amnesia” in giving evidence to the Select Committee), but stated that it could not determine the extent of alleged phone message hacking. It also said that there was no evidence that phone message hacking is ongoing.

The Commission has publicly deplored the practice of phone message hacking, and has made clear that it will act should it be presented with any evidence of it continuing.

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For more information please visit:

www.pcc.org.uk/news/press-2010.html

or contact Jonathan Collett, Director of Communications
jonathan.collett@pcc.org.uk



Q Can you explain a little about what you do as your day job?

I am a member of the Criminal Cases Review Commission, investigating possible miscarriages of justice from deepest Birmingham. So, if you're a reader of The Independent I am a freedom fighter for human rights, and if you're a Daily Mail reader I let villains out of jail at public expense.

Q What motivates you to serve on the PCC Board?

As a regulator you must, I think, in principle approve of and support the thing you're regulating, because then you will be most moved to adjudicate sternly when you see some of the participants letting the side down.

I wouldn't sit on the PCC if I didn't believe it was the appropriate agency to keep standards high, while preserving freedom of expression. This means being tough on lapses of judgment when they arise.

Q What function do you feel the PCC performs?

I think the PCC performs a public service of holding editors to account when challenged by their readers. That service is delivered quickly, without fear or favour and free of charge. It is the same service whether the complainant is royalty, an MP, a celebrity or an ordinary member of the public.

Q Can you explain the weekly work you do for the PCC?

I contribute to the adjudication of thirty or forty cases every week. The paperwork that Commissioners have to read, review and judge is huge, and this is the aspect of our work that most surprises new members. The postman doesn't speak to me any more. The wodge of papers from the PCC office won't go through the letter box. He rings the doorbell, I answer and we smile ruefully at each other. I think it tactful not to ask how his latest hernia operation has gone.

Much of the weekly material comes from a world far away from national issues and celebrity gossip. The solution to the problem identified by GK Chesterton – that journalism largely consists in saying “Lord Jones Dead” to people who never knew Lord Jones was alive – can still be solved by finding the local or specialist angle. Hence the legendary headline from a Yorkshire newspaper in 1912: “Titanic Sinks – Heckmondwike Man on Board”.

Q What qualities should lay members bring to the PCC?

They should be reasonably bright, take their roles seriously, have a fair sense of how the media business works, and be completely independent. Beyond that we each have our own individual skills. From my criminal work I have developed a pretty good internal twaddle-o-meter, letting me spot when people are trying it on or taking me for a ride. And in my time I have also done a lot of work with vulnerable and damaged people, which means that I am especially sensitive to the issues involved in complaints involving sexual issues, crime and suicide.

People who work at the PCC might say that my ultimate personal specialisation lies in esoteric typographical corrections of Commission work. I follow in the footsteps of the journalist George Mair, who is said once to have telephoned a semicolon from Moscow. My obituary, if any, will be: “He was quite good with apostrophes”. Or, more probably – given the effect of cost cutting on the subeditor's art – “He was quite good with apostrophe's.”

In fact, each Commissioner will have his or her own particular key dislikes in the articles that come for review. I really hate headlines that bear minimal relation to the stories that follow them, and above all sloppiness – those occasions where the journalist has made barely a half-hearted attempt to get the true story.

Q Do you think editors should sit on the PCC? What do they bring to the table?

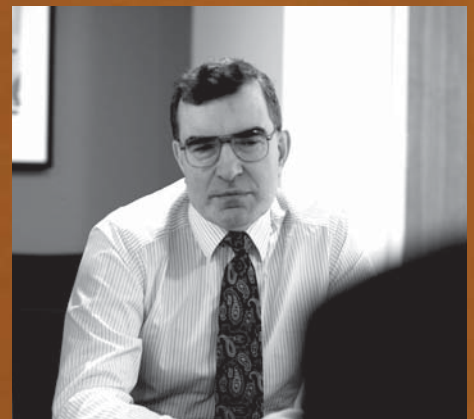
It is right that there is an independent majority of public members of the Commission (10 out of 17) but it's right too that editorial knowledge and expertise are brought to the table. Editors can often be tougher than the lay members because they can spot a lame excuse a mile off. I can tell you that there is no conflict of interest because editors leave the room when there are judgments relating to their own newspaper groups.

Q What happens at Commission meetings?

We meet every six weeks to consider complaints, and discuss broader issues affecting what we do. Discussions are always vigorous. Commissioners bring their own knowledge and expertise to the table whether police chief, bishop, former MP, academic, union official or newspaper editor. Most of the time, at most of our meetings, you'd find it hard without prior knowledge to identify who was a lay member and who an editor.

The cut and thrust of debate are important, and people change their minds during the meeting, before agreement is reached. One of the most high profile complaints in recent times concerned that much-lamented article written by a columnist about the late singer Stephen Gately. In a parallel universe I'm sure I would have joined in with the fury of the thousands of Twitterers it provoked. But what I personally find tasteless has no relevance to my PCC job. It is not my role, and should not be that of any regulator, to force our respective standards of decency on to anyone else. The PCC doesn't do censorship. Either freedom of expression means the right to publish something unpleasant, or it does not really exist at all.

Q&A with a public Commissioner



Q How would you improve the PCC?

I want it to be better known, and better resourced. I also await keenly the outcome of the independent governance review of the PCC. I must express the hope that we don't go down the road of detailed procedural reforms, much lengthening of the Code, and an appeal and audit structure so refined and complicated – sorry, sophisticated – that the time taken to resolve any particular complaint would probably treble. News happens and photographs are taken in a world that is fluid and fast moving – conditions that suit professional guidelines based on a set of principles rather than prescriptive and exhaustive regulations and bureaucracy. More rules don't always mean less speed, but they certainly would in the case of the PCC.

Q How would you reassure potential complainants that their concerns will be taken seriously?

I might offer up my wife to reassure them. She has to endure my reactions as I work through the paperwork for each week's complaints from the PCC office, marvelling at the variety of ways in which newspapers can mess up their stories, and – to balance that – the unreasonable expectations of some complainants, such as when they'd like their criminal past to be covered up. Mrs Nichol will confirm that I take my complaints very seriously and very much to heart. To my mind, the hours of robust and principled debate at formal PCC meetings show that all Commissioners share this approach, though not necessarily with the associated destruction of furniture that we see in the Nichol household.

Ian Nichol
Commissioner, PCC

Ian Nichol is a public member of the Commission - appointed in March 2006. Ian is a qualified accountant and is presently a member of the Criminal Cases Review Commission.



The Commission

All Commissioners bring their own personal expertise to the PCC, coming from different backgrounds and with different experiences.

There are 10 public members, including the Chairman, who have no connection to the industry. Following open advertisement and interview, they are appointed by the Appointments Commission (which itself has a majority of lay members).

Cases brought before the Commission are discussed at length and different Commissioners put forward their own understanding and opinion. Rulings are reached by consensus following discussion.

The editors – brought in to provide industry knowledge and the weight of peer judgement – are in the minority to ensure the independence of the PCC. Following nomination by one of the industry trade bodies, the editorial members of the Commission are also appointed by the Appointments Commission.



◀ **Baroness Buscombe**
Chairman



▲ **Eve Salomon**
Chairman, RICS Regulatory Board; Chair, Internet Watch Foundation; Commissioner, Gambling Commission



◀ **John Home Robertson**
Former MP and MSP



▲ **Esther Robertson**
Director (non-Executive), Scottish Council for Development and Industry



▲ **Ian MacGregor**
Editor, The Sunday Telegraph

Professor Ian Walden ▶
Professor of Information and Communications Law, Queen Mary, University of London



Simon Reynolds ▶
Editorial Director, Lancashire Evening Post & Wigan Evening Post



▲ **Matti Alderson**
Chairman, Direct Marketing Commission; Removals Ombudsman



▲ **Simon Sapper**
Assistant Secretary, Communication Workers' Union



The PCC now publishes the minutes of its meetings so as to be more open about its processes. It also has an online register of interests.

In 2009, the members of the Appointments Commission were:

- The Chairman of the PCC (until April, Sir Christopher Meyer and Baroness Buscombe thereafter);
- Guy Black, The Chairman of the Press Standards Board of Finance (until September, Tim Bowdler CBE and Guy Black thereafter);
- Andrew Phillips OBE (Lord Phillips of Sudbury);
- Lord Evans of Temple Guiting CBE; and
- Dr Elizabeth Vallance (Lady Vallance of Tummel).

There is more information about the Appointments Commission at: www.pcc.org.uk/whoswho.

John McLellan ▶
Editor, The Scotsman



▲ Anthony Longden
Managing Editor, North & East London Newsquest



▲ Peter Wright
Editor, The Mail on Sunday

Julie Spence OBE OPM ▶
Chief Constable of Cambridgeshire Constabulary



◀ Ian Nichol
Accountant; Member of Criminal Cases Review Commission

Two distinguished senior figures left the PCC in 2009. Sir Christopher Meyer completed his tenure in March after having served for 6 years as Chairman and Tim Toulmin stepped aside as Director in late December after 10 years with the PCC. We would like to take this opportunity to thank them both for their dedicated service.

The following people also served on the Commission during the course of the year. We are very grateful to them all:

- Spencer Feeney (editorial member, until April)
- Colleen Harris (public member, until July)
- Vivien Hepworth (public member, until September)
- Simon Irwin (editorial member, until March)



◀ Tina Weaver
Editor, Sunday Mirror



▲ Lindsay Nicholson
Editorial Director, Good Housekeeping



◀ The Rt Rev John Waine
Member of the Foundation, University of Essex

Listening and improving

The PCC has sought to evolve ever since its inception in 1991, voluntarily instigating many changes in order to improve the standard of service to our users.

However, we recognise that there is always more to do, and are always happy to consider suggestions about how we can do more.

Governance review

Shortly after taking over as Chairman of the PCC in April 2009, Baroness Buscombe announced that the PCC's governance would be subject to an independent review. Speaking at the time, Baroness Buscombe explained that "it is important periodically to reflect on the way an organisation works to make sure we have taken account of good practice elsewhere and wider public expectations".

The review is examining and considering the arguments for change in five main areas: the PCC Board; the Appointments Commission; Transparency; Accountability; and the organisation's Articles of Association. Following a public call for submissions towards the end of last year, it is examining a range of suggestions, and is also undertaking a series of evidence sessions with various individuals and organisations, in order to fully listen to their proposals.

The review's website – which includes information about the members of the review panel as well as the submissions – is www.pccgovernancereview.org.uk. The report is expected to be published in early summer 2010.

Website

The PCC's website – www.pcc.org.uk – is the first port of call for many people seeking advice about how we might be able to help them, so it is important that it is as useful and comprehensive as possible. The site is updated every day with information about new complaints decisions, while the more general sections about how we work are reviewed on an ongoing basis to ensure they are up-to-date.

Last year, we decided to start publishing monthly summaries of every complaint we deal with (rather than just those that are formally adjudicated or resolved). So, it's now possible to look at complaints which fell outside our remit, for example, or which the complainant decided not to pursue past an initial stage. These summaries have been welcomed as an important improvement to the PCC's transparency.

Other changes made last year include the rewriting of the 'Frequently Asked Questions' and 'How to make a complaint' sections of the site, in order to make the language more understandable. Following suggestions from members of the public who had used the website, the online complaints form was amended so that more information about the articles could be included. We also improved the overall navigation of the site.

We also listened to suggestions that the website could be improved by better presenting information about a particular part of the Code in one place, in order to guide potential complainants about past rulings. A new section called 'Understanding the Editors' Code and Key Rulings' was therefore introduced, which links through to the relevant sections of the Editors' Codebook. The Codebook contains a wealth of information about how the PCC has interpreted the Code of Practice, and this new section ensures that members of the public as well as journalists now have access to it.

Although the website regularly receives good feedback from our customers, we are always grateful for new ideas and suggestions and will be looking at improving it further in 2010. Please email tonia.milton@pcc.org.uk if you have any comments.

Feedback

Like any organisation delivering a service to members of the public, it is important that we know how we are rated by those on whose behalf we work. One of the main methods by which we evaluate our performance is by surveying (on an anonymous basis) every person who receives a decision under the Code of Practice about their complaint. The results are made public on our website, and are generally positive. In 2009:

- 80% of complainants said that their complaint had been dealt with by the PCC thoroughly or very thoroughly;
- 72% of those surveyed said that the overall handling of their complaint was satisfactory or very satisfactory;
- 79% of people felt that the time it took to deal with their complaint was 'about right'.



Send us your own feedback via:

www.pcc.org.uk/review09



As an individual it can be quite frightening and upsetting to have a conflict with a large organisation and it is very comforting to have someone from an outside organisation take an impartial look at the case and help resolve the matter

Not the result I hoped for but very clear and dealt with quickly and efficiently

Some examples of more detailed feedback received last year

The best organisation I have dealt with in years

Even though our complaint did not get the outcome we would have liked, your service was courteous, prompt and efficient, so thanks for that

I was delighted with the solicitous and highly efficient way in which [PCC staff] handled my complaint and with the robustness of the adjudication

The office of the Charter Commissioner was instituted in 2004 to provide an independent examination of the handling of complaints. Any complainant who receives a decision from the PCC has the right to complain to the Charter Commissioner about how their case has been handled.



Sir Michael Willcocks KCB CVO
PCC Charter Commissioner

1. I assumed the post of Charter Commissioner for the Press Complaints Commission (PCC) in May 2009, taking over from Sir Brian Cubbon who was its first holder. My defined role continues to be one of considering complaints about the handling of cases taken to the PCC where a decision by them had been made. Although my remit is, therefore, solely to examine the handling of such complaints, and I have no authority to review or overturn the Commission's findings, the expectations of the majority of complainants are rather different from this and so I deal with this point separately below.
2. There were 35 complaints to the Charter Commissioner in 2009: 15 to Sir Brian and the remainder to me. This total represents some 1% of those cases where the PCC considered a complaint made within its terms of reference. Although I have studied the complaints and the responses made to them during the period of January-April, before I assumed office, I have confined my observations in this Report to those complaints which I have dealt with personally.
3. In all but one of the 20 cases I have considered, the complainants, although usually citing "handling" as the cause of their grievance, were in fact appealing to me against the PCC's decision. I made it clear to them all that this was outside my authority, but nevertheless I did examine the full PCC files of these cases and frequently

discussed them with the staff of the Commission to ensure that I fully understood the context and rationale behind the decisions made. In this way I was often able better to explain the PCC's rulings to the complainants.

4. In one case the editor of a magazine agreed to my recommendation to amend an article to clarify the exact words used by the complainant which could have been misconstrued in the original piece. The complainant was fully satisfied by this outcome.
5. In two cases there were complaints about the release of private addresses to publications. I was able to explain how all correspondence between the parties in a case is shown to each side so that full responses could be made to the precise issues raised. However, I found that the PCC booklet "How To Complain", sent to help complainants frame their submissions, did not make it clear that addresses on letters would, therefore, be exposed unless the complainant specifically requested them to be removed. The PCC has accepted my recommendation to amend the advice to make this point explicit.
6. In four cases I had to explain the rationale behind the PCC decision to the complainants. As a result I have recommended that PCC decisions promulgated to complainants should err on the side of fullness of explanation. Often, if more detail from the brief to the Commission were to be included in the findings sent to the complainant, it would help clarify matters for them. I also had to explain the position of third party complainants on two occasions.
7. There were two cases in the 20 where I did find the PCC's handling of the complaint to be at fault. In one, the wrong newspaper was cited on the heading of the PCC's decision sent to the complainant. Understandably, as a result, he was convinced that the Commission had not properly considered his case. Although I was able to assure him that this was not so and the heading had been simply an unfortunate error for which he subsequently received a full apology from the person responsible, he was not placated. In the other case, an email between the PCC and an editor, which was not intended to be seen by the complainant, was sent to him in error. It was couched in a wholly inappropriate tone, giving the impression of over familiarity and thus lack of objectivity between the Commission and the paper concerned. This was not the case, but it was unfortunate that personal exchanges were mixed with consideration of the issues. At my request the Director of the PCC has issued guidance on this aspect of procedure to all staff.

The PCC's income comes from the raising of levies on press organisations. In order for the PCC to retain a suitable distance from the industry, this funding is organised by a third party, the Press Standards Board of Finance (PressBof).

8. Once again, however, the majority of complaints to the Charter Commissioner sought a review of the PCC's decision affecting them. It would, I feel, be quite wrong for a single person sitting alone to be able to overturn the considered judgements of a Committee consisting of 17 persons drawn from the widest of backgrounds, including professional journalists. However, when I explain this to complainants, along with the consequent limits of the Charter Commissioner's powers, it does little to assuage their continued sense of grievance. In the sorts of cases I have covered above, I have at least been able to explain the logic behind some of the PCC's rulings, but there have been other cases where I have found that the complainant may indeed have cause for believing that their case should be re-examined.
9. In the past eight months I have been asked in seven instances for such a re-examination. Two of these I rejected as having no grounds for such a course of action, but I did ask the PCC to look again at the other five. In the event none of these re-examinations led to a change in the Commission's findings, but they did lead to some of the complainants feeling they had been more fairly treated and others at least better to understand the reasoning behind the decisions.
10. In referring such cases back to the Commission I am aware that it could be held that I am straying outside the boundaries of my responsibilities. I feel strongly, however, that this is a proper role for the Charter Commissioner and one that should be recognised formally. I have represented this view to the Independent Review of PCC Governance.
11. I finish by expressing my thanks to the members and staff of the Press Complaints Commission for their unfailing courtesy and helpfulness in the face of my constant questioning. I am able to assure all those who bring their appeals to me that I continue to be impressed by the thoroughness and impartiality of the PCC's work in arriving at their decisions, whilst I myself remain totally independent from them.

Sir Michael Willcocks KCB CVO
February 2010

Here are extracts from the Commission's accounts for 2008, the most recent year for which figures are available. They have been audited by Saffery Champness.

Item	Expense £
Staff and Commissioners' costs	1,088,519
Accommodation, including insurance	154,472
Telephones and faxes	17,834
Newspapers and other publications	11,310
Office equipment and leases	34,519
Stationery, printing and sundry costs (inc. monitoring)	58,909
Postage	13,512
Lawyers	97,584
Audit and tax consultancy	49,445
Charter Commissioner / Charter Compliance Panel	41,641
Consultants	74,894
Design and Literature	45,317
PR/conferences/entertainment	90,823
Travel and subsistence	46,950
Website and IT costs	33,764
Depreciation	33,952
Bank Charges	1,278
Total	1,894,723

The PCC is an independent self-regulatory body which deals with complaints about the editorial content of newspapers and magazines (and their websites). We keep industry standards high by training journalists and editors, and work proactively behind the scenes to prevent harassment and media intrusion. We can also provide pre-publication advice to journalists and the public.

Contact details

Press Complaints Commission
Halton House
20/23 Holborn
London EC1N 2JD

Switchboard: 020 7831 0022
Facsimile: 020 7831 0025
Textphone: 020 7831 0123

If you would like to arrange a talk about the PCC or would like further information contact Tonia Milton on 020 7831 0022 or by email tonia.milton@pcc.org.uk

www.pcc.org.uk