

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.

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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.

