

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.

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.

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