

Perspectives



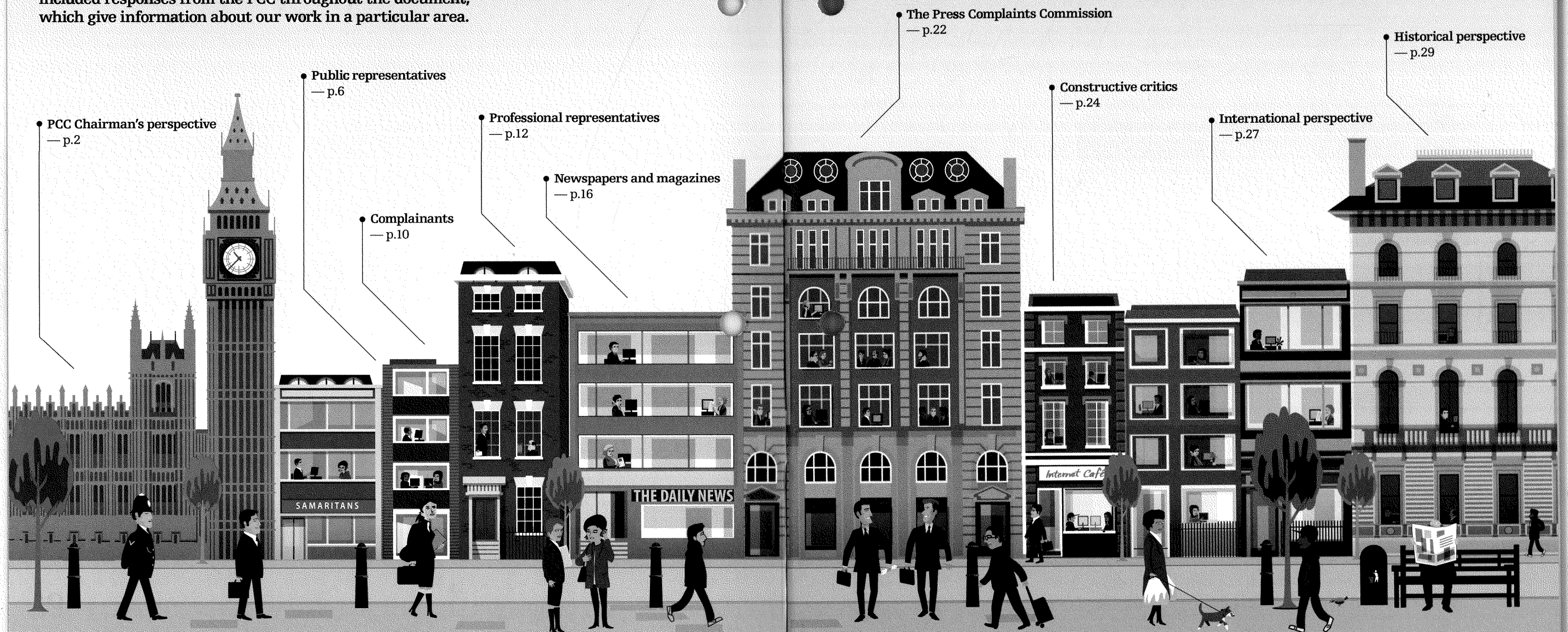
— A look at 2010 through the eyes of
the people who come into contact with
the Press Complaints Commission



The Press Complaints Commission (PCC) is an independent body which administers the system of self-regulation for the press. It does so primarily by dealing with complaints, framed within the terms of the Editors' Code of Practice, about the editorial content of newspapers and magazines (and their websites, including editorial audio-visual material) and the conduct of journalists. It can also assist individuals by representing their interests to editors in advance of an article about them being published.

In this Perspectives booklet, we have sought to show the relevance of the PCC to all sorts of people across society, from ordinary members of the public to celebrities. Rather than write in our own words about what we do, we have chosen to hand that task over to those who know us best, and asked them to give their own views about us. We hope you will enjoy reading the range of opinions that appear here, which we hope will bring our work to life.

In order to provide some context to the perspectives, we have included responses from the PCC throughout the document, which give information about our work in a particular area.



PCC Chairman's perspective

Baroness Buscombe



Peta Buscombe
Chairman

2010 itself contained clear evidence of the PCC looking to better itself for the future

I'm delighted to give my perspective alongside all of those who have contributed to this publication. It is always a useful exercise to look at yourself as others do, and at the PCC we take very seriously the constructive commentary of those we work with and for.

I am particularly pleased that people and organisations who have actually used our public service, like the Samaritans and Cumbria Police, have contributed to this year's Review. They have direct experience of how the PCC can help, and the service that we can offer. It is striking – but no more than should be expected – how those who experience the PCC often come away pleased with how they have been treated. I hope that Clare Balding speaks for other complainants, when she speaks of PCC staff being "extremely helpful"

to those who feel vulnerable in the face of press attention.

I can assure you that the perspectives are the genuine opinions of a range of contributors such as MPs, lawyers, academics, PR consultants, complainants, charities and newspaper and magazine industry figures. It shows the wide variety of different people we serve and the place of the PCC in British society today. You will notice the bustling street scene on the cover of this document: the point of the PCC is that we seek to engage with everyone in the UK to help hold editors to account for their actions, and require that editors also hold themselves to account. I would particularly urge you to read the historical perspective by Professor Robert Pinker, which gives a fascinating context to where we are now and shows how we got here.

I hope these perspectives will give a fair reflection of the work of the PCC and how it is regarded. We will take on board praise and criticism. We always do. One of the great strengths of the PCC is its willingness to adapt and evolve. As I enter my third year as Chairman, I want to make special mention of the dedication and application of the PCC staff, who focus all their efforts upon providing a valuable public service. I regularly meet many people who have benefited from the PCC's work and actions and I am moved by some of the cases of vulnerable people who can face harassment, intrusion and discrimination through no fault of their own.

One of my continuing frustrations is the difficulty we have in convincing some people that the PCC's enforcement of the Editors' Code of

Practice works, particularly in relation to privacy. It is a straightforward problem: success must often be measured by the invisible. A lot of the effective work performed by the PCC is below the surface. It is reflected in the articles that do not appear, the journalists that do not turn up on someone's doorstep and the stories that are not pursued. Many people contact us to use our anti-harassment mechanism whereby messages to editors to call off their photographers and reporters are passed on. It has a near 100% success rate. Amid all the talk of super-injunctions and the peril they pose to free expression, we should remember that the PCC operates a pre-publication service that can work with editors to prevent intrusion before it happens. We are more active than judges in defending people's privacy, and do so while balancing the protection of the individual with the right of free speech.

We are heartened by regular feedback that shows that the work we do is valuable and valued. We know from recent polling that there is large awareness among the public (81%) of the PCC and that of those who have an opinion the vast majority (75%) regard the PCC as effective or very effective. I hope we can increase understanding of the PCC to match the impressive level of awareness and I hope the PCC's recent advertising campaign will enable more people to use and benefit from our service.

In that broad context, let me take the chance to draw your attention to the remainder of our Annual Review for 2010, which is online (www.pcc.org.uk/review10). In it, you will see more of the key statistics for the year, the important rulings that we made and a calendar of PCC activity. Please take

the time to have a look if you can. As with this document, our aim is to reveal all the wide-ranging work we do, for which we perhaps are given too scant credit by some.

That said, there is much more we can do, and there are difficult issues that the PCC must face with vigour. While 2010 was a successful year – in my view – in terms of the decisions we reached and the people we helped, it would be wrong to downplay the challenges ahead.

I hope we can increase understanding of the PCC to match the impressive level of awareness

First, phone hacking. This is a subject which remains a major concern for me and the Commission, in terms of what it says about journalistic ethics in this country. I condemn unequivocally what took place at the News of the World. It is right that the PCC must play a part in ensuring that the practice of illegal and intrusive interception of phone messages is, and remains, stamped out.

Of course, it is also right that the police – who have reopened their investigation – take the lead in determining the further extent of any criminality. The PCC must not prejudice that investigation in

any way. Nor can we interfere with ongoing legal actions, which are based on information to which we are not currently privy.

However, we can take steps that I believe are necessary and in the public interest: we will draw together the information that comes out of the legal process, so that we have a clear picture of what has happened; we will ask the News of the World, and any other relevant newspaper, to give a full and public account of itself in light of that information; we will review how the PCC has previously addressed this entire issue, accept what we could have done better and ensure our own game is raised; and – most importantly – proactively work across the whole industry to ensure that systems are in place to assure improved future practice.

It was with these tasks in mind that the PCC set up a Phone Hacking Review Committee at the beginning of 2011. It comprises two recently appointed lay Commissioners, both of whom are experts in relevant legal fields: Ian Walden (Professor of Information and Communications Law, Queen Mary, University of London) and Julie Spence (former Chief Constable, Cambridgeshire Police). It also has one editorial Commissioner in John McLellan, the editor of The Scotsman. It will make recommendations to the Commission, which will be published.

The second challenge is perhaps primarily for the industry itself. It is to ensure that the PCC remains supported across the board in the coming year. The PCC requires and relies upon (and receives) co-operation from publishers and editors in the work it does. That must continue. It is regrettable that there is currently

PCC Chairman's perspective
continued

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a funding dispute between Northern & Shell and PressBof (which is the funding body for the PCC). I call upon both sides to resolve this as soon as possible. The system of self-regulation in this country is too important to be affected by quibbles over money.

2010 itself contained clear evidence of the PCC looking to better itself for the future: the independent Governance Review that reported in July. That Review, intelligently led by Vivien Hepworth, was the first such in the history of the PCC and represented an invaluable opportunity to test the structures and processes that have evolved since the organisation's establishment in 1991. It heard a very wide range of opinions and produced recommendations to give the PCC greater independence and effectiveness. We are now in the process of implementing those recommendations and the result should be a strengthened, more independent and effective PCC.

There can be no doubt that such qualities are necessary in today's media world. The PCC, I believe, has firmly established itself as the appropriate form of regulation for fast-moving online newspaper and magazine content. For example, we have developed a clear set of precedents to help guide ethical

practice in the use of material taken from social networking sites. We train journalists and editors, so that they navigate the difficult question of what privacy actually means in a digital age. I believe we can also play an important role in promoting discourse among the public about how best they can protect their own privacy in the online environment, particularly in the context of what is published on sites like Facebook or Twitter. To help us in this area and others like it, the Commission has set up a permanent Online Working Group, which will continually examine how the PCC and the Editors' Code of Practice can remain relevant online.

Early this year, we advertised for the appointment of three new public Commissioners. We received nearly 3,000 applications for the positions. Such a response is testament to both the importance of the work the PCC does, and – I hope – our reputation across the UK. As we renew the membership of the Commission, so we will be reminded that we must always refresh and improve how we work. 2011 is already proving to be a challenging year; we must make sure we meet the challenges, and more. We must continue to ensure that the PCC, and the system of self-regulation, remains robust and effective, and is seen to be so.



Baroness Buscombe
Chairman,
Press Complaints Commission

Did you know?

The PCC either criticised an editor or obtained remedial action for the complainant on 750 occasions in 2011

To see all of our statistics go to:
www.pcc.org.uk/review10

Putting it into perspective:

— *Why the PCC is here*

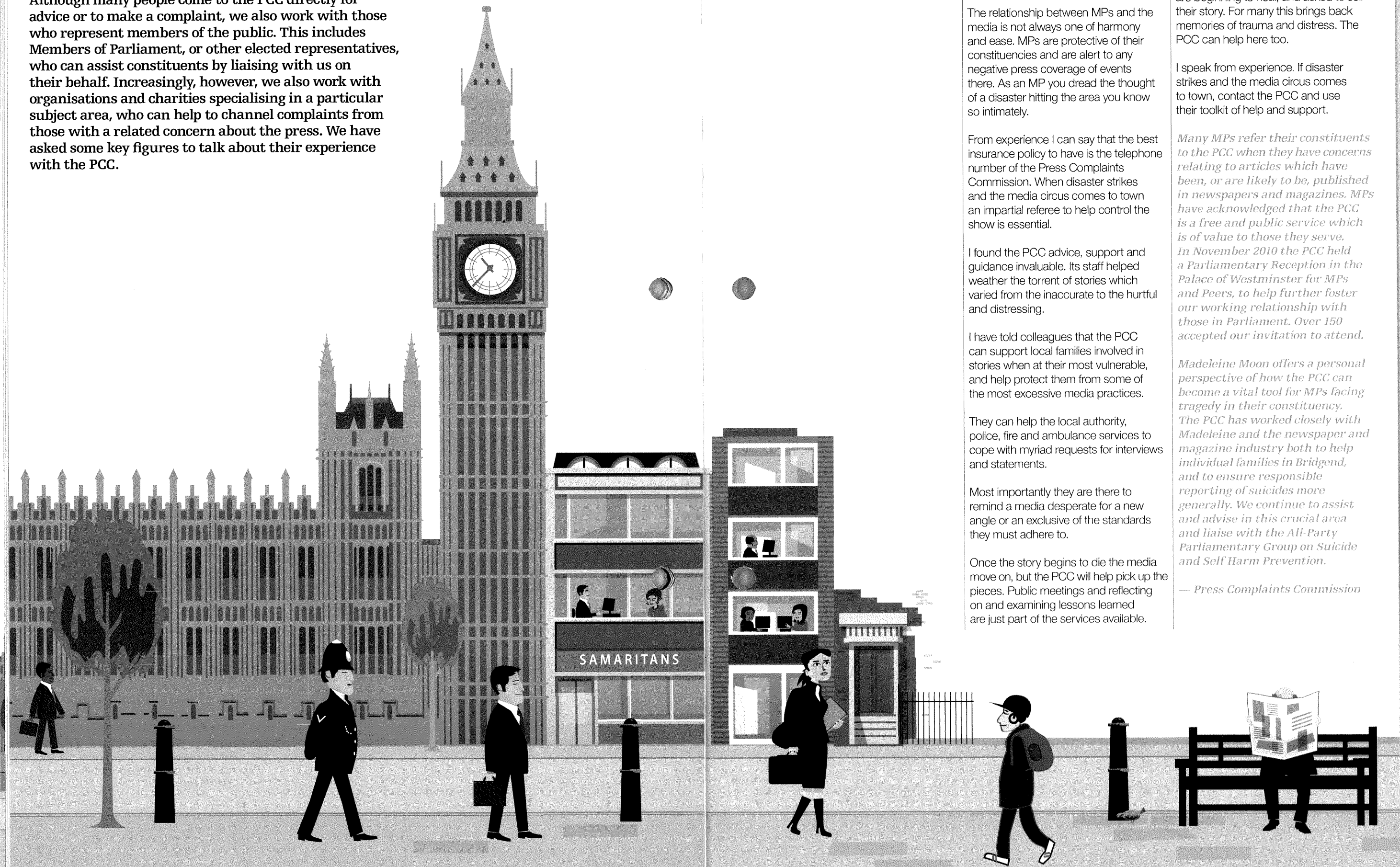
The PCC is here to help and serve the public. Newspapers and magazines, like everyone else, make mistakes. That's why the public need protection and a system to offer them speedy and ideally cost-free redress. The PCC independently upholds the agreed and binding self-regulatory Editors' Code of Practice. It uses it to raise standards in the industry.



Find out more online:
www.pcc.org.uk/review10

Public representatives

Although many people come to the PCC directly for advice or to make a complaint, we also work with those who represent members of the public. This includes Members of Parliament, or other elected representatives, who can assist constituents by liaising with us on their behalf. Increasingly, however, we also work with organisations and charities specialising in a particular subject area, who can help to channel complaints from those with a related concern about the press. We have asked some key figures to talk about their experience with the PCC.



1 Madeleine Moon — Member of Parliament for Bridgend

The relationship between MPs and the media is not always one of harmony and ease. MPs are protective of their constituencies and are alert to any negative press coverage of events there. As an MP you dread the thought of a disaster hitting the area you know so intimately.

From experience I can say that the best insurance policy to have is the telephone number of the Press Complaints Commission. When disaster strikes and the media circus comes to town an impartial referee to help control the show is essential.

I found the PCC advice, support and guidance invaluable. Its staff helped weather the torrent of stories which varied from the inaccurate to the hurtful and distressing.

I have told colleagues that the PCC can support local families involved in stories when at their most vulnerable, and help protect them from some of the most excessive media practices.

They can help the local authority, police, fire and ambulance services to cope with myriad requests for interviews and statements.

Most importantly they are there to remind a media desperate for a new angle or an exclusive of the standards they must adhere to.

Once the story begins to die the media move on, but the PCC will help pick up the pieces. Public meetings and reflecting on and examining lessons learned are just part of the services available.

There is also the longer-term support available. Families can be contacted months and years later, just as wounds are beginning to heal, and asked to sell their story. For many this brings back memories of trauma and distress. The PCC can help here too.

I speak from experience. If disaster strikes and the media circus comes to town, contact the PCC and use their toolkit of help and support.

Many MPs refer their constituents to the PCC when they have concerns relating to articles which have been, or are likely to be, published in newspapers and magazines. MPs have acknowledged that the PCC is a free and public service which is of value to those they serve. In November 2010 the PCC held a Parliamentary Reception in the Palace of Westminster for MPs and Peers, to help further foster our working relationship with those in Parliament. Over 150 accepted our invitation to attend.

Madeleine Moon offers a personal perspective of how the PCC can become a vital tool for MPs facing tragedy in their constituency. The PCC has worked closely with Madeleine and the newspaper and magazine industry both to help individual families in Bridgend, and to ensure responsible reporting of suicides more generally. We continue to assist and advise in this crucial area and liaise with the All-Party Parliamentary Group on Suicide and Self Harm Prevention.

— Press Complaints Commission

Public representatives continued

2 Gill Shearer
—Head of Marketing and Communications, Cumbria Police

The Press Complaints Commission has a crucial role in supporting members of the public dealing with the media at times of significant emotional distress such as the West Cumbria shootings in June 2010.

The PCC initially approached Cumbria Constabulary on 2nd June – the day of the shootings. However, it took a few days to establish a process where the necessary level of information was being passed from the communities, via the police, to make formal complaints. Feelings of intrusion were caused by a range of different media outlets at varying times, which further increased the distress to the families.

Since the shootings we have worked pro-actively with the PCC and the affected families to ensure the media knows which of the families do not want to be contacted by the journalists. To date this has worked well and has removed some of the distress that the families have felt when approached directly by the media.

Our work with the PCC will continue as we approach key times such as the first anniversary.

The impact and pressure of the media on the families and the communities of West Cumbria was completely overwhelming for many, and understandably so. In such high-profile situations I would urge the public – and organisations which represent the public – to make early contact with the PCC to help in trying to balance the right of journalists to report and the right of the shocked and the bereaved to avoid intrusion.

Perspectives such as this from Cumbria Police really help to demonstrate the reality of what can sometimes happen when a major news story breaks. We regularly speak to ordinary people at the centre of media stories, and understand the concerns that people have around being approached by journalists. In the past few years, we have doubled our efforts to ensure that people who may be feeling vulnerable as a result of their involvement in a newsworthy incident know how to contact us.

Although we can approach people directly, usually we will make contact via an intermediary such as the relevant police force. It follows that one of our most important ongoing initiatives is to maintain good contact with the police throughout the UK (as well as court services and those involved in bereavement support) to ensure that, if they are approached by someone for advice, they know how the PCC can help if they do not wish to speak (though, of course, many people do).

We have recently undertaken major revisions to our advice on dealing with media attention following a death. We hope this will enable us to explain better some of the practical implications of losing a loved one. Copies will be disseminated widely throughout the UK and you can also read the new text on our website: www.pcc.org.uk

— Press Complaints Commission



Our relationship with the PCC means that we can pick up the phone to them on an informal basis and seek guidance on the best way to work with the press

3 Lucy McGee

— *Director of Communications,
West London Mental
Health NHS Trust*

It's impossible to underestimate the evocative power of the word 'Broadmoor' for the British public. It's loaded with symbolism and packs a powerful frisson. It pops up on Google as a metaphor for evil almost as often as it does described (wrongly) as a prison. The man in the street could grow old without learning that Broadmoor Hospital is respected globally as a leader in the treatment and research of serious and complex mental health problems.

Challenging inaccurate or unfair reporting in the media is an aspect of the PCC's role that we've valued. It has helped us secure redress many times for thoughtless, misinformed or sloppy coverage about Broadmoor Hospital and mental illness in general, and even for downright bigotry. PCC advice is always prompt, balanced and pragmatic.

More than this, what's characterised the partnership that we at West London Mental Health Trust have experienced is proactivity. Recognising that language is just a symptom, the PCC has supported us in the long game of anti-stigma, too: educating journalists about the facts of mental health and the institutions that treat it.

This matters because the young men who come to us at Broadmoor Hospital are not new to psychiatric ill-health. Their usually already difficult lives have been complicated by it for years. But the shame and stigma attached to mental illness (exacerbated by ill-informed, or, worse, discriminatory representation of it in the media) have prevented them from seeking help, locking them in a terrible trajectory towards personal disaster.

Through mediation, promotion of best practice, helpful introductions and informative seminars, the PCC tries to show that fidelity to press freedom doesn't have to mean infringing someone else's, and nor does the complex truth about mental health make for a less compelling story.

Some institutions are likely to be the subject of considerable media attention on a regular basis. High-secure Broadmoor Hospital is one example and it is perhaps unsurprising that it has developed a close working relationship with the PCC, especially in recent times, as it seeks to tackle reporting that is inaccurate or misleading. By working with the PCC to resolve complaints amicably and without rancour, Broadmoor Hospital – like other newsworthy organisations – has been able to raise levels of understanding about its work.

Reporting of mental illness is a subject on which the PCC has focused heavily over the last few years and it is an area of reporting which has arguably seen a significant improvement as a consequence. In 2010, we co-hosted with Shift and the Royal College of Psychiatrists a hugely successful event, at which we brought together mental health professionals and media representatives to discuss a range of sensitive issues. You can read more about the event at www.pcc.org.uk/events. The PCC's guidance on reporting mental health issues can be seen at <http://www.pcc.org.uk/advice/editorials.html>

— *Press Complaints Commission*

4 Nicola Peckett

— *Head of Communications,
Samaritans*

The support that the PCC provides Samaritans is hugely helpful in our work to ensure responsible reporting of suicide.

It has long been known that publishing excessive detail about the method of suicide can encourage others to emulate the suicide in what is known as a copycat death. Samaritans' aim is to work with the media to prevent coverage which could be harmful to vulnerable individuals.

Samaritans reviews more than 3000 articles about suicide each year, and we understand that there is a fine line between working constructively with the media and being seen as trying to restrict press freedom.

Our relationship with the PCC means that we can pick up the phone to them on an informal basis and seek guidance on the best way to work with the press. PCC staff will always answer honestly, so we can avoid taking forward unnecessary complaints.

We value the experience the PCC has in dealing with complaints against newspapers, because it gives us access to their excellent judgement and sound advice.

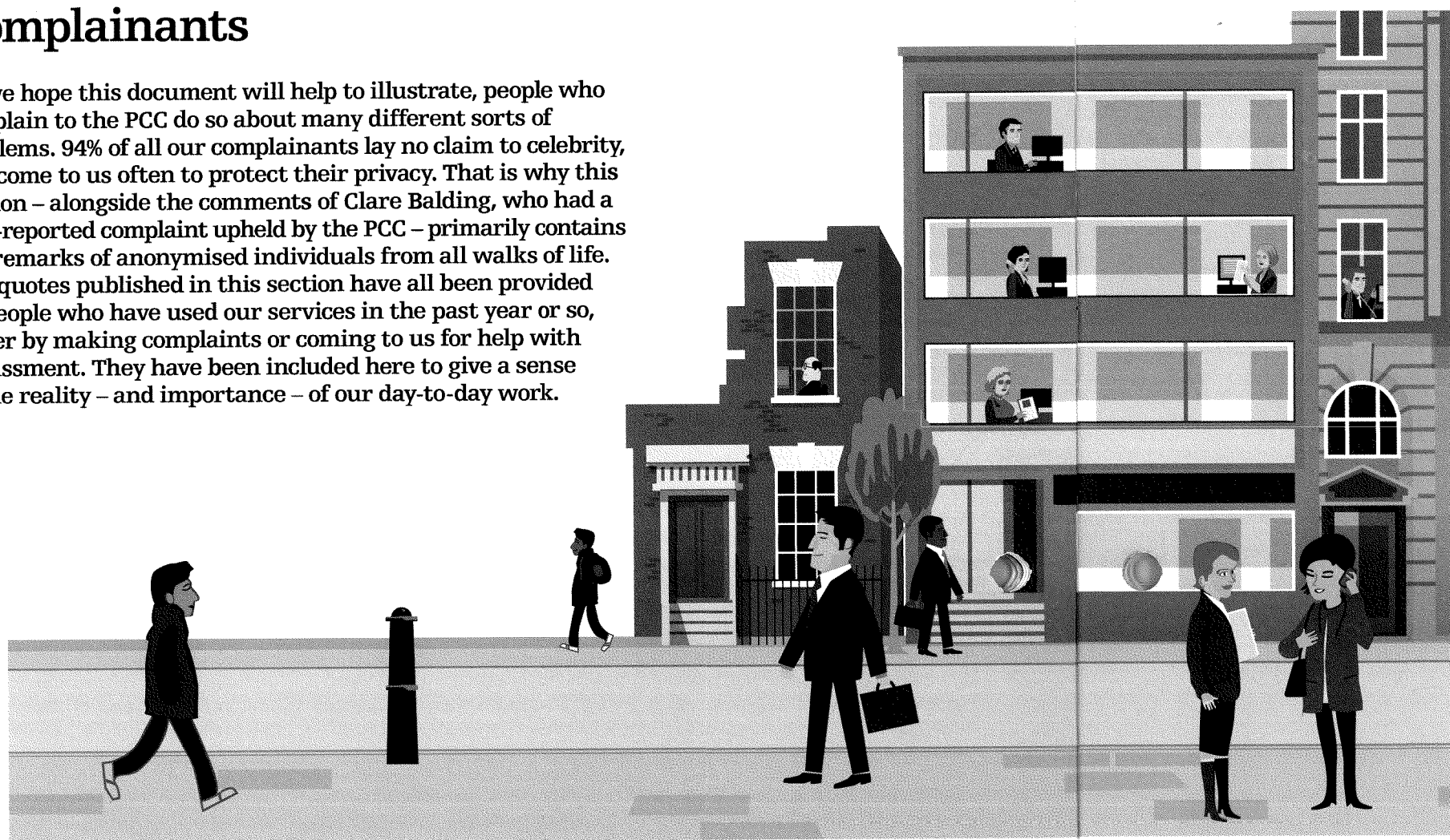
The work done by the PCC in the area of suicide reporting has been well-documented over recent years and we are proud of the improvements there have been in the way that newspapers and magazines cover such tragedies. Our close work with Samaritans is a very good example of the way in which the PCC carries out its wider standards role, for only a small portion of our relationship is about dealing with concrete complaints. The more significant part is about facilitating a constructive dialogue between an expert organisation (Samaritans) and key editorial executives.

There is no doubt that the press has taken on board the important message about the potential impact on vulnerable people of excessively detailed reporting about suicide. Editors regularly contact the PCC for advice on this topic and have displayed an eagerness to discuss the subject at seminars.

— *Press Complaints Commission*

Complainants

As we hope this document will help to illustrate, people who complain to the PCC do so about many different sorts of problems. 94% of all our complainants lay no claim to celebrity, and come to us often to protect their privacy. That is why this section – alongside the comments of Clare Balding, who had a well-reported complaint upheld by the PCC – primarily contains the remarks of anonymised individuals from all walks of life. The quotes published in this section have all been provided by people who have used our services in the past year or so, either by making complaints or coming to us for help with harassment. They have been included here to give a sense of the reality – and importance – of our day-to-day work.



persistent work I doubt very much we'd have got this far so thank you very much."

"I was extremely pleased with your service. Your staff were efficient, helpful and the whole matter dealt with in good time."

"[The helpline was] a most helpful and well-informed service. Advice was straightforward and clear."

"I was pleased that [the] PCC were so swift and helpful. My complaint was not solved as I would have hoped but the PCC did as much as they could and I am grateful!"

"Obviously those complaining are often hurt or angry – the kind manner of your staff makes the process less stressful and it is appreciated."

"Refreshing to communicate with people clearly intent on being honest and reaching a balanced [resolution] to issues."

The PCC also deals a lot with pre-publication concerns, especially in order to prevent harassment by journalists and broadcasters. This service is entirely confidential to the complainant, with the purpose of minimising harm in a discreet fashion.

"Many thanks for your help in this matter, I am very pleased about [the newspaper's decision not to publish] and can now give a sigh of relief – for now."

"Thank you for your email, with attachment. I have passed the information on to the family and they appreciate both your concern, and your help in providing the briefing note. To date, the family are happy with the sensitive way in which the media have responded to their wishes. Should that position change, or if we require further information, I will contact you."

"I just wanted to drop you a line to say thank you for your help yesterday. The local Police Community Support Officer contacted me earlier to say that as far as the officers could see, no members of the press turned up at the funeral which will have been a big relief for the family."

"Thank you for your help. I feel better now I know I can be left alone to give my husband all the support he deserves to get him out of hospital and home to his family where he belongs."

"I'm very relieved to say that in the story printed on Mon 18th Jan, I was not mentioned by name [as a victim of violent crime]. I haven't seen anything published anywhere else as yet."

The PCC very much sees its role as a public service: one that is available to anyone, at any time, and at no cost. We want people to feel that they can contact us for confidential advice about any aspect of press reporting. We are always happy to speak to people who might be concerned about a story that has yet to be published, as well as to people who might be concerned about something that has already appeared. PCC staff advocate on behalf of members of the public when dealing with their complaints, aiming to secure redress that is both proportionate and meaningful to the complainant.

Last year, in addition to dealing with over 7,000 formal complaints, we sent out over 100 private advisory messages to newspaper and magazine editors on behalf of someone who was concerned about a story. We also proactively made 25 approaches to individuals following a major incident, who we thought might need to know about how we could help them. This area of work has grown tremendously in the past few years, and is something we will continue to focus our efforts on.

— Press Complaints Commission

1 Clare Balding — TV Presenter

I complained to the PCC over an offensive and unnecessarily derogatory reference to my sexuality by A.A. Gill in The Sunday Times. I had already written to the editor of The Sunday Times but it was his high-handed response that persuaded me to take further action. It is a big step to take on a major newspaper in such a public way but Scott Langham (PCC Head of Complaints), with whom I dealt directly, seemed very aware of the vulnerability felt by all complainants.

I did not employ a lawyer and am very glad of that, both in terms of expense spared but also it meant I could remain personally involved every step of the way. I found the PCC to be extremely helpful in guiding me through the process and ensuring that I was neither afraid nor confused. I was surprised by the amount

of interaction between The Sunday Times lawyer and myself as the ball was batted back and forth but the PCC stepped in and put a stop to it once it was clear that the complaint had legitimacy and I was not going to back down.

The process itself took a long time because many of the panel were away for the month of August but as soon as the decision was made, I was made aware of the outcome shortly before it was made public, so that I had time to take it in. The only disappointing aspect was that while the PCC can ensure that The Sunday Times print the decision in full, they cannot actually make them apologise, which they still haven't.

You can read the Commission's adjudication in this case on our website: <http://www.pcc.org.uk/cases/adjudicated.html>

I found the PCC to be extremely helpful in guiding me through the process

2 Key success stories

Here are some perspectives of those who have made formal complaints to the PCC in 2010:

"I would also like to say on behalf of the family that the service and response received to our complaint, by [PCC staff] was exemplary and your professional and considerate approach to such a sensitive matter was most appreciated."

"Thanks again, if only all the other complaint bodies I have been dealing with were as speedy and efficient as yourselves! Thanks for resolving this so quickly."

"My mother and I would like to express our utmost gratitude and thank you for your continuous efforts in providing us with a positive outcome regarding this issue, had it not been for your

Professional representatives

For those in the public eye, attention from journalists and photographers can come with the territory. There are times, however, when media approaches and coverage can be inappropriate under the terms of the Editors' Code of Practice. The PCC works with lawyers and PR agents to deal with any concerns their clients might have about possible harassment or intrusion, and to consider complaints about published material. The system they use, and the service they receive, is of course the same as for those without representation.



1 Janice Troup
— Head of ITV Programme
Publicity, Drama and Soaps

We have a hotline to the PCC! Maybe not exactly a hotline, but sometimes it feels that way. As the ITV Press Office which represents Coronation Street and Emmerdale in all press matters, we often find an awful lot goes well, but there are occasions when inaccuracies creep into reporting and we feel the need to make our feelings known and clarify our position on behalf of the Company, the programme or an individual actor.

Wherever possible, clearly we'll attempt our own mediation, but if this fails to reach a satisfactory resolution and there's a fairly strong point still to be made we'll consult the Press Complaints Commission for impartial, informative, accurate and practical advice. No matter how convoluted the issue we'll work it through, consider all angles, repercussions and implications before deciding whether to proceed with a formal complaint. Consequently, we don't make a complaint lightly and really appreciate the conscientious and dedicated approach the PCC applies to resolving each complaint and the swift way in which the team liaises with newspapers to reach the root of a situation.

Over time we've had our fair share of complaints based on inaccurate reporting, privacy issues, harassment of high profile individuals, newspapers intent on revealing medical conditions and we've also had to protect bereaved actors at their most vulnerable times. Subsequently, much of the work we invest in these situations is unseen as newspapers accept that the Code of Practice is in place. We wouldn't be as successful in our daily work without the guidance of the PCC who strive to uphold fair, accurate and just reporting.

2 Ian Monk
— Ian Monk Associates

There remain few forces as potent as newspapers in building or demolishing reputations of individuals, be they of private citizens or individuals whose stardom in whatever field attracts media attention.

Thus the importance of the role of the PCC in regulating press excesses and offering redress to those wronged by it can never be underestimated. The body attracts some criticism for the fact that it is funded by the newspaper industry and that consequently, its powers as a regulator are allegedly limited.

Nevertheless, I believe it offers a valuable service to all those involved in reputation management and in what may loosely be termed the "PR industry".

Expensive media lawyers are occasionally derogatory about its ability to right newspapers' wrongdoings, but the PCC plays a crucial role in offering redress to victims of published inaccuracies as well as protection to those threatened with intrusion and harassment.

For a start the PCC is enormously accessible. Its team is available most hours to offer informal and

knowledgeable advice on how best to handle situations potentially damaging to a client, be he or she famous or the "ordinary person" caught in the spotlight of the news agenda.

The PCC has a strong voice and constant access to editors and decision makers in the newspaper world. I have found that this works effectively for example, in curbing harassment before its fruits, in the shape of intrusive photographs, appear in print.

Equally if an inaccuracy has been published, the PCC is capable of flexing its muscle to ensure that its critical adjudications are published prominently and promptly in the offending newspaper.

Often, too, the PCC's skills can be utilised alongside those of the smart media lawyers who occasionally criticise it.

I will continue to use its services on behalf of clients, both famous and previously unknown to the public.

The PCC's service is available to all whether celebrity or non-celebrity. Over 90% of complaints are from ordinary members of the public.

However, the service provided by the PCC is also regularly used by public relations consultants. They often contact the PCC – on behalf of their clients – before and after publication. The idea is that a conciliatory system, which can be fast-moving and immediate, is a useful means by which PRs can obtain protection and redress for those in the public eye. PCC staff members often give presentations to public relations consultancies and practitioners to help them use us better.

One area where celebrities use the PCC is to communicate their concerns about paparazzi harassment. The PCC makes editors aware of specific problems, and asks them to ensure that they do not publish material that is not compliant with the Code. Decisions not to publish photographs affect the market for them, and therefore reduce the paparazzi presence.

The PCC is designed to be complementary to the legal system, and many lawyers either advise their clients to come to the PCC direct or represent them in complaints. There are many occasions when use of the PCC will prevent the need for expensive and antagonistic legal action.

— Press Complaints Commission

Professional representatives
continued

3 Polly Ravenscroft
— *MD, PR Squared Ltd*

The PCC has been an invaluable service to me; I have found that they are fair minded when dealing with both PRs and the newspapers so you know you can rely on them for honest answers.

They have been most useful on offering advice for our clients whether they be for a medical or privacy issue. They also help enormously on bigger TV shows where duty of care is of paramount importance for the production company. Contestants of shows often find themselves and their families thrown into the spotlight and the PCC's guidance is always gratefully received.

4 Nick Armstrong
— *Partner, Charles Russell LLP*

An essential aspect of the PCC's work which is underrated is the assistance it can provide behind the scenes, as part of the negotiation process which underlies the successful resolution of the majority of media-related issues. By definition, this 'behind the scenes' work is less known than the more public process of complaints and adjudications.

In my role as a media litigation solicitor advising clients about contentious media issues, having a flexible range of options is key to dealing effectively with cases where the facts and tactical considerations vary widely. Only rarely is immediate recourse to law appropriate. Far more often, the essential element is to seek to persuade the press that what they are proposing to publish or have published is not (or not wholly) appropriate, and to negotiate a suitable resolution.

The PCC, in being available to broker or inform such discussions, warn of potential breaches of the Code, and participate in negotiations at an editorial level, can provide a valuable extra element enabling such resolutions to be achieved. In addition, their hotline service for dealing with situations where clients are harassed by a press 'scrum' is a crucial extra resource.

Working with the PCC has often contributed much to obtaining the best outcome for clients faced with press-related difficulties.

5 Roderick Dadak
— *Partner, Head of Defamation, Media, Brands and Technology, Lewis Silkin*

It is all too easy to criticise self-regulation by the media which is the task of the Press Complaints Commission. Nobody would pretend that it doesn't have shortcomings or that mistakes have not been made – and they get plenty of publicity. But it is in fact remarkably successful.

With a robust Code of Practice it provides a public service which, apart from being free, is fair and is relatively quick. The Code is respected by the Courts, and indeed is specifically relied upon as a guide to the application of the balancing exercise between freedom of expression and the right to a private life. However, ultimately its best advertisement is the number of complaints that are successfully concluded. There is a false assumption that most members of the public who complain against the media want money. They don't. The majority want an apology. All the evidence suggests that the PCC succeed in achieving a satisfactory outcome, through mediation or adjudication, without falling foul of allegations of bias or giving inadequate consideration to complaints made.

The media take the PCC and the Code very seriously, both nationally and regionally, and that also demonstrates its effectiveness. There have been calls for statutory controls to be introduced in place of self-regulation but in the face of a proven track record in the vast majority of complaints and determined, and substantial, strides over the last few years to improve the Code, and its implementation, by addressing shortcomings, adapting and amending it where appropriate, there isn't really any need to replace it. The PCC has the flexibility to adapt and change which a statutory body could never achieve. It isn't perfect but overall it works. There is still room for improvement but credit should be given where credit is due and in a cash-strapped society the free and fair service the PCC offers should be supported.



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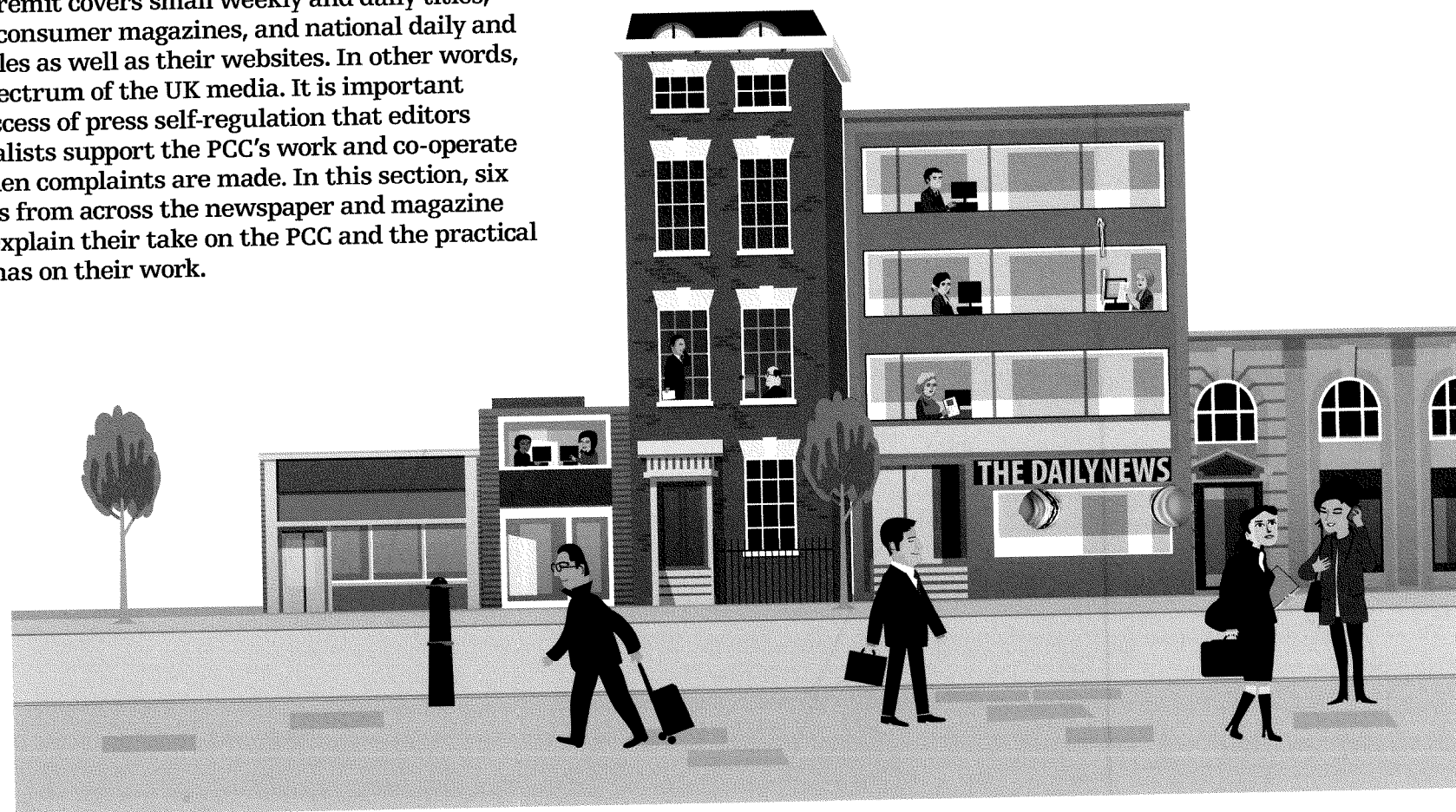
Putting it into perspective:

*— People won't know they need
us until they do*

The PCC is here for everyone: from those affected by a death reported in their local paper to a celebrity being pursued by paparazzi. The vast majority of people who seek our help are ordinary members of the public who want to address issues such as accuracy and privacy.

Newspapers and magazines

The PCC's remit covers small weekly and daily titles, trade and consumer magazines, and national daily and Sunday titles as well as their websites. In other words, a broad spectrum of the UK media. It is important for the success of press self-regulation that editors and journalists support the PCC's work and co-operate with it when complaints are made. In this section, six individuals from across the newspaper and magazine industry explain their take on the PCC and the practical impact it has on their work.



further thought if a relatively small PCC and hard-pressed editors are to respond most effectively to serious cases and/or those from individuals and organisations featured in our reporting.

In addition to complaints activity, more than 100 Guardian and Observer journalists have benefited from training sessions presented in our offices by a senior member of the PCC directorate, while managing editors have participated in industry seminars organised by the PCC to explore important topics such as mental health reporting, and evolving areas around privacy, data protection and social media content.

The Guardian believes in self-regulation and supports the PCC, but we believe it can be effective only if it commands the respect of journalists and the trust of the public. Over the past year it is no secret that we have taken issue with some aspects of the work of the PCC. The Guardian has applied pressure – directly and through recommendations to the PCC governance review under Vivien Hepworth – aimed at encouraging a Commission that has greater authority, transparency and investigative muscle. These interventions have been the work of a critical friend. We were pleased that the review made a number of proposals last summer that should help create a more proactive and accountable PCC, and we welcome the assurance of director Stephen Abell, given in September 2010, that the Commission will re-examine evidence of phone hacking once parliamentary and police investigations are complete.

There are myriad challenges in the global digital era, as we know not only from our interaction with the PCC but from the experience of the Guardian and Observer readers' editor offices, which offer a direct route (in addition to the numerous opportunities for engagement across our sites) for thousands of readers seeking corrections, clarifications or other means of response each year. Through the knowledge we have built up here, and through continuing constructive dialogue with the PCC, we look forward to playing a full role in the drive to improve standards, ethics and accountability in journalism in the years to come.

2 Elisabeth Ribbans

— Managing Editor,
The Guardian

The Guardian has continued to work well with the PCC on casework and training during a busy 2010. Over this period we received 24 complaints requiring response – a steadily increasing caseload that may be explained by the PCC's awareness-raising activity, our own increased editorial output, and certainly the reach, longevity and interactivity of online journalism. We are now seeing complaints concerning both our own journalism and comments from readers posted beneath blogs, and in some cases regarding articles published many months or years previously. Around 30% of complaints last year came from third parties not directly affected by the story in question (mostly in respect of international coverage), and this may be an area for

3 Donald Martin

— Editor, *The Sunday Post*
& *The Weekly News*;
Editor-in-Chief,
DC Thomson Newspapers

Receiving a PCC complaint always sends a slight shiver down my spine. Often much more so than a lawyer's letter.

To have a complaint upheld for failing to abide by the Code would be a personal failure for myself as an editor and one I certainly don't want to share with my readers through a published adjudication.

And that personal motivation is one of the key strengths of the PCC. It puts pressure on newspapers to go that extra mile to resolve a complaint, often pragmatically conceding ground and taking a more conciliatory tone than we would in a legal dispute.

The push for a satisfactory resolution is handled with great skill by the PCC's staff. There is open dialogue and a real understanding and appreciation of how we operate as newspapers and the difficulties we often face.

More importantly, the staff are on hand with clear guidance and advice before publication. That not only avoids complaints arising but establishes a positive working relationship and mutual trust. I welcome that proactive approach and have benefited many times from it over the years.

In my experience, the service the PCC provides is fair, free and impartial and crucially of equal value to both complainants and editors. It ensures we, as journalists, aspire to the highest standards and, on the rare occasion we fall below, we work even harder to make amends.

1 Doug Wills

— Managing Editor,
Evening Standard

The Evening Standard is a firm supporter of all the things that the Press Complaints Commission stands for as an independent arbiter ensuring that newspapers are fair and accurate. We do, of course, set out with the intention that all our articles meet these basic criteria expected of all journalists. We may, though, slip from the high pedestal of good judgement for any number of reasons, from the pressure of time to inaccurate information supplied to us. It is also possible that we fail to meet the levels of good taste that a reader may expect of us. It is when the Evening Standard, or indeed any newspaper, disagrees with its readers that there must be an adjudicator who is respected by both parties. The Press Complaints Commission is asked to pronounce with

the wisdom of Solomon on such occasions: in our experience it nearly always achieves this. Even if we disagree with its judgement, we abide by it. This is the only way that the Commission can act with authority. It is to the credit of the Commission that readers who complain have shown similar respect in accepting its verdict.

It is crucial that the PCC maintains a healthy distance from the newspaper industry. Our primary aim is, after all, to obtain redress for individuals who have been wronged by the press. However, in order that we can achieve that end, it is necessary for the Commission to have a good working relationship with editors, managing editors and their representatives. This element of co-operation – based on mutual trust between the PCC, complainants and journalists – is

absolutely central to the success of the system of regulation overseen by the Commission and explains why we are able to settle amicably the vast majority of complaints that we judge to have merit (544 in 2010).

The notion that editors can trust the PCC to be impartial and consistent is borne out by the frequency with which the Commission's staff are contacted by representatives of newspapers and magazines for pre-publication advice. We will not tell an editor that they can or cannot publish a story, but we will give as much guidance as possible about whether material is likely to raise issues of concern under the Code – and we will point to past cases that can guide their decision-making.

— Press Complaints Commission

Newspapers and magazines
continued



The self-regulatory nature of the PCC ensures editors are mindful of their actions at all times and offers an element of transparency

4 Lisa Burrow
— Editor, Closer Magazine

As Closer combines celebrity and real-life content, every aspect of the PCC Code affects us. But rather than limiting us, it encourages us to raise our standards of responsibility and accuracy.

When it comes to real life, the guidelines provide a framework of common sense and respectful behaviour.

In the celebrity arena the area of privacy is notoriously tricky to navigate. Celebs rely on our titles for self-promotion but can cite privacy issues when less flattering stories circulate. On the rare occasions that Closer receives a complaint, the PCC maintains neutrality whilst attempting to broker resolutions that ensure the often precarious – but symbiotic – working relationship between agents and publications can continue.

However there can be frustrations; for example, there are those who use the threat of the PCC to publicly complain, occasionally leaking to other media outlets the intention to complain to the Commission. This behaviour risks undermining the complaints process in my view, because publications may become wary that the PCC is being used as a PR tool rather than as a mediator or adjudicator.

Naturally we co-operate fully with the Commission to resolve any complaints but we also work closely on prevention. Our journalists understand the letter and spirit of the Code and seminars presented by PCC representatives have brought it to life with practical examples and Q&A sessions. These reinforce the human face of the PCC and facilitate an ongoing dialogue whereby journalists can call for pre-publication advice and guidance.

The self-regulatory nature of the PCC ensures editors are mindful of their actions at all times and offers an element of transparency. Opting out exposes the title to public mistrust thus undermining its credibility – the very thing we rely on to succeed.

5 Nick Turner
— *Digital Strategy Manager, CN Group*

Journalism is accessed through an ever-increasing number of platforms including print, websites, apps, blogs and social networks such as Facebook and Twitter.

And whether it's a video on a newspaper's website or a reporter's Tweets from a council meeting it is important that we uphold the

same journalistic standards that we held so dear when the only way we published anything was through our printing presses.

So it has been pleasing to see the Press Complaints Commission engaged in a consultation about the best way to uphold standards while respecting the increased freedom of expression gained through these digital platforms.

We had a lively discussion on this topic at the Digital Editors' Network when Will Gore (PCC Public Affairs Director) joined us to talk about the PCC's work. What was clear from that meeting and the PCC's other work in this area is the need to ensure that wherever our journalism appears we must demonstrate our commitment to accuracy, fairness and accountability.

6 Georgina Harvey
— *President of the Newspaper Society*

A free press is recognised as the cornerstone of any democracy. Britain's newspapers are rightly subject to the general laws of the land, including libel and contempt of court. But the UK government has always resisted any move towards state regulation of the press.



Regional and local newspapers are committed to the self-regulatory system under the PCC and agree to be bound by its adjudications

The Press Complaints Commission shows that self-regulation is the most effective way to uphold strict editorial standards and responsible reporting, providing an independent means for the public to resolve complaints when they arise.

Regional and local newspapers are committed to the self-regulatory system under the PCC and agree to be bound by its adjudications. The Editors' Code of Practice is written into the employment contracts of the vast majority of the journalists of Britain's 1,200 regional newspapers. Our editors are in no doubt that they are held to account for any breach of that Code.

The PCC works because it is free, accessible and effective for all members of the public. That is possible because the newspaper and magazine industry is signed up to the system, provides the funding for its work, but respects its independence and authority.

Editors of regional and local newspapers work hard to ensure the highest standards of fair, ethical and accurate reporting. They continually strive to balance the public's right to know against individual rights to privacy. They may not always get it right.

But they are acutely aware that if they do get it wrong and a complaint against them is upheld by the PCC, this is a serious matter which exposes them to public criticism. Every adjudication must be published prominently and in full and it remains on that newspaper's record. As a result, editors' adherence to the Code and the industry's unequivocal support for the PCC means a more responsible press, as well as a free press.

7 Alison Hastings
— *PCC Journalism Trainer,*
Former Editor, Evening Chronicle (Newcastle)

Getting a franked letter from the PCC in your editor's in-tray does not make for a great start to the day. Sometimes the contents do not come as a surprise as the complainant has already been in touch. Or the letter can reveal a problem you didn't even know existed.

Whatever the eventual outcome, initially it will mean time and investigation. Along the way you could well feel confident about your actions – or frustrated that one of your staff may have let you down. And the best way to ensure that you, your publication and your journalists do not end up with an upheld complaint is to ensure you are all regularly trained.

Newspapers and magazines
continued



The PCC believes that its commitment to training the industry is a vital part of its remit and responsibilities

With budgets in the media tighter than they have ever been, training can easily end up as discretionary spend. So the fact the PCC offers free, tailored sessions across all departments means they are always snapped up. Who's going to look a gift horse in the mouth?

For the past nine years, since I left the PCC as an editorial Commissioner, I have personally carried out nearly 300 training sessions on its behalf for the industry. These range from national newspaper department heads to university undergraduates on a media or journalism course. Both I and staff from the PCC also regularly do practical sessions in the regional press all over the UK.

The newspaper and magazine sessions are an opportunity for us to highlight important decisions plus changes to the Code and their implications so they understand how some of these can set firm precedents that will require changes in future practice.

With university under- and post-grads it helps focus their minds to know that for many it will be written into their contracts of employment that they must abide by the Code – and that they can lose those

hard-fought jobs if they don't. It's also reassuring for them to learn that practices, which may have been much more accepted in my day as a young reporter in the mid-80s, are outlawed by the Code.

With all our training, we focus on making it targeted and practical – often getting the journalists themselves to decide on past cases. The debate surrounding their decisions is where the learning lies, and helps bring to life a 16-clause Code which is stuck up on the wall of a newsroom.

The PCC believes that its commitment to training the industry is a vital part of its remit and responsibilities. So it was reassuring to discover in the PCC's latest focus group research with members of the public how important they too feel this proactive work is. It gives the public confidence that the industry takes its obligations to maintain the highest professional standards seriously – by devoting both time and money to learning and improving. It does not mean that journalists always get things right, but we help them understand their obligations under the Code – and ultimately help that in-tray look less daunting.

The Press Complaints Commission is not only a complaints body. It has a wider role in upholding and setting standards, as well as in ensuring that those standards are known and understood by people working in the newspaper and magazine industry. Its role in training student journalists and updating journalists who are already in post is therefore vital.

In 2010, PCC staff and representatives undertook update seminars for 60 newspapers and magazines around the UK, reaching hundreds of reporters, photographers and editorial executives. We highlighted key rulings and principles, explained the evolution of the PCC and sought to underline the importance of balancing journalistic freedom with ethical responsibility. Our seminars are becoming a regular part of a journalist's ongoing professional development.

— Press Complaints Commission

Putting it into perspective:

— *Pre-publication and desist notices*

The PCC performs a lot of work before publication. It can assist individuals by representing their interests to editors in advance of an article about them being published, and operates a 24-hour anti-harassment hotline (manned by senior staff). We are able to send a request to be left alone across the whole newspaper and magazine industry, to some news and picture agencies, and even to broadcasters. This brings immediate relief from unwanted attention to those who need it.



Follow us on Twitter:
@UKPCC

The Press Complaints Commission

People sometimes assume that 'self-regulation' means that the newspaper and magazine industry regulates itself, with no outside input at all. In fact, this is not the case. The PCC – with its clear majority of public members – is the independent part of the self-regulatory system. In this section, we have asked Simon Sapper to give his view on the PCC's work and effectiveness based on his experience as a serving public Commission member.

Also given here is a perspective from one of the PCC's Complaints Officers, whose work centres around liaising between complainants and publications. It is worth noting that no PCC staff member (who come from a range of backgrounds) has ever been employed as a journalist. This is important, as it ensures that we are able to operate independently of the newspaper and magazine industry in our day-to-day contact with it.

1 Simon Sapper
— Assistant Secretary,
Communication Workers'
Union and PCC Public
Commission member

The starting point for my involvement with the PCC is that self-regulation of content is, for me, the only really viable model for a free press, albeit within legal parameters on discrimination, incitement and libel. That's not to say current laws and regulation on media ownership are satisfactory. I don't think they are – but that is a different debate to the one on how content should be regulated.

The Commission's staff work with fantastic professionalism and efficiency. So ignorance-based criticism of the Secretariat is particularly unwarranted. Too many people in glass houses too willing to throw stones, in my view.

The process of making decisions is of course crucial. Each Commissioner – the 10 public ones and seven from the industry – receive a weekly bundle of cases with commentary by the Secretariat. These form the basis for vigorous debate – first in correspondence and then around the table, face-to-face. Commissioners see every case. Debates can be intense. But that is right – these are not insignificant issues that are under consideration. The key issue is not simply what is ethically right or wrong, but whether or not the Code has been breached.

I believe that an outside observer witnessing these debates would not be able to say which Commissioners were public and which were from the industry.

Could things be better? Of course. We are implementing a wide-ranging Governance Review into how we work, and I think the Code Committee (an entirely separate body which agrees the Code we apply) should be more responsive to views from outside the industry. I'd also love to see a toughening up of the Code clauses on discrimination. It's an ongoing challenge to find a way to make that possible without drifting into censorship.

2 Charlotte Dewar
— PCC Complaints Officer

I joined the PCC as a Complaints Officer in early 2010. What struck me first was the contrast between the Commission's public profile, which is inevitably bound up in wider controversies about the British press, and the day-to-day experience of working here, which – while it often carries implications for industry practices – is constantly focused on the people who come to us for help, whether they are complainants or editors worried about running afoul of the Editors' Code.

Of course, not all of these concerns can be amicably resolved; in some cases, the Commission cannot establish a breach of the Code in material which has been the subject of a complaint. Where these decisions relate to the publication of views which the complainant finds upsetting or offensive, there is a danger that this may be interpreted as a sign that Commissioners and staff have failed to understand the complaint or are indifferent to the complainant's distress. In such cases, the knowledge that the Commission has upheld the principle of freedom of expression by making a judgement based on the terms of the Code can seem like cold comfort.

But freedom of expression is at the core of what we do, and it is not only an abstract idea – it has human consequences. I was reminded of this after sending to a group of complainants,

all of whom live in Russia or have close ties to the country, a decision that the Commission had not found an outstanding breach of the Code in their case. Their representative responded: "We are disappointed with this decision. At the same time, we have been impressed by the efficiency and fairness of the PCC proceedings in this case. This experience has reinforced our belief in the principle of self-regulation of the media, which we hope will prevail in future Russia like it has prevailed in Britain. We wish the PCC every success in resisting pressure to replace the PCC with state regulation and preserving the important democratic principle of self-regulation."

The PCC operates completely independently of the newspaper industry when it administers the Editors' Code of Practice. All self-regulatory systems have some industry involvement, and this is largely of benefit to complainants: editors have made a public commitment to the system, and accept its jurisdiction in advance.

The PCC relies on, and expects, the co-operation of newspapers and magazines to achieve its purpose. Editors come to the PCC for advice, and act voluntarily when asked to stop contacting those unwilling to speak to them. They also support the ongoing system of training for journalists run by the PCC.

But the industry must be in the minority in terms of the decision-making function of the Commission. Of the 17 members of the PCC, only seven are serving editors or editorial directors. The majority of 10 public members is the largest of any similar press council in Europe. The PCC Chairman always comes from a non-newspaper or magazine background.

— Press Complaints Commission



Constructive critics

The PCC is often the subject of considerable comment from outside. This is to be expected, given the important role we play in society, and is something we welcome. In order to give a wider context to the perspectives that have been published so far in this document, we have invited comment from individuals who can approach the PCC with a more objective, and critical, assessment. They are in the best position to flag up the challenges that face the PCC. This includes Vivien Hepworth, the Chairman of the recent independent Governance Review Panel, which published a report in 2010 containing recommendations about how the PCC can improve (most of which have already been implemented).

1 Vivien Hepworth
— *Chairman of the independent Governance Review*

My main concern when I took on the role of chairing the first independent review of the governance of the PCC in 2009 was how some much-needed changes could be made without undermining all that had been achieved over the previous 18 years. I had served long enough on the Commission to have views about what needed to change; I was also respectful of an organisation that had survived its tumultuous early days and pioneered a Code of Practice that has been emulated in many other countries.

Core to the task were the three members of the panel who worked with me, Stephen Haddrill, Dr Elizabeth Vallance and Eddie Young, and Catherine Speller from the PCC office. We decided to test the organisation against five key principles: clarity of purpose; effectiveness; independence; transparency; and accountability. This helped us to organise our thinking and our questions as we set off to review the Articles of Association, taking written then oral evidence and considering our responses.

Put like that, it all sounds very well-mannered – but we certainly did have those difficult conversations that I have encountered during all my time working with the PCC. “What is it?”

said a member of the Panel as we kicked off our discussions. “Until we know what it is, how on earth can we test the rules under which it works?”

I can't pretend we found this discussion easy. The telephone hacking affair was not a direct part of our inquiry but the row about it provided a backdrop to our work. As a panel, we were in favour of self-regulation – but we wanted the rules and structures to support more rigorous discussion of difficult general issues such as this at Commission meetings as well as specific, challenging cases. We concluded that using committees to tackle difficult issues and report to the Board would be a useful way for the Commission to work. We understood the risk of the Commission pontificating on everything and trying to run the industry as opposed to regulating it under the Code but we also thought that the Commission members were well able to get that balance right.

We learned a lot from both the evidence and the people who came to see us. We were sometimes astonished at what people didn't know – one witness with a keen interest in the PCC had not realised that editors always withdraw from cases where their newspapers are involved. It was an eye-opener in terms of the need for more communication and we were glad to see the Commission dealing with this kind of issue without waiting for our final report. Witnesses provided sometimes stringent criticism – but there was a passionate desire to want the Commission to move forward and a lot of good ideas.

In the end, we made 75 discrete recommendations to the Commission and to their great credit they have accepted very nearly all of them.

Disappointments? We found some representatives of the industry nervous about change – too much so in my view.



This reflects no doubt the difficulties in the early years, when everything was very fragile, but after all this time there really is no evidence that the lay-dominated Commission will go mad and try to run the industry. I was also surprised that the lay Commissioners weren't keen on our view that they need to stop reading every case given the year-on-year increase in complaints and concentrate on the more difficult cases. I think they will need to revisit this.

The Commission is now working on implementation. The changes are too detailed to reference in full here, but they include defining for the public what the Commission is and what it does, setting out its rules more clearly, appointing a deputy chairman, setting in place a new Audit Committee and a new Nominations Committee and establishing new reporting standards.

I firmly believe that these new rules and structures will help the Commission achieve a more self-confident position as an effective self-regulatory body in a highly sensitive industry.

The independent Review of the PCC's governance marked an important turning point in the development of the PCC. It was the first time that our governance had been examined by an external panel, and the thorough questions they posed during their review helped us to reflect on both the PCC's evolution thus far, and how we could further adapt to ensure good practice for the future. The PCC's response to the independent Review – published in December 2010 – welcomed the new framework recommended by the panel, and responded on an

individual basis to each of the 75 recommendations. Having accepted almost all of the points raised by the Review both in letter and in spirit, we are now underway with implementing the recommendations, to ensure that we operate in the best and most effective way possible.

We are very grateful to the members of the panel for undertaking their roles with such thoughtfulness and diligence.

— *Press Complaints Commission*

**Constructive critics
continued**

2 Jonathan Heawood
—Director of the writers' charity English PEN.

Why should we care about the free press? As a character says in Tom Stoppard's play *Night and Day*, "no matter how imperfect things are, if you've got a free press everything is correctable, and without it everything is concealable." Around the world, we have seen what happens when abuses of power cannot be challenged in the media. Syria, Tunisia, Libya, Yemen and Bahrain were among the lowest ranked countries in the 2010 World Press Freedom Index.

However, as another character says in Stoppard's play, "I'm with you on the free press. It's the newspapers I can't stand." It's a common view in the UK, where, according to YouGov, only 10% of us trust tabloid journalists to tell the truth. In English PEN's campaign for libel reform we have met MPs and policy-makers who believe that English libel laws (so restrictive that they have been damned by the UN Human Rights Committee) are necessary to protect us from a press that is otherwise out of control.

This places the PCC in a difficult position. It can't support the

(much-loved) principle of the free press without sometimes supporting the (much-loathed) newspapers. In this light the PCC has made some good but controversial decisions, refusing to uphold a complaint against the Daily Mail for comments on the death of Stephen Gately, or against the Daily Mail and the Independent on Sunday by Sarah Baskerville, the civil servant whose use of Twitter was publicised by the press.

The European Court of Human Rights in Strasbourg and our own Supreme Court also balance free speech against other rights and interests. They are not seen as stooges of the media because they are not funded or overseen by representatives of the media. And so the real challenge for the PCC is not the nature of its adjudications but the nature of its funding and governance.

These remarks are good at highlighting the challenges that face the PCC, which perhaps come down to questions about how it should define its role as it continues to develop as an organisation. Put another way: how should the PCC be an active agent in raising standards in the industry, while still preserving freedom of expression? We seek to answer these questions elsewhere in this document: by providing an efficient and accessible complaints service; by reaching out to those who need us; by offering help pre-publication; by training working journalists and students; and offering an overall lead to the industry in ethical issues. There is much work to do here, and we must ensure we always listen to those who raise challenges, so that we can make sure we are meeting them.

— Press Complaints Commission

3 Tim Luckhurst
—Professor of Journalism at the University of Kent and a former editor of *The Scotsman*

It has been a painful year. The PCC was exposed as wrong for believing that it had not been "materially misled" about phone hacking. More pain followed

when Richard Desmond withdrew his Express and Star titles from the system. It is not unreasonable to question the value of a regulator that cannot handle complaints about four national newspapers.

So, does the public interest demand that voluntary regulation now be abandoned? Several former supporters think so. They are wrong. Things are bad and new media are bringing fresh challenges, but legislators could still scour the world for a better regulatory system. They would find only censorship masquerading as a servant of the people.

The solution is for the PCC to embrace, urgently, an enhanced role as a promoter of ethical standards in journalism. Beyond the excellent work it does on behalf of so many complainants it must promote itself as a passionate champion of ethics.

With newspaper circulations in decline, it is no longer plausible to pretend that old tricks work. If there was ever a case for spinning to make news sexy, it is destroyed by the plethora of sensation available online. Hyperbolic nonsense is ubiquitous on the internet. Modern readers are entitled to demand better.

They cherish trusted brands for their ability to present news accurately and in context, complete with commentary and analysis. Newspapers no longer need to be sensational. Instead they must be best at reporting thoroughly. Some call it curating the news.

The PCC must put promoting ethics on an equal footing with its role as an arbiter. Ethical considerations are becoming a criterion by which readers can distinguish professional reporting from the amateur variety known as citizen journalism. This will provoke resistance from sleazier publishers, but if it rises to the challenge the PCC can thrive in the multimedia era. It can help newspapers to thrive too, in print and online.

International perspective

It is important to remember that the PCC cannot be viewed only within a UK context. The system it oversees bears considerable resemblance to others abroad, which is why we maintain close links with press councils elsewhere, especially in Europe.



1 John Horgan

—Irish Press Ombudsman

Nobody knows what the media landscape will look like in a generation, but this should not be a reason to postpone planning for it. While it is inescapable that the electronic media, particularly web-based, will fill an even larger part of this space than they do at the moment, and while it is probable that the surviving print media profile will reflect a trend towards higher value and lower volumes, key issues relating to professional standards and behaviour will not go away.

Press councils and other voluntary media regulatory structures in this new era should, I think, continually refine both their structures and their practices with three key objectives in mind. The first will be to reinforce their independence of the media in a way that underlines their function as public service organisations working in the private sector. Without this, credibility – and effectiveness – will be an inevitable casualty of a fragmented and largely unregulated media world. The second will be to extend their remit to other media wherever possible, by agreement and through proactive policies, and on the basis of shared

values and standards. The third will be to identify and secure the widest possible measure of agreement on the core values of journalism, enhanced by credibility and accountability, which will provide an authentic gold standard for the essential service that a free media provides in all democratic societies.

In attempting this task, they will recognise that the freedom of the press can never be taken for granted, and that the responsibility that is the all-important concomitant of that freedom is, continually, a work in progress. They will recognise, too, that media – whether electronic or print – which play to their traditional strengths will, in the long run (and perhaps even earlier than that), benefit in every way from their maintenance and defence of a range of professional standards that have stood the test of time.

The Press Complaints Commission, not least because of the advice it has offered to younger press regulatory systems (including our own), and because of its significant role in the Alliance of Independent Press Councils of Europe, can be expected to play a central role in these ongoing processes.

It is occasionally imagined that the Press Complaints Commission is a British anomaly – a system that was established without precedent or reason. This is actually very far from the case. There are equivalent self-regulatory bodies in most European countries and in numerous other places around the world. In fact, many of those would regard the PCC as anomalous only in that it is not genuine 'self'-regulation because its board comprises a strong majority of public members (unlike most of its counterparts).

The PCC seeks to share ideas and experiences with similar organisations to improve its own practices and to further the successful development of press councils elsewhere. Much of this work is conducted through the forum of the Alliance of Independent Press Councils of Europe (www.aipce.net).

— Press Complaints Commission

Putting it into perspective:

— *Independence and the role
of public members*

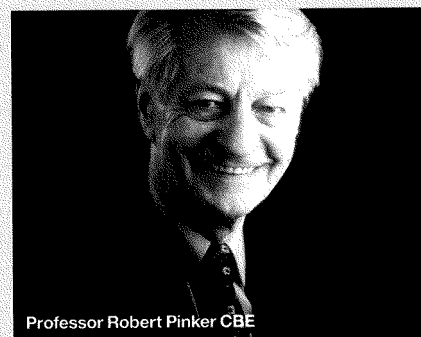
The PCC operates completely independently of the newspaper and magazine industry. It has a majority of 10 public Commission members and a minority of seven editors. Recently nearly 3,000 members of the public applied when three public Commission member vacancies were advertised.



Download a podcast discussion
about the PCC's work online at:
www.pcc.org.uk/review10

Historical perspective

Professor Robert Pinker CBE has a long association with the PCC, having served as a public Commissioner and then as Acting Chairman between February 2002 and April 2003. He has lectured extensively about the PCC both in the UK and abroad, and helped to establish the Press Council of Bosnia-Herzegovina, serving as its International Chairman for three years. In his academic career, he held professorial appointments at Goldsmiths College, Chelsea College and the London School of Economics. As the PCC marks its 20th anniversary in 2011, he looks back over the development of the organisation and assesses the challenges it faces as it looks to the future.



Professor Robert Pinker CBE

I joined the PCC as one of its first lay Commissioners in 1991 so I write this perspective from both a personal and an academic viewpoint. Looking back on what happened in the Commission's early years, it is now clear to see that those events had a formative influence in shaping the PCC's subsequent development. They also have continuing relevance to the challenges that the Commission is facing today.

As newly appointed Commissioners, we were expected to fail – and the vocal advocates of statutory regulation wanted us to fail. Public confidence in the ethical integrity of the British tabloid press and the effectiveness of press self-regulation (embodied in our predecessor body, the Press Council) had sunk to an all-time low. Throughout the 1980s, the incidence of flagrant press intrusions into people's privacy had escalated. High profile instances of irresponsible press conduct included gross libels of the popular singer Elton John and the harassment of the TV celebrity Russell Harty during the last stages of his terminal illness. It was no surprise when, in 1989, the government appointed a Home Office Committee under the chairmanship of David Calcutt QC to review the whole situation.

When the first Calcutt Report was published in June 1990, it recommended that the press should be given one last chance to make self-regulation work. The old Press Council should be replaced by a new Press Complaints Commission that focused exclusively on dealing with complaints. It should not involve itself in any way as "an overly campaigning body" in the cause of press freedom. The government accepted these proposals and gave the Commission two-and-a-half years in which to demonstrate its effectiveness. It was thanks largely to Lord McGregor, our first Chairman, that the governance model we adopted at the outset had the industry's full support from the start. He insisted that editors should write the Code, the industry should publicly endorse it and the Commission should administer it. The Commission would rely exclusively on moral sanctions in dealing with publications that breached the Code. McGregor was at his most successful in getting these strategic decisions right. He was less successful in steering the Commission through the various tactical crises and confrontations to which it was subjected during his chairmanship.

Editors should write the Code, the industry should publicly endorse it and the Commission should administer it

Historical perspective
continued

Over the past 20 years, the Commission – in cooperation with the industry – has developed a highly effective conciliation service

At the time, it seemed that McGregor's tactical fallibility was to blame for the fact that, while British self-regulation survived its earliest years, it remained effectively on probation. With the benefit of hindsight I wonder whether, in fact, this is simply the natural state of things for the PCC – always having to look over its shoulder to see what unexpected challenge is coming up behind it. If so, it may be no bad thing – after all, those on probation will try harder to prove their worth.

This was certainly how we felt in the early nineties. With Calcutt planning a review of the Commission and the Commons Heritage Committee launching its own inquiry into privacy and the press in 1992, there was a clear imperative to demonstrate that the Commission was up to the job.

Given that it had been established as a complaints body, the most important task for the PCC was to show its effectiveness in processing complaints with exemplary fairness and speed. This could only be done if it was able to foster a new culture of voluntary Code compliance on the part of the editors. Yet in pursuit of the same ends it also had to involve itself in raising standards of ethical awareness and practice throughout the industry and in the colleges where future generations of journalists were being taught. This in turn meant that after only a year or two the PCC was effectively taking on a wider standards role, which had not – quite deliberately – been envisaged when the Commission began its life. To an extent this development was inevitable and it has enabled the PCC to counter those who, because of a shallow understanding of how the system actually works, contend that it should be more proactive in raising standards. The fact is that, in a great many ways, this is precisely what the Commission does.

From the start, the Commission worked under the spotlight of public scrutiny as it dealt with a succession of high profile complaints about intrusions into the private lives of members of the Royal Family, politicians and other public figures. Its work on behalf of less well known

members of the public went largely unnoticed – *plus ça change...*

Calcutt's second review was published in early 1993. As was widely expected, it recommended that the Commission should be replaced by a statutory tribunal invested with draconian powers. This new tribunal would draft and enforce its own Code. It would be invested with powers to restrain publications, to award compensation and costs and to impose fines on publications that breached the Code. The Heritage Committee, making its own report some time later, made similar proposals. In June 1995, however, the government announced that it would not be implementing any of these recommendations. It was not persuaded that self-regulation had failed.

Why, then, had neither of these critical reviews carried the day? Partly, I suggest, because considerable progress had been made in raising standards of service to the general public and standards of conduct across the industry. Neither Calcutt nor the Heritage Committee had given due credit for what the Commission had achieved on behalf of so-called ordinary people. The backlog of unresolved complaints left behind by the Press Council had been cleared. New complaints were being resolved more quickly than ever before. Most importantly, by 1995 there were already signs that a new culture of voluntary Code compliance on the part of editors was evolving across the industry.

But perhaps another reason why the reports of Calcutt and the Heritage Committee failed to strike a chord with government was that they were unrealistic about what the PCC was originally intended or expected to achieve. To believe that it would cure all the ills of the press was misguided; to hope that it might rid the market of tabloid sensationalism was simply undemocratic.

At the end of its first five turbulent years, the Commission had survived as a beleaguered institution in a largely hostile political environment. There were to be more crises in the years ahead. From 1995 onwards,

however, it could look forward to a future that was no longer overshadowed by the imminent prospect of its own demise – even if it was destined to remain under the more or less continuous surveillance of the House of Commons Culture, Media and Sport Committee, which is entirely as it should be.

Indeed, there are no grounds for complacency regarding the future of press self-regulation in the United Kingdom. As Sir Christopher Meyer predicted in 2006, “One really contentious, high profile case” will be “all it takes to ignite new fires of controversy and breathe new life into those who... would like to replace us with a statutory body.” The current inquiries into the prevalence of unlawful interceptions of voicemail messages are manifestly such a high profile case.

I have seen at first hand how much this right means to people who live in countries where it can never be taken for granted

Whatever the eventual findings of these inquiries prove to be, they will undoubtedly trigger new demands in some quarters for a statutory tribunal or a revamped Commission invested with draconian powers of enforcement. This is why it is so important to keep in mind why successive governments have rejected similar demands in the past.

I have already noted the importance of understanding what exactly an organisation like the PCC is designed – and able – to achieve. This is particularly so when we consider it in the wider context of media

accountability, for it does not stand alone in this endeavour.

Ultimately, the law protects freedom of expression, privacy and the public interest best when it serves as a last resort rather than a first resort for people with grievances against the press. Conversely, self-regulatory Councils serve these purposes best as agencies of first resort.

The Commission is able to provide an alternative but complementary way of resolving grievances that is – unlike the courts – easily accessible to everyone, swift in reaching decisions and provided at no cost whatever to complainants. The Commission is able to deliver this kind of service because it is not a statutory body invested with draconian legal powers of enforcement. The introduction of fines and prior restraint orders would have serious consequences for the quality and range of services that the Commission currently provides. Editors would become less willing to volunteer remedies to complaints and the worst features of a compensation culture would be imported into the system with all the delays that would inevitably follow.

Over the past 20 years, the Commission – in cooperation with the industry – has developed a highly effective conciliation service of first resort. Investing the Commission, or some other regulatory body, with legal powers of enforcement would reconvert a culture of voluntary Code compliance that has benefited thousands of complainants into a culture of confrontation that benefits no one – except lawyers.

People seeking redress for grievances against the press would no longer have a choice between two significantly different but complementary systems of regulation. They would be left with two almost identical agencies of last resort. In addition, investing any kind of regulatory Council with powers to impose fines and prior restraint orders would have a deeply chilling effect on the right to freedom of expression and the conduct of responsible investigative journalism. The courts, as agencies of last resort, are less likely to have this effect, because they deal only with

exceptional cases. Regulatory Councils deal with complaints on a day-to-day basis and, once invested with such powers, they would swiftly be exploited by people intent, for one reason or another, on censoring the press at no cost whatever to themselves.

I reach three key conclusions after reflecting on the Commission's early years. First, since Councils like the Commission are not, and cannot be, legal authorities, voluntary compliance on the part of publishers, editors and journalists becomes, of necessity, the *sine qua non* of self-regulation. Secondly, the Editors' Code Committee were absolutely right in asserting that there is “a public interest in freedom of expression itself.” In my 20 years of travelling abroad on behalf of the Commission, I have seen at first hand how much this right means to people who live in countries where it can never be taken for granted. And finally, debates about the merits of both the media and its regulation will never come to an end.

Professor Robert Pinker CBE

For a more detailed review of developments in UK press self-regulation from 1991 to 2009 see Robert Deacon, Nigel Lipton and Robert Pinker, Privacy and Personality Rights, Jordans, Bristol, 2010, pp1-148.

Further information

The PCC is an independent 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

24 Hour emergency advice line: 07659 152656 (Please leave a message explaining the nature of your concern and you will be phoned back). This number 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.

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

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The Commission

There are 10 public members, including the Chairman, who have no connection to the industry. The seven editors on the Commission – brought in to provide industry knowledge and the weight of peer judgement – are in the minority to ensure the independence of the PCC.

Public members:

Baroness Buscombe
Chairman

Matti Alderson
Chairman, Direct Marketing Commission;
Removals Ombudsman

Ian Nichol
Deputy Chairman and Member of Criminal Cases
Review Commission

Esther Roberton
Chair, Sacro

John Home Robertson
Former MP and MSP

Simon Sapper
Assistant Secretary, Communication Workers' Union

Julie Spence OBE OPM
Former Chief Constable of Cambridgeshire
Constabulary

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

Editorial members:

Anthony Longden
Managing Editor, North & East London Newsquest

Ian MacGregor
Editor, The Sunday Telegraph

John McLellan
Editor, The Scotsman

Lindsay Nicholson
Editorial Director, Good Housekeeping

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

Tina Weaver
Editor, Sunday Mirror

Peter Wright
Editor, The Mail on Sunday

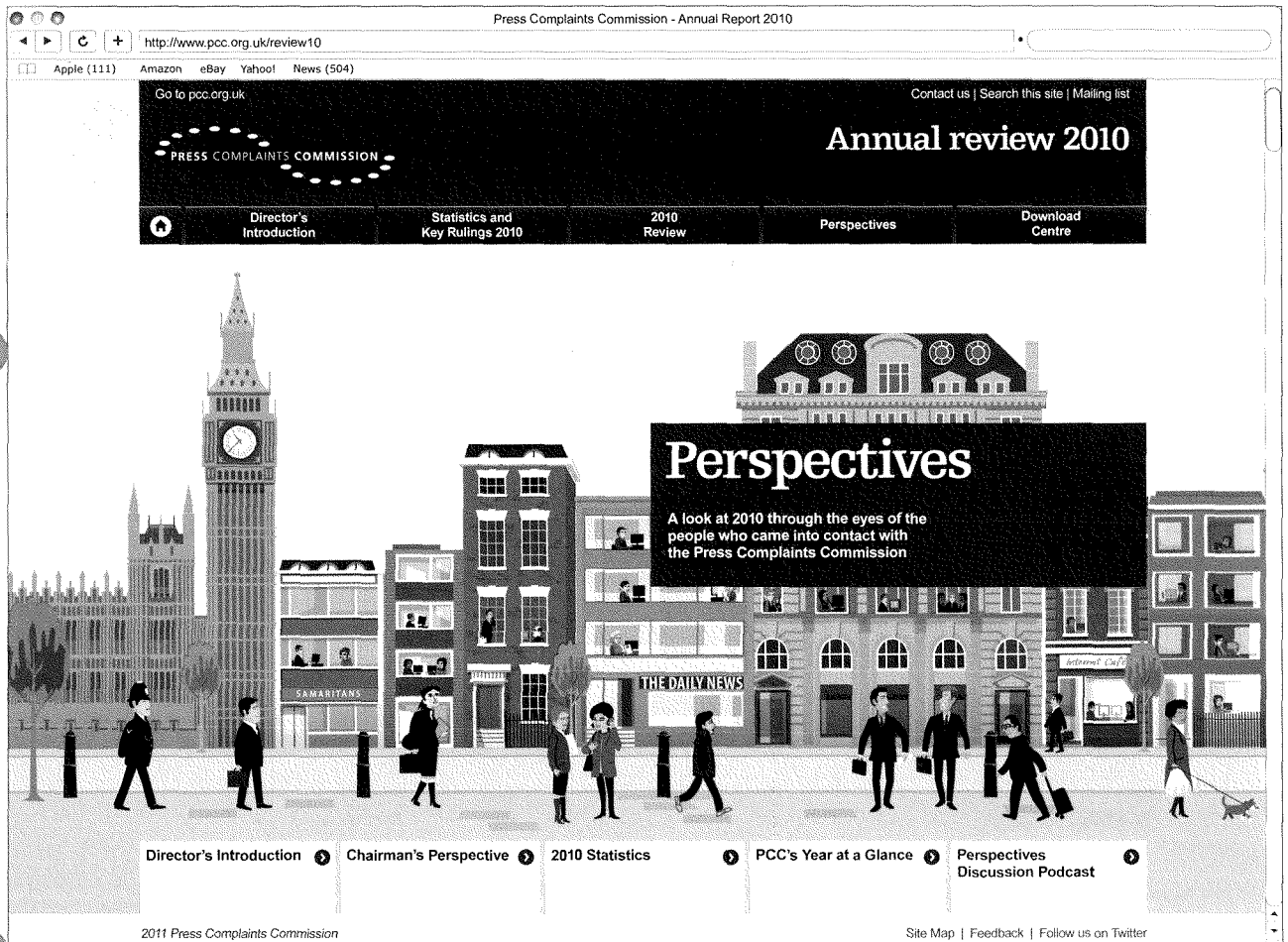
The two vacancies for public Commission members were recently filled by Lord Grade of Yarmouth and Michael Smyth CBE.

The Commission would also like to record its thanks to the following Commission members who served in 2010:

Eve Salomon
(until April 2011)

The Rt Rev John Waine
Member of the Foundation, University of Essex
(until September 2010)

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The contents of this 'Perspectives' document are available to download from a dedicated website.

This website also contains full details of PCC complaints statistics for 2010; a calendar highlighting our key activities and events for the year; and a podcast of the PCC Chairman and Director in discussion with the media commentator Peter Preston and the Chairman of the Culture, Media and Sport Select Committee, John Whittingdale OBE MP.

www.pcc.org.uk/review10



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