

# Raising Standards of Journalistic

The British system of press self-regulation is based on a clear-cut but complementary division of responsibilities between the Press Complaints Commission (PCC) and the industry which it regulates. While the PCC is responsible for administering the Code of Practice, the Code itself belongs to the industry. An Editors' Code of Practice Committee is responsible for keeping the Code up to date in response to changes in the law, new developments in media technology and any deficiencies exposed in the process of investigating and adjudicating complaints.

There are a number of other institutional pre-conditions that must be met before self-regulatory Press Councils can work effectively. First, the requirements of their Codes of Practice must be compatible with those of the law. As the UK *Editors' Codebook* states, 'the Code will often require more of journalists than that demanded by the law, but it will never require less.' (Beales, I, 2009, 7).

In the United Kingdom, as is the case in most other democratic nation states, council adjudications are open to challenge in the courts by dissatisfied complainants. The incidence and outcomes of these legal challenges are, in themselves, useful measures of the effectiveness and competence of Press Councils.

In addition, it should be noted that when Code of Practice requirements are consistent with those of the law, voluntary compliance on the part of editors and journalists greatly reduces the risk that they will find themselves in breach of the law.

Secondly, Code requirements must also be compatible with the cultural values of the industries and the people they are designed to serve. In countries where Councils are not invested with legal powers, voluntary compliance on the part of publishers, editors and journalists must be the *sine qua non* of effective self-regulation.

In cases where complainants have a choice between seeking redress from the courts or their Councils, they will only choose the self-regulatory option if they feel able to identify in terms of cultural familiarity and affinity with the principles and values embodied in their Codes of Practice.

All Press Councils serve the same two purposes in dealing with complaints about unethical press conduct. They protect freedom of expression and the public's right to know and they protect the public from abuses of those freedoms by the press. In dealing with many of these complaints, they also have to take due account of the claims of the public interest.

In democratic societies, self-regulatory Councils share an attachment to the same set of general principles and rights. They differ most significantly with regard to the ways in which they interpret and balance these rights and claims against each other in dealing with complaints. Cultural diversity accounts for many of these differences.

The preamble to the UK Code of Practice states that "it should not be interpreted so narrowly as to compromise its commitment to respect the rights of the individual, nor so broadly that it constitutes an unnecessary interference with freedom of expression or prevents publication in the public interest." The Code's definition of the public interest also states that "there is a public interest in freedom of expression itself." (Code of Practice, 2009).

Codes of Practice provide the frameworks within which Councils have to resolve the conflicts of interest that arise between "the legitimate rights of a free press and the legitimate rights of people who attract media attention." (Gore, W, 2008, 35).

## **Sanctions and other remedies**

Sanctions play a critically important role in determining what kind of balance is struck in resolving these conflicts of interest. Opinions differ sharply with regard to the relative effectiveness of financial and moral sanctions in raising standards of journalistic practice.

The PCC does not impose fines on publications that breach the Code of Practice. In all cases where an adjudication is made, it relies exclusively on moral censure. When a complaint is upheld, the offending newspaper or magazine is required to publish the PCC's critical adjudication "in full and with due prominence, including headline reference to the PCC." (Code of Practice, 2009).

No publication, has, so far, refused to do so – even in those cases where the editors in question remained convinced that they had not breached the Code.

In cases where a breach of the Code is deemed to be exceptionally serious, the PCC may formally draw it to the attention of the publisher. Since an obligation to uphold the requirements of the Code is written into many editors' and journalists' contracts of employment, such referrals can result in dismissal.

Over the years, the PCC has developed two complementary procedures for the resolution of complaints. Some are resolved by means of information conciliation and

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# Practice : the UK Experience

others go all the way to formal adjudication. Cases that go all the way to adjudication do so either because there are *prima facie* grounds for believing that the breach is potentially so serious that an informal apology in a published letter or voluntary correction would not be sufficient remedy, or because the editors concerned are convinced that they have not breached the Code and that a formal adjudication will vindicate them. Only a very small number of investigated complaints are currently taken to a formal adjudication.

The PCC today sees itself primarily as a dispute resolution service and the introduction of fines would have serious consequences with regard to the quality and range of services that the PCC currently provides. Editors would become less willing to volunteer remedies to complaints and it would not be long before the worst features of a compensation culture would be imported into the system, with all the delays that would inevitably follow. The PCC may be treated under the law as if it were a public authority, but it is not a statutory authority and, with legal powers to enforce payments, its credibility would be seriously undermined if a publication refused to pay. Once endowed with legal powers, the system would cease to be self-regulatory and would have to be replaced by a statutory body.

The PCC's conciliation service, which is very popular with complainants, would be seriously undermined if editors refused to offer corrections or apologies for fear of admitting liability and exposing themselves to a fine later on.

Very few complainants want financial compensation or financial sanctions imposed on offending newspapers. What most complainants want is a prompt apology, a correction or an opportunity to reply. Conciliation and voluntary compliance on the part of editors makes it much easier to provide a service that is free, fair and swift in its conduct of business. The growth of a culture of voluntary compliance on the part of editors has made it possible to provide such a service.

## ***The PCC's proactive role in raising standards***

Raising standards of professional practice is a gradual process and the PCC has worked closely with the industry in helping to develop a new culture of voluntary Code compliance. The Commission runs a nationwide programme of seminars where working editors, journalists and photographers can meet its complaints officers, discuss recent changes to the Code and review the latest Commission rulings and adjudications.

The PCC also provides a lecture service for trainee journalists in order to ensure that they are fully aware of how the Commission operates and interprets the Code of Practice.

In 2009, Commission representatives ran thirty seminars for working editors, journalists and photographers and spoke to students on well over thirty undergraduate and post-degree courses. It also provides a teachers' resource pack for colleges and schools.

Since January 2003, the PCC has operated a 24-hour emergency advice line for people who are being harassed by journalists and want them removed from their doorsteps. PCC staff advise callers what to say and do and also immediately alert the editors involved, warning them that a complaint has been received. The help line has been extended to include broadcasters. As such, it acts as a clearing house that passes on 'desist' requests as soon as they are received to print and broadcast media organisations alike. This service has been particularly effective in preventing the kinds of unintentional media 'scrum' that used to occur in the wake of tragedies such as rail disasters or acts of terrorism. Since 2003, the PCC has issued hundreds of desist notices. The PCC does so only when help is requested but, in cases of harassment that are already in the public domain or are drawn to its attention, it gets in touch with the people affected and offers its services.

The Commission operates a 24 hour help line for potential complainants and editors seeking guidance on a variety of matters. Members of the public may call for advice on how to protect their privacy when they believe they are about to become the subject of a story which they do not want published. Editors, for their part, can consult the PCC on whether a story they are about to publish might be in breach of the Code.

A self-regulatory body like the PCC, working in a developing culture of voluntary Code compliance, is uniquely well placed to provide these kinds of proactive and preventive services which positively encourage ethical professional practice.

Complainants who are dissatisfied with the way in which their complaint was handled can seek redress from an independent Charter Commissioner.

The Charter Commissioner works closely with a Charter Compliance Panel which audits the work of the PCC and reviews a sample of case files on an annual basis. Both the Commissioner and the Panel publish an annual report and make recommendations about service standards and any deficiencies in the handling of complaints.

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