



# Wakeham's complaints

*Chair of the U.K. Press Complaints Commission, Lord Wakeham, recently aired proposals for tightening the standards by which press complaints are assessed*

**D**uring a recent visit to Australia, U.K. Press Complaints Commission (PCC) Chair, Lord Wakeham, told an audience at the Sydney Institute on November 5 that political support for a statutory press complaints mechanism in the U.K. had now dissipated.

Support had been building at the end of the 1980s but both sides [of politics] now "are well-satisfied with the progress of the Commission," he said. The Commission replaced the British Press Council in 1990 after some particularly gross examples of news-gathering and reporting.

Lord Wakeham said standards in the British press had improved considerably since then. Examples were the August 1995 undertaking, carried out by all newspapers, not to publish unauthorised photographs of Prince William at school, and the decision by all press to leave Dunblane to its private grieving for the victims of the mass shooting after the Queen had given her speech.

He said there had been a "sea change in attitudes to accuracy - where [the press] sometimes get it wrong, they correct it." Some 75 per cent of complaints to the Commission are about accuracy.

"Editors respect and fear the PCC...They fight like fury to avoid a critical finding," he said. After the *News of the World* had published pictures of Charles Spencer's wife inside a hospital while she was suffering from a mental illness, Lord Wakeham said he had spoken directly to the publisher Rupert Murdoch. "In my view, there was no possible justification for the publication...[Murdoch] made a public statement that the behaviour of his editor had been unacceptable. You

can only do that once. It was very important in making clear that I meant business."

Roughly 80 per cent of complaints are settled to the satisfaction of the complainant and the newspaper.

But Lord Wakeham acknowledged that the situation was not perfect. Following the coverage of Princess Diana's death, he had developed proposals for tightening the code which sets out the standards against which complaints are assessed. These proposals include:

- specific protection to the children of those in the public eye. A ban is proposed on payments to children for stories about them or others;
- attempting to cut the market for paparazzi pictures by banning "photographs obtained by persistent pursuit";
- a new definition of the physical space in which a person is entitled to privacy, extending from private property to places "where there is a legitimate expectation of privacy";
- a new definition of "private life", including home, family, health, finance, correspondence; and
- the expansion of "sympathetic investigation" of, for example, circumstances of personal grief, to require "sympathetic writing".

Lord Wakeham said the Commission had no power to "pre-censor" material. He acknowledged this as a particular weakness in its ability to offer effective protection against invasions of privacy where the danger could not be undone after the initial act. However, he did not believe such power was appropriate, although he conceded "I won't say I've never spoken to an editor before publication."

He was opposed to the introduction of statutory measures to address

media invasions of privacy saying that it would be a law for the wealthy and the thin-skinned, especially at a time when reductions in legal aid funding were making the legal system even less accessible. (Perhaps the PCC will be supporting increased funding for legal aid?).

He gave the familiar press justification for setting no limits on intrusions into the lives of those whose stories and pictures are most marketable - that many people court publicity. Dealing with the media is a part of public life. "Learning to handle the media is like learning to handle a wife," he said. (He tried to recover but like a good invasion of privacy, the damage was already done.)

Most contracts of employment for journalists now contain a provision that the journalist will comply with the code of conduct.

Lord Wakeham compared his Commission favourably with the statutory Broadcasting Complaints Commission. When [the BCC] makes a finding, the broadcasters say "It's very interesting". By contrast, Lord Wakeham says his judgements are published. When one newspaper refused, he threatened to exclude the paper from the scheme by accepting no further complaints about it. The judgement was published the next day, he said.

The PCC recently has been given jurisdiction by its member publishers to handle complaints about material they publish on the Internet, where the written form of the material would come within the jurisdiction of the PCC. But the current Chairman doesn't plan on doing much surfing. "I'm going to insist on a hard copy."

**Jack Given**