

Dear Press Recognition Panel,

I am a member of the public, a supporter of the Royal Charter and have great interest in ensuring that the Leveson Report is delivered fully and effectively. I have considered the PRP consultation and read Hacked Off's submission, which I support. I hope you will take note of this.

One issue which requires close attention is complaints handling, and I would like to state my ideas (and those of Hacked Off) on how the PRP should apply the Charter criteria in respect of this issue.

We need to have appropriate internal governance processes ; transparency on what governance processes they have in place, and notice of any failures in compliance, together with details of procedures that would deal deal with such failures.

In addition to what the PRP has already suggested, fundamental to the credibility of any complaints system is the avoidance of victimisation of those who complain and any pressure that may be put on them to drop complaints. Therefore the Regulator must require subscribers to have procedures in place for protecting complainants from victimization.

Schedule 2 paragraph 1 of the Royal Charter refers to the concepts of "independence and transparency of enforcement and compliance".

The code should require reporting to the regulator from subscribers which is full and clear; and which is transparent about all code breaches regardless of whether these are escalated to the regulator.

The PRP suggests that an applicant regulator will need to require subscribers to have a mechanism for dealing with complaints which is adequate and speedy and then lists a number of "indicators" which are reasonable. But it needs to be stressed that an adequate complaints handling system is one that is fair and accessible. Previous regulatory schemes and their complaints processes have been criticised (and found by independent inquiries) to be biased towards the newspaper.

Full reports of compliance

While the Regulator will be able to audit complaints that are escalated to it, it will rely on the subscribers' record-keeping and reporting or inspection for those complaints which do not reach the regulator in order to determine whether "**those who subscribe to have an adequate and speedy complaint handling mechanism**".

A significant problem with the PCC was that code breaches which were resolved before they reached the PCC were never recorded or reported. While it is important to enable and

encourage newspapers to resolve complaints before they need to be dealt with by the regulator, it is not acceptable for such newspapers to be breaching regularly without record (efficient though they may be at resolving the resultant complaints). For example they may have the practice of buying off complainants with donations to charity.

The PRP should make clear in the guidance column that the Regulator will need to show written agreements between the Regulator and subscribers regarding the recording of complaints and associated code breaches from complaints which are not “escalated”.

Assisting complainants

Complainants should be helped to frame their complaint -The Regulator requires subscribers to have a fair and accessible mechanism for dealing with complaints which is adequate and speedy including in that it should not require a complainant to specify the clause of the code which is alleged to be breached when this is obvious from the complaint.

Conflicts of interest

The complaints process of a subscriber/newspaper must be managed by staff who are independent of the interests of the newspaper in its published or reported performance on compliance. If the complaints process is managed by those who are assessed by their employer on how many times a complaint succeeds or to what degree the newspaper complies with the Code etc, then it is neither fair nor adequate. While one cannot insist that the complaints handlers are independent of the newspaper, one can expect as a minimum that they do not have personal or financial interests in the outcome of a complaint or compliance rates. Complaints-handling and complaints-deciding staff in subscribers should be shown by contract to be insulated from newspaper performance indicators in respect of compliance.

Victimisation

It is important that regulators can show they have measures (including sanctions) in place to prevent the victimisation of complainants from taking place.

The Board should have the power to hear and decide on complaints about breach of the standards code by those who subscribe. The Board will need to have the discretion not to look into complaints if they feel that the complaint is without justification, is an attempt to argue a point of opinion rather than a standards code breach, or is simply an attempt to lobby. The Board should have the power (but not necessarily the duty) to hear complaints from anyone personally and directly affected by the alleged breach of the standards code, or where there is an alleged breach of the code and there is public interest in the Board giving consideration to the complaint from a representative group affected by the alleged breach, or from a third party seeking to ensure accuracy of published information.

Complainants must be assisted in identifying the relevant parts of the code when seeking to complain about an article.

Preventing victimisation, intimidation or coerced resolution

The PRP should state that it will expect a regulator to have policy and agreements in place to prevent individuals being coerced by subscribers into withdrawing complaints or accepting a resolution due to victimisation, intimidation or inappropriate financial inducements.

Remedies are not credible unless they are enforced. This requires the regulator to follow up its rulings to see that they are being implemented. They are less likely to be effective if the complainant is not consulted about what they should be. The Leveson Report says that the remedy “should, of course, be the subject of discussion between the complainant and the title”...

The PRP must be satisfied that remedies are effective and this goes to the issue of prominence (or corrections and apologies) which was much discussed at the Leveson Inquiry itself. As a minimum the regulator has an approach which requires corrections and apologies to be sufficiently prominent to be effective and credible.

The PRP should make clear that while the Regulator must keep records of code breaches identified during any resolution procedure, it **must also require its subscribers to monitor and report in respect of complaints not escalated to the Regulator:**

the number of complaints it receives; the number of code breaches it has identified in complaints it resolves ;

The speed of its complaints handling; the proportion of complaints dropped by the complainant.

Ray Hendriksen