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Mapping the press complaints landscape from the consumer perspective

Final Report

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October 15th 2021

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Key Messages

Gaps in complaints processes across the UK press landscape leave the public and the press with only partial protection. Depending on where they are consuming their news, complainants will be met with situations ranging from a full press complaints process with user support material (when compared to a referent model based on relevant criteria in the Royal Charter on Self-Regulation of the Press), through to nothing at all. Parts of the complaints landscape are likely to be confusing for most people, who lack the regulatory or legal background knowledge to navigate it and may not have access to legal support to help. This is compounded by the fact that provision of help and support for the processes which are there is not ubiquitous and is not always co-located with the process itself.

Whether or not the public has access to a full press complaints process seems arbitrary and unfair. Even where news is the main purpose of the location where news is consumed, not all news publishers are members of a regulatory body or standards ombudsman mechanism. News may also be found in locations where news provision is *not* the main purpose (e.g. social media platforms), and in these cases processes are not designed specifically with 'press complaints' in mind and therefore have gaps within them.

The complaints processes which are there provide a variable match to the realities of modern day, increasingly on-line, news consumers. In many places there is a poor fit between the processes available and the purposes, activities, expectations, mental models and language of modern news consumers. Processes do not appear to have been designed with the full range of real-world use and users in mind. A 'one size fits all' approach may struggle to accommodate the diversity of users, or changing patterns of news consumption, given that:

- There are many ways to get to the same content in its original format
- International boundaries are increasingly irrelevant to consumers
- 'News-related material' boundaries are not clear and largely not relevant to the consumer – it's just material
- The separation between the content and the conduct of those creating it is less clear

The On-line Safety Bill has the potential to fill some of the gaps – but this potential risks being unrealised. Realising the Bill's potential would require i) a consistency of approach to press complaints with that of the Royal Charter, and ii) more consideration of the potential consequences of how the Bill deals with news material. There is in fact a negative risk that the Bill actively encourages more players into a 'no process' space.

Executive Summary

Aim

To better inform ongoing debate about the framework for press regulation in the UK, the Press Recognition Panel (PRP) commissioned independent research to map the **current** UK news publisher landscape from the point of view of a complainant, giving consideration to the potential impact of proposed regulatory developments on the **future** picture.

Approach

An initial design phase identified key dimensions of diversity likely to have an impact on a complainant's experience *of* and perspective *on* the complainant landscape. These dimensions included routes for news engagement and complaint characteristics. From these dimensions, a set of exemplar complainants (Personas) and their complaints were created as a starting point for data-gathering activity. Plausible actions were agreed that each exemplar complainant might take in each complaint situation; these initial actions were then undertaken by a researcher, taking the perspective of each complainant. This work deals with the 'front-end' of the complaints process, stopping short of actually initiating complaints.

A detailed record was made of what was found in two ways; first by comparing any process found with a referent complaints model based on the relevant criteria in the Royal Charter; and second by 'inhabiting' the exemplar complainant as far as possible, endeavoring to see the landscape as they would. This second aspect of the data gathering phase drew on approaches and constructs from user-centred design, where systems are designed and subsequently analysed for how well they match their intended users (in this case the complainants).

The data gathered was analysed thematically, to develop a complainant perspective on the UK news publisher landscape, with a focus on how differences in approach might result in gaps or overlaps (coverage) and on the usability of the processes found (fit). Consideration was also given to the potential impact of regulatory developments (particularly the On-line Safety Bill) on the coverage and fit of the complainant landscape.

Coverage pertains to the gaps and overlaps that the complainants found on their complaint journeys. Lack of coverage, or gaps, could be of two kinds – gaps *between* processes (for example where no process exists) and gaps *within* them (for example where what does exist does not match the referent model). The referent complaints model (Appendix A) was drawn from Criteria 8, 10, 11, 12, 14, 15 and 22 of the Royal Charter and included providing:

- Adequacy and speed of complaints handling
- A no charge process
- An escalation process
- Description of remedies
- Arbitration ahead of litigation
- Advice to the public about intrusion

For the most part, whilst these gaps are important from the regulatory viewpoint, they are likely to be invisible to the complainants. Most people will not know what level of complaints process to expect, nor will they be comparing and contrasting different complaints processes. Nevertheless, were they to know about the existence of gaps or overlaps without sound justification, they would likely find the situation unacceptable. The extent and nature of the coverage and reasons for it are discussed using examples from the complainant journeys to support the findings.

Fit, on the other hand, is a theme which includes aspects about which complainants would likely be more aware. Fit pertains to general (all users) and specific (user-dependent) features of the complaints processes and how well they are designed for the people using them – *Do they match the real-world expectations of their users? Do they provide help and support?* Issues of fit and their potential causes are discussed again using examples from the complainant journeys to support the findings.

Findings - the current complaints landscape

Coverage

Depending on where they are consuming their news, potential complainants will be met with various situations ranging from a full press complaints process with user support material through to nothing at all.

There are a number of reasons for the variation in coverage that complainants encounter.

- Not all news is consumed at a news publisher location which might traditionally be expected to be subscribed to a press regulatory body with a complaints process.
- Where news is found in these other ‘non-traditional’ news publisher locations, news provision is often not the main purpose of the location, and the complaints processes are there to deal with conduct and content more broadly, rather than specifically news material. The processes are not designed specifically with ‘press complaints’ in mind and therefore have gaps within them.
- Even where news is the main purpose of the location, not all news publishers are members of a regulatory body or standards ombudsman mechanism, which means whether or not a process is there appears arbitrary.
- Sometimes there is no full process because the news publishers are based overseas and the Royal Charter does not apply, yet that does not stop the material being readily available to UK based readers.

Fit

There are many challenges to the fit of the news complaints landscape for complainants like our exemplars, for both the full and the incomplete processes. Parts of the landscape are likely to be confusing for most people, who lack the regulatory or legal background knowledge to navigate it and may not have access to legal support to help. This is compounded by the fact that provision of help and support for the processes which are there is not ubiquitous and is not always co-located with the process itself. Whilst good systems design principles suggest all users would benefit from complaints processes *at the point of news encounter*, this is a benefit most readily afforded by the incomplete reporting-style processes, with their approach to flagging/reporting available right with the specific content. This is in contrast with the full news complaints processes where the processes are often a long ‘scroll’/ several page turns away or may not even survive other more complex routes that news material may take to its readers. A further and final challenge to the fit of the complaints landscape is the divergence in purpose, activity, expectations, mental models and language of modern news consumers, making a ‘one size fits all’ approach potentially problematic.

There are a number of potential reasons for the lack of fit of the complaints landscape to the range of potential complainants. Some of these reasons echo the reasons for the gaps in coverage findings, including the fact that not all ‘traditional’ news publishers are members of a regulatory body or standards ombudsman mechanism; if they were, it would help assure the same standard of complaints process is available.

However, much of the lack of fit emerges because the complaints processes have not been designed with the full range of **real-world use and users** in mind.

In particular there are several ways in which former boundaries are now blurred for news consumption, meaning the realities of news consumption have changed significantly. These include:

- **There are many ways to get to the same content in its original format** – for example on the original news publisher website, via a search engine, via a news aggregator, or via social media. Some of these routes track back to the original source for any complaints but others do not.
- **International boundaries are increasingly irrelevant to complainants** - As the complainant journeys identified, UK based readers can read news material from all over the world.
- **‘News-related material’ boundaries are not clear and largely not relevant to the user – it’s just material.** For example, on-line comments are content which can be harmful to readers. The comments might be on news material, they might not be, but many readers would expect to be protected from them nonetheless.
- **The separation between the content and the conduct of those creating it is less clear.** Reporting a comment on social media often blurs the boundary between content and conduct of the commentator – because the content is largely how their conduct is made manifest. This is different when considering the conduct and content generated by news workers, which are more discrete, and which is how the press complaints systems are set up using the referent model.

Impact of the On-line Safety Bill on the current complaints landscape

In covering user-to-user services and search services, and being extra-territorial, the On-line Safety Bill includes many of the potential newer routes to and locations for news encounters. This is important in dealing with many of the aspects of fit and blurred boundaries highlighted.

Also, by bringing these ‘newer’ on-line routes to news into focus, it might seem well placed to reduce the number of different situations faced by complainants, improving coverage. However, these potential benefits would only be experienced by complainants IF news-related material were included in the Bill’s ambit AND if the approach taken to complaints by the regulator the Bill provides, matches that of the referent model.

At the present time, the potential benefits of the On-line Safety Bill for the exemplar complainants in this work will remain largely unrealised because of the exemption of news publishers from the Bill’s ambit. At best it might encourage some news material which currently has no complaints process into a space where there is a partial process. At worst, it may have the unintended effect of actively encouraging more players into a ‘no process’ space. It will also potentially introduce another regulator to the news landscape (OfCom) whose complaints process for any news material would need to match that of the referent model if it were not to bring yet another partial process into the already variable complaints landscape.

Conclusions

This work has highlighted gaps in the coverage of complaints processes across the UK press landscape from the consumer perspective. These gaps exist *between* processes – with some news material which is available to the UK public having no mechanism for complaint.

Gaps also exist *within* many of the complaints processes, which fall short of fulfilling the aspects outlined in the relevant criteria from the Royal Charter. Whilst these incomplete processes often provide helpful *in situ* ways of complaining, they do not provide all of the features of a specifically *press* complaints process, leaving the public and the press with only partial protection.

Furthermore, whether or not the public has access to a full press complaints process seems arbitrary and unfair – dependent in different instances on: whether or not news publishers subscribe to voluntary self-regulation; whether or not the complainant can access legal help; where the news is being consumed; and from where the news material originates.

The complaints processes which are there provide a variable match to the realities of modern day, increasingly on-line, news consumers. Whilst most processes have some good features, all of the processes are a poor fit for their potential users in one aspect or another.

With its ambit covering many of the new routes to news consumption, the On-line Safety Bill has the potential to fill some of the gaps in press complaints process coverage and fit, which have been highlighted in this work. However, realising this potential requires a consistency of approach to press complaints with that of the Royal Charter, and a more thorough consideration of the potential consequences (both intended and unintended) of how the Bill deals with news material as opposed to other on-line content.

I. Introduction

I.1 Aim

To better inform ongoing debate about the framework for press regulation in the UK, the Press Recognition Panel (PRP) commissioned independent research **to map the UK news publisher landscape from the point of view of a complainant.**

In particular, we were asked to shed light on the implications of current regulatory and complaints arrangements for the experience of complaining: whether one can do it, how one does it, what it's like doing it and – critically – what factors determine the answers to these questions. In considering these determining factors, we were asked to describe where there were differences in arrangements and if these resulted in **gaps** or **overlaps** in provision for complainants; providing a descriptive account of regulatory and complaints arrangements from a perspective that can, at times, risk being ignored.

We were also asked to give consideration to the **potential impact of proposed regulatory** developments from the complainant perspective.

I.2 Approach

The project was broadly divided into three phases: design, data-gathering and interpretation – although in practice there was a degree of iteration between these phases.

The task of the first phase – **design** – was to operationalise the project aim ('to map the UK news publisher landscape from the point of view of a complainant') in a way that would enable meaningful data-gathering activity that remained within the project's scope. Activities in this phase of work included review of key research and documents relating to news consumption and regulation in the UK, along with some pilot data-gathering activities.

The main output of the design phase was the specification of a set of exemplar complainants (or Personas¹) and their complaints which provided the starting point for **data-gathering** activity. Plausible actions were agreed that each exemplar complainant might take in each complaint situation; these initial actions were then undertaken by a researcher, taking the perspective of the exemplar complainant. The complainants, their news consumption, complaints and initial actions are presented in Section 2.

A detailed record was made of what was found in two ways; first by comparing any process found with a referent complaints model based on the relevant criteria in the Royal Charter (Appendix A); and second by 'inhabiting' the perspective of the exemplar complainant, to see the landscape as they would. This second aspect of the data-gathering phase drew on approaches and constructs from user-centred design, where systems are designed and subsequently analysed for how well they fit their intended users (in this case the complainants).

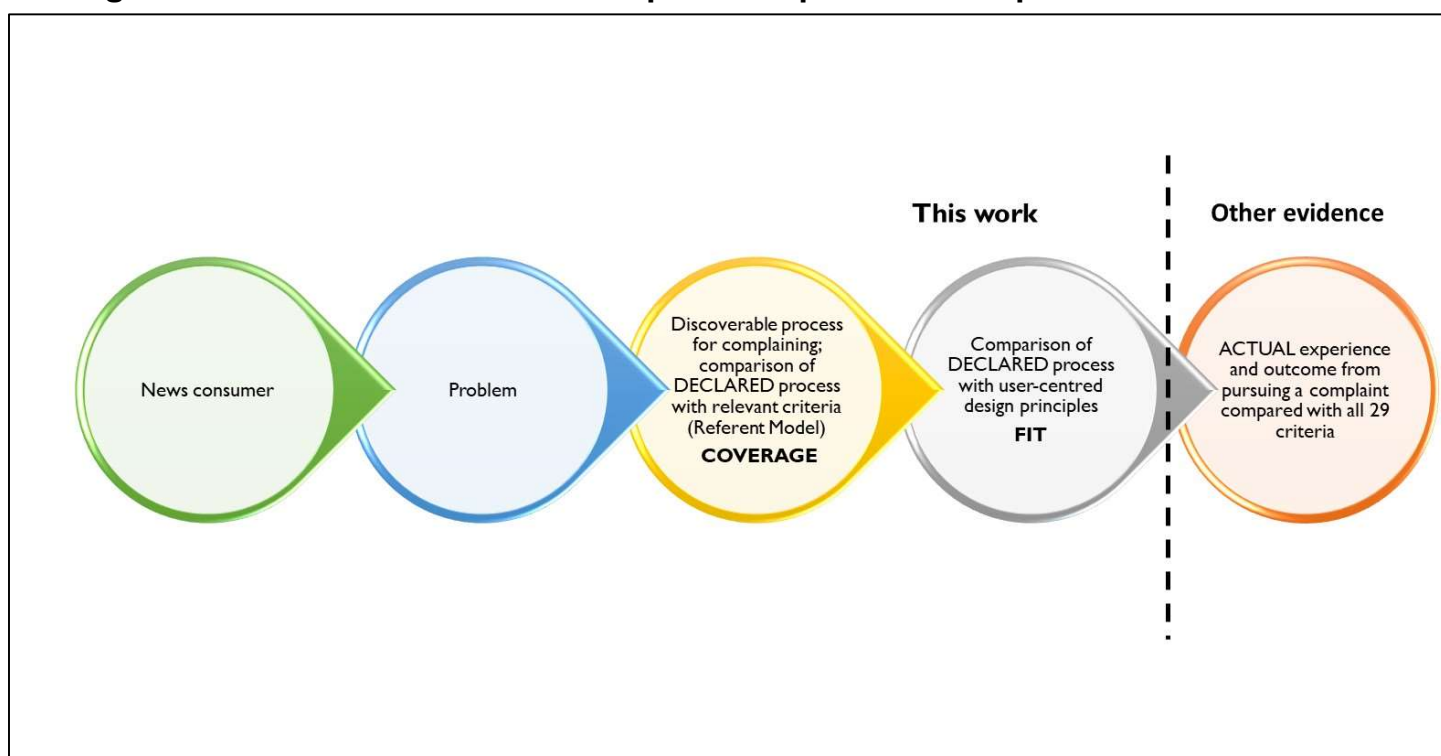
Finally, in the **interpretation** phase, the data gathered was analysed thematically, alongside findings from the design phase, to develop a complainant perspective on the UK news publisher landscape, with a focus on how differences in approach might result in gaps or overlaps for the complainants (coverage) and the usability of the processes found (fit). Findings from this analysis are presented in Section 3. Consideration was also given to the potential impact of regulatory developments on the complainant landscape, and findings from this component of the work are presented in Section 4. Conclusions are drawn in Section 5.

1.3 A note about complaints and regulation

Following The Leveson Inquiry into the culture, practices and ethics of the press², the Royal Charter on Self-Regulation of the Press was issued, outlining 29 criteria with which a regulator must comply in order to be recognised³. Some of these 29 criteria describe or inform the requirements *for* and *of* a complaints process that any news publisher who is subscribing to the regulator must have. Given its focus on the experience of users, this research has focussed exclusively on this sub-set of criteria: see Appendix A for discussion of the referent model based on these criteria.

Furthermore, the work undertaken and described in this report deals with the ‘front-end’ of the complaints process, stopping short of actually initiating complaints. It examines what exemplar complainants with theoretical complaints find if they want to complain, comparing it to what the relevant criteria say they should find (the referent model, Appendix A) and evaluates it according to relevant usability and user-centred design principles^{4,5,6}. It does not speak to the quality of the complaints experience beyond finding the process and what that process declares itself to cover. The position of this work is summarised in Figure 1.1.

Figure 1.1 Where this work fits in the press complaints landscape



1.4 Strengths and Potential Development

Our approach – and in particular the approach to data-gathering – represents a pragmatic response to the research aim and scope, and as such has clear strengths and also opportunities for further development.

- The evidenced-based, theoretical, exemplar complainants which have been developed, allow for exploration of the start of the news complaints landscape in a controlled, wide-ranging and intentional manner.
- This exploration could be taken further with real news consumers and complainants, exploring the landscape both at the start and further into the complaints process.

2. Complainants and their complaints

The evidenced-based, theoretical, exemplar complainants which have been developed, allow for exploration of the landscape in a controlled, wide-ranging and intentional manner. In order to build the exemplars, key dimensions of diversity, likely to have an impact on a complainant's experience of and perspective on the complainant landscape, were identified via:

- A rapid review of recent research on news consumption in the UK.^{7,8,9,10,11,12}
- Analysis of complainant characteristics salient in press complaints, including in the definition of two key terms - news related material and relevant publishers - and in the types of protection that press regulation should afford.^{3, 13, 14,15}


On this basis, the following key dimensions of diversity were identified:



- Complainant Characteristics
 - Age
 - Digital literacy - which we assigned to the exemplar complainants as diminishing as age increased
 - Resources – which were assumed to increase with age generally and were specified for one requested complainant in the second stage below – Tanya the MP, with respect to legal resource.
 - Type – either ordinary citizen (child, adult) or public figure
- Routes for news engagement
 - Type of content (print, on-line, 'news worker' and user generated)
 - Distribution mechanism (print publication, news publisher website, news aggregator or curator, citizen journalist blog, social media)
- Complaint characteristics
 - Personal or on behalf of an individual or group
 - About Conduct - especially in relation to the treatment of other people in the process of obtaining material
 - About right to privacy
 - About accuracy and avoidance of misrepresentation



A set of evidence-based, plausible, exemplar complainants; their news encounters; experiences; complaints; and complaint-initiating actions were then created, using these dimensions of diversity.

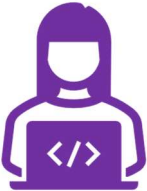
The following table (2.1) provides a summary.

Table 2.1: Summary of the Exemplars

	News Encounters	News Experiences	Complaints	Actions taken
<p>Conor</p>  <p>Age: 25 Occupation: Estate Agent</p>	<p>Reads <i>The Nottingham Post</i> on-line day-to-day, because it covers the area where he sells houses and lives, though there is also a print copy delivered to his office, which he can flick through. He reads <i>Guido Fawkes</i> on his phone most weeks, for the political commentary. Gets a print copy of <i>The Irish World</i> to keep up with all that's going on with his fellow Irish nationals living in England.</p>	<p>Conor was offended by a recent article in the <i>Nottingham Post</i> about some local Irish families, feeling it painted Irish people in a bad light. He also found the comments on the on-line version offensive.</p> <p>He normally really enjoys <i>Guido Fawkes</i>, but has felt that the recent run of stories about his local MP, have been 'a bit too personal'.</p> <p>Last week, one of the reporters from <i>The Irish World</i> contacted him about an interview – Conor had done one before and they were looking to do a 'where are they now' item with him – he declined but the reporter has called him several times since, to try and persuade him.</p>	<p>Conor wants to complain about this article, feeling it is discriminatory. He wants to complain about the comments too. He wonders if the group <i>Friends Families and Travelers</i> could complain.</p> <p>He wants to complain about the personal nature of the attacks on his MP.</p> <p>He wants to complain about the conduct of the journalist.</p>	<p>Scrolls to the bottom of the web page and finds a 'How to complain' link.</p> <p>Looks in the 'About' section – no complaints process. Can block specific comments, and the comments have been pre-moderated since 2018.</p> <p>Looks through the paper to see if there is a complaints section - which he finds. It explains it values fairness and accuracy and gives instruction for complaining about articles. Gives an email and phone number at the publication to do that.</p>
<p>Matthew</p>  <p>Age: 15 Occupation: SEN Student</p>	<p>Matthew 'Asks <i>Alexa</i>' for entertainment news most mornings whilst he's eating his breakfast. He will occasionally 'Google' his favourite band to find out their latest news. He scrolls through his <i>LADBible</i> App on the bus, to and from school.</p>	<p>Matthew gets a summary from <i>Alexa</i> about his favourite band's gig at a festival. He knows the article is wrong, because he was there. It incorrectly reports that the lead singer swore during the performance, but Matthew is sure that's not the case.</p> <p>He then <i>Googles</i> the article (it's in the <i>Daily Mirror</i>) and realises it is largely made up from people's social media posts.</p>	<p>He wants to complain about the article, or rather 'report' it – which is the term he's more used to</p> <p>He wants to complain about the article.</p>	<p>He asks <i>Alexa</i> how to report it, but she doesn't know.</p> <p>Looks for 'reporting' dots or a 'Flag' near the article which is how he is used to 'complaining' but does not find anything. Scrolls to the bottom of the web page and finds a 'How to complain' link.</p>

	News Encounters	News Experiences	Complaints	Actions taken
		Matthew is surprised to find himself in the picture attached to his mate's Tweet that has become part of a news story on <i>LADBible</i>	He is embarrassed and wants the picture and tweet taken down.	Looks on the <i>LADBible</i> website for a route to complain and finds nothing. Finds the original Tweet – asks his mate to take it down and also reports it on his phone <i>Twitter</i> app via the 'ellipses' and reporting process.
<p>Tanya</p>  <p>Age: 50 Occupation: MP</p>	Tanya gets a daily round-up of news from her personal assistant, particularly focused on the news that covers her or the issues on which she is currently campaigning.	<p>Tanya reads an article about herself in the <i>Financial Times</i> on-line, which she feels is inaccurate in reporting what she said during an interview.</p> <p>She also is given another article from <i>Skwawkbox</i> which includes some <i>WhatsApp</i> messages she sent privately, in which she describes her upcoming policy plans.</p>	<p>She wants to complain about both articles being inaccurate.</p> <p>She wants to complain about an invasion of her privacy and find out how the journalist came by the messages.</p>	<p>She asks her personal assistant to start the complaints process and obtain legal advice.</p> <p>She asks her personal assistant to start the complaints process and obtain legal advice.</p>
<p>Kirpal</p>  <p>Age: 60 Occupation: Doctor and Local Councillor</p>	Kirpal subscribes to <i>The Guardian</i> on-line for daily news and gets the print version <i>Observer</i> on Sunday. She gets her local town magazine, <i>The Beestonian</i> , every month. She reads news articles posted by her <i>Facebook</i> friends from time to time.	<p>Kirpal knows the content of an article this Tuesday in <i>The Guardian</i> is factually incorrect – because it's in her area of medical expertise.</p> <p>She also noted the same errors in a reposted article headline from the <i>Washington Post</i> via a <i>Facebook</i> friend. She wants to complain about this inaccuracy.</p> <p>This month, she finds some private correspondence between her and another Councillor published in her local town magazine – when she goes to the on-line version there is a nasty comment directed at her.</p>	<p>She wants to complain about this inaccuracy.</p> <p>She wants to complain about this inaccuracy.</p> <p>She wants to complain about the publishing of private material and also about the comments attacking her.</p>	<p>Looks at the contact section inside the front cover of the newspaper.</p> <p>Looks for a way to complain on <i>Facebook</i> but does not know about the 'reporting' dots. Goes on the <i>Washington Post</i> website.</p> <p>Looks on the website for a complaints procedure. Decides to email the office.</p>

	News Encounters	News Experiences	Complaints	Actions taken
<p>Sally</p>  <p>Age: 13 Occupation: School Student</p>	<p>Sally reads her print copy of newspaper, <i>The Week Junior</i>, over a few evenings after school. She goes on <i>YouTube</i> sometimes to find out about things she likes such as animals and music. Like lots of her friends, she uses <i>TikTok</i> a lot and occasionally sees news related items that way too.</p>	<p>Sally sees her response to a poll is published in her children's newspaper, <i>The Week Junior</i>, and she hadn't realised it would be.</p> <p>Sally's favourite animals are Alpacas, and she comes across some angry, swear-y comments under a <i>BBC</i> news story about them on <i>YouTube</i>.</p> <p>She is worried about Covid and has seen a number of videos on <i>TikTok</i> where people use different substances for their Covid Tests – (to make sure they test positive and miss school) - she has tried this too.</p>	<p>Sally wants to complain.</p> <p>Her mum wants to complain on her behalf because Sally is so upset.</p> <p>Her mum wants to complain because Sally has been led astray by the videos.</p>	<p>She looks through her magazine and, on the last page before the cover, finds lots of email addresses but nothing about complaining – or 'reporting' which is a term with which she is more familiar.</p> <p>Sally's mum doesn't know that the 3 dots next to on-line items mean 'more'... and that you get the option to 'report' by clicking on them. She <i>Googles</i> – 'How do I complain about comments on YouTube?'</p> <p>She asks Sally to show her the videos via the <i>TikTok</i> App on Sally's phone. She can't see a place to report problems in the App so again 'Googles' it.</p>
<p>Tadek</p>  <p>Age: 34 Occupation: Construction worker</p>	<p>Tadek browses the work copy of <i>The Sun</i> in the lunch hut most days. He has the <i>Buzzfeed</i> App on his phone and scrolls through the news catch-up on his breaks. He gets push notifications from the <i>HuffPost</i> and likes the 'Tweets of the Week' roundup from there.</p>	<p>He is surprised to find himself featuring in one of the pictures in an article in <i>The Sun</i>, which is part of an investigative news item about how the construction industry is cutting corners with health and safety. He wonders who took the picture.</p>	<p>He wants to complain about his picture in the article.</p>	<p>Whilst he's on his phone he visits the <i>Citizens Advice</i> website as he has recently had help from them on another matter. He can't find anywhere related to journalism or the press on the website (it's not obviously one of the headings in the list of advice topics) and a search of the website does not bring anything up.</p> <p>He flicks through the newspaper and finds a corrections and clarifications box on the second page, which explains <i>The Sun</i> is a member of <i>IPSO</i> and also provides a way of getting in touch with newspaper by email and post and a web address for <i>IPSO</i>.</p>

	News Encounters	News Experiences	Complaints	Actions taken
		He has been caught out in the past on <i>Buzzfeed</i> and the <i>Huffington Post</i> by 'native adverts', thinking they are news, rather than products/brands using what looks like a news story/article approach to advertise.	He has noticed the labelling is changing in some places but would like them to be clearly labelled wherever they occur.	He looks on the <i>Buzzfeed</i> App but cannot find somewhere to report problems, so he goes onto the website. He looks on the <i>Huffington Post</i> App which has an Email us: corrections or feedback link at the bottom of the article in the App. He also looks at the <i>HuffPostUK</i> website which has a 'contact us' at the bottom of the page with an email address and a UK postal address. He does also <i>Google</i> how to complain about adverts and is directed to the ASA.
<p>Wendy</p>  <p>Age: 46 Occupation: Unemployed</p>	Wendy reads the <i>Daily Mail</i> everyday – particularly to catch up with the celebrity gossip. Since she's been out of work, she has time on social media, where she catches up with her friends' news but also uses the <i>Facebook News</i> feed for news. If she finds an item particularly interesting, she will go on <i>Google News</i> to find out more.	<p>Wendy comes across the same <i>Daily Mail</i> article about her favourite celebrity via her Facebook News feed and the on-line newspaper. She knows there is an incorrect fact about the celebrity in the article.</p> <p>She also finds an article talking about COVID vaccines on her Facebook feed and decides to follow up on <i>Google News</i> by asking about vaccines. The article she finds there is from an American News site from Florida called <i>Local10.com</i> and the comments under the article are stridently 'anti-vax', encouraging others to avoid the vaccine.</p>	<p>She wants to complain the incorrect fact.</p> <p>She decides not to have the vaccine gets Covid – she wants to complain about being misled by the comments.</p>	<p>On the website scrolls down to the bottom of the page on the website - links to <i>IPSO</i> etc. On the <i>Facebook</i> news link to the article on a mobile phone - not logged into <i>Daily Mail</i> so no 'bottom of the page' as such, so nowhere to complain/correct.</p> <p>She looks on the website and can't find any complaints procedure.</p>

3. The current landscape

A thematic analysis of the full set of complainant journeys was undertaken, with a focus on two key issues: coverage and fit.

Coverage pertains to the gaps and overlaps that the complainants found on their complaint journeys. Lack of coverage, or gaps, could be of two kinds – gaps *between* processes (for example where no process exists) and gaps *within* them (for example where what does exist does not match the referent model). For the most part, whilst these gaps are important from the regulatory viewpoint, they are likely to be invisible to the complainants. Most people will not know what level of complaints process to expect, nor will they be comparing and contrasting different complaints processes. Nevertheless, were they to know about the existence of gaps or overlaps without sound justification, they would likely find the situation unacceptable.¹⁶ The extent and nature of the coverage and reasons for it are discussed in section 3.1 using examples from the complainant journeys to support the findings.

Fit, on the other hand, is a theme which includes aspects about which complainants would likely be more aware. Fit pertains to general (all users) and specific (user-dependent) features of the complaints processes and how well they are designed for the people using them – *Do they match the real-world expectations of their users? Do they provide help and support?* Issues of fit and their potential causes are discussed in section 3.2, again using examples from the complainant journeys to support the findings.

3.1 COVERAGE

3.1.1 Processes which provided full complaints cover

Two kinds of processes provided full cover in that they contained **all the aspects of a complaints process** delineated in the referent model (Appendix A). These aspects were drawn from Criteria 8, 10, 11, 12, 14, 15 and 22 of the Royal Charter³ and included providing:

- Adequacy and speed of complaints handling
- A no charge process
- An escalation process
- Description of remedies
- Arbitration ahead of litigation
- Advice to the public about intrusion

What separated the processes into two types, was whether or not they provided **user support** with the process – those which did were deemed ‘more user friendly’ and those which did not were deemed ‘harder to navigate’ (which will be discussed more fully in the Fit section 3.2 below).

An example of a full process with user support was found via the link to *IMPRESS* on *The Skwawkbox*, where Tanya wanted to complain.

Tanya’s lawyer also found an example of a full process on the *Financial Times* website, though it did not have additional user support such as provided by *IPSO*, *IMPRESS* or *The Guardian* for their complaints processes, and was therefore classed as ‘harder to navigate’.

3.1.2 Gaps WITHIN processes which did not provide full cover

Some of the complainant journeys led them to complaints processes which were **incomplete** when compared to the referent model. Often these incomplete processes, unlike their fuller counterparts, had the advantage of being available at the **point of the news encounter**, however. This included the reporting processes of various social media platforms such as *TikTok* and *YouTube*. These reporting processes were uncovered by Sally's mum after a *Google* search, though were known to Sally without *Googling*.

The gaps in these processes could be in **types of issue** which were covered (compare for example the list of headings in the *IMPRESS* Standards Code which relate specifically to news content with the types of reporting issue in the *TikTok* or *YouTube* Community Guidelines which cover all types of content). Gaps were also obvious in the **provision of escalation and arbitration processes**, when comparing these reporting-type processes with the referent model. However, to an uninitiated complainant, this incompleteness is unlikely to be obvious. They might become more aware of these gaps if they wanted to pursue their complaint further, beyond simply 'flagging' an issue.

A potential downside of the provision of these incomplete processes at the point of news encounter is that they may divert people from pursuing a fuller process, even if it is available elsewhere.

3.1.3 Gaps BETWEEN processes – where there was no cover

Some of the journeys led to complainants finding **no process** at the point of the news encounter. This was the case, for example, for Conor, looking for a complaints process on *Guido Fawkes* and for Wendy on the website of *Local10.com*, both of which were sites registered in the USA. It was also true for Sally on her copy of *The Week Junior* and for Kirpal in her hyper-local magazine, *The Beestonian*. Interestingly, had Kirpal lived only 5 miles east of Beeston, in West Bridgford, a town of approximately the same size, her hyper-local there would be a member of *IMPRESS* and would have afforded her a full complaints process. Similarly, if Conor had read a different 'citizen journalist' blog about the UK, for example *Skwawkbox*, he would also have found a full process. This apparent arbitrariness is a concerning feature of the coverage.

Sometimes the lack of cover was due to the complainant **not knowing how or where to look** for the process (see Fit section 3.2 below). For example, neither Kirpal nor Sally's mum were conversant with social media 'reporting' opportunities via the three dot 'kebab' icon.

In some instances, complainants 'filled' the gaps in cover by **moving away from the point of news encounter** and using other methods to find a route to complain. Sally's mum discovered the reporting mechanisms for both *YouTube* and *TikTok* by 'Googling'. Similarly, after *Alexa* summarised an article for him, Matthew searched the internet and found the original item, following it to the publisher website to find a complaints process. He did this after finding that *Alexa* 'didn't know that one' when he asked her how to report the article.

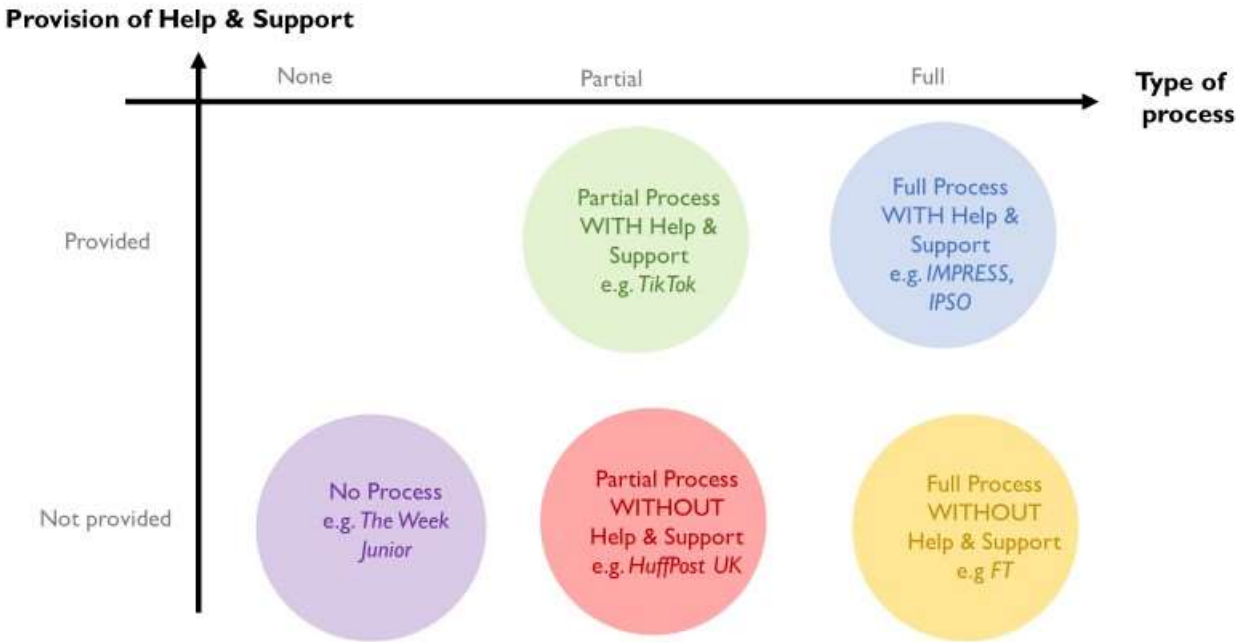
Sometimes these additional searches were fruitless, however. For example, Tadek searching the *Citizens Advice* website found nothing about how to make a complaint about the press or news.

3.1.4 Coverage findings summary

Depending on where they are consuming their news, rather than being assured of a full press complaints process with help and support, potential complainants will be met with one of **five**

different situations. These range from a full press complaints process with user support material (such as those of *IMPRESS*, *IPSO* and *The Guardian*) through to nothing at all (such as *BuzzFeed* and *The Week Junior*), with various options in between (such as *The Financial Times* and *TikTok*). These five are represented in Figure 3.1 below.

Figure 3.1 The Five different complaints situations



3.1.5 Reasons for the gaps in coverage

There are a number of reasons for the variation in coverage that complainants encounter.

- Not all news is consumed at a news publisher location which might traditionally be expected to be subscribed to a press regulatory body with a complaints process.
- Where news is found in these other ‘non-traditional’ news publisher locations, news provision is often not the main purpose of the location, and the complaints processes are there to deal with conduct and content more broadly, rather than specifically news material. The processes are not designed specifically with ‘press complaints’ in mind and therefore have gaps within them.
- Even where news is the main purpose of the location, not all news publishers are members of a regulatory body or standards ombudsman mechanism, which means whether or not a process can be identified by complainants appears arbitrary.
- Sometimes there is no full process because the news publishers are based overseas and are the Royal Charter does not apply, yet that does not stop the material being readily available to UK based readers.

As well as whether or not there was a complaints process which met the referent model’s criteria, the complainant journeys also shed light on some more qualitative aspects of what it is like to navigate in the earliest stages of the complaints landscape. These will be presented in the next section.

3.2 FIT

Usable systems are those which are user-centred in their design – they fit their users rather than require their users to have special knowledge, skills, capabilities or other resources to use them^{4,5,6,17}. Users, in our research, are the exemplar complainants. The ‘system’ (in our case, the complaints process) should fit the user rather than require the user to change or have a lesser experience because of some aspect of their knowledge, skills, capabilities or resources.

Whilst usability has a range of constructs¹⁷, four are particularly helpful in interpreting the findings from this research.

These are

- Speaking the Users’ language
- Providing information in a natural, logical order
- Usable by all
- Providing Help and Support

The findings around complainant process fit are organised under these headings, below.

3.2.1 *Speaking the users’ language – Legal ‘jargon’ and press regulation knowledge*

Some parts of the complaints processes would not match the real world for the majority of complainants. This was true for both the full and incomplete processes.

For example, had Tanya not had access to a lawyer, the *Financial Times* complaints process would have been hard to navigate, as it consisted solely of material which used clauses and language akin to legal-type documents.

Similarly, as Conor is trying to work out whether he or *Friends, Families and Travellers* can complain about the articles covering Irish Families in the *Nottingham Post*, he is faced with language and questions that require either legal understanding or knowledge about press regulation processes more generally to interpret correctly. Conor’s experience is a helpful exemplar in this instance, as it highlights ways the processes are hard to navigate for ordinary people. It can be found in Box 1 below, entitled ‘**Conor and the Nottingham Post**’.

Matthew also faced potential confusion rather than clarity at the *Daily Mirror* website, because *Reach* and *IPSO* are both provided as links for complainants. This has the potential to confuse because it will not be obvious to a first-time complainant that complaints should ideally start with the publication itself and then move on to a next level (justifying the presence of both processes there), nor that *Reach*’s process is in fact the publication’s process (rather than a *Daily Mirror*-specific one). These situations assume a level of knowledge that complainants should not be expected to have.

3.2.2 *Providing information in a natural, logical order – Location of the complaints process*

According to usability ‘rules of thumb’¹⁷ well designed processes provide all that is necessary at the point of need. Matthew’s *Ask Alexa* experience described above is a useful example of where this was NOT delivered. He asked Alexa how to report an article she had just summarised, and her response to him was ‘I don’t know that one’. Often, access to information regarding the full news complaints processes are a long ‘scroll’/ several page turns away and then require further action (for example Kirpal and *The Guardian* or Conor and *The Irish World*).

By contrast, the incomplete reporting-style processes, with their approach to flagging/reporting available right on (e.g. *TikTok*) or very near the specific content. Tadek's experience with the *HuffPost UK App* demonstrated a system that had a link at the bottom of every article/page¹⁸ which says

"Email us [corrections](#) or [feedback](#)"

In one click, this can link straight to a correctly addressed email (for either corrections or feedback). It is not a full complaints process, but it does provide its process at the point of encounter and make it easy for the complainant to take the first step. The complaints process is in some way 'attached to the content'.

Tadek's experience, however, takes place within a single App. Even where they exist, attachments between complaints processes and content may not survive other more complex routes that news material may take to its readers. For example, Wendy found the same Daily Mail article on the Daily Mail on-line website and on her Facebook Feed. At the bottom of the Mail's website she found the link to the IPSO/Readers' editor, but she found no such link via Facebook, which instead provided a reporting function. The options for complaint depend on where the exact same material is encountered.

Box 1: Conor and the Nottingham Post...



1. Can Conor complain about discrimination against Irish families in the Nottingham Post on-line article?

He is not sure. The Reach process says you **CANNOT** raise:

- *“Concerns about matters of editorial policy, taste, decency, impartiality, or disagreements with the opinions of a publication or its columnists on a moral, political or other basis*
- *Lobbying on the general subject matter of articles and/or campaigns”*

And he thinks his complaint might be viewed as one or both of these. When he clicks on the IPSO Editor’s code, the Discrimination clause there (see below) refers to ‘individuals’ and he is not sure if that means groups are not covered.

“Clause 12 Discrimination

- The press must avoid prejudicial or pejorative reference to an individual's race, colour, religion, gender, sexual orientation or to any physical or mental illness or disability.*
- Details of an individual's race, colour, religion, sexual orientation, physical or mental illness or disability must be avoided unless genuinely relevant to the story.”*

2. Can he complain about the comments underneath the article?

Reach says he **CANNOT** complain to them about

“User Generated Content (e.g., comments by members of the public) on any Reach plc website that has not been pre-moderated by us.”

IPSO says the same. Conor is not sure whether the comments have been pre-moderated or not so he’s not sure if he can complain.

3. Can Friends, Families and Travellers complain about the article?

IPSO says

“Sometimes, a representative group can complain on behalf of individuals. To complain as a representative group we will ask you to explain which group you believe has been affected by the alleged breach of the Editors' Code, how you are representative of that group, how you believe the alleged breach is significant and how you believe the public interest would be served by considering the complaint. Our Complaints Committee will then decide whether to take forward your complaint.”

He thinks the Friends, Families and Travellers Group might be able to complain, though he is not sure whether it will count as significant nor how to argue about public interest.

3.2.3 Usable by all

User-centred processes should be designed so they are usable by all. The diversity of the exemplar complainants allowed for differences in news consumption habits, expectations, mental models, knowledge, skills and abilities to be explored. As well as treating each complainant individually in terms of fit, comparing one with another provides an additional level of useful analysis. One such comparison is provided in Box 2.

Box 2: The ‘Real Worlds’ of two exemplar complainants



Kirpal



Sally

	Kirpal	Sally
Day to day habits	Subscribing to a daily on-line Broadsheet like the Guardian and Sunday print version	On Tik Tok and You Tube
Primary User Purpose	To be informed	To be entertained
News relationship	Dedicated seeker	Coincidental finder
Activity Model for content - at the point of news encounter	Passive Recipient	Active Contributor
Expectation for oversight (Social norms)	Regulation of content and Conduct	Guidelines for a Community
Mental Model for raising an issue	Complaint and remedy (legal/official type language)	Community duty
Expectation for where to raise an issue	Separate process	At the point of encounter
Mental model of regulatory power	Top down ‘legislative’	Bottom up – ‘community action’
Language around raising an issue	Complaints, corrections	Reporting, Flagging

These differences in purpose, activity, expectations, mental models and language are important considerations for how complaints processes and regulation are provided, and whether or not

they fit. Whilst there should be processes for the complainants wherever they encounter their news (closing the *between* process gaps), and the processes should provide all of the protections outlined in the referent model (closing the *within* process gaps) the comparison in Box 2 suggests a simple ‘one size fits all’ approach is unlikely to work for the range of news consumers today.

3.2.4 Provides help and support

IMPRESS, *IPSO* and *The Guardian* provided additional material for complainants with their press complaints processes, unlike, for example, *The Financial Times* which did not. Whilst all of these complaints processes were one step or more removed from the news encounter itself (see ‘*Location of the complaints process*’ section above), the help and support was provided with the process.

The social media platforms which were part of Sally’s, Wendy’s, Matthew’s and Kirpal’s stories, also provided help for their processes, but the help was one step removed from the process. The process itself (of ‘reporting’ in this instance) was available at the point of news encounter, though further support was then accessed through a help center or via a web search.

One final general point about help and support was surfaced by Tadek’s experience, when looking for it in a location that he expected should provide it; on the *Citizens Advice* website.¹⁹

There was no specific area for press complaints nor did a search of the website draw any further information. That said, there are many ways of contacting *Citizens Advice* where the question for support and help in complaining in this news context could of course be posed and signposting Tadek to help could be undertaken. However, this is now many steps removed from the original news encounter.

3.2.5 Fit findings summary

There are many challenges to the fit of the news complaints landscape for complainants like our exemplars, for both the full and the incomplete processes. Parts of the landscape are likely to be confusing for most people, who lack the regulatory or legal background knowledge to navigate it and may not have access to legal support to help. This is compounded by the fact that provision of help and support for the processes which are there is not ubiquitous and is not always co-located with the process itself. Whilst good systems design principles suggest all users would benefit from complaints processes *at the point of news encounter*, this is a benefit most readily afforded by the incomplete reporting-style processes, with their approach to flagging/reporting available right on the specific content. This in contrast with the full news complaints processes where the processes are often a long ‘scroll’/ several page turns away or may not even survive other more complex routes that news material may take to its readers. A further and final challenge to the fit of the complaints landscape is the divergence in purpose, activity, expectations, mental models and language of modern news consumers, making a ‘one size fits all’ approach potentially problematic.

3.2.6 Reasons for the lack of Fit

There are a number of potential reasons for the lack of fit of the complaints landscape to the range of potential complainants. Some of these echo the reasons for the gaps in coverage findings, including the fact that not all ‘traditional’ news publishers are members of a regulatory

body or standards ombudsman mechanism and if they were, it would help assure the same standard of complaints process is available.

However, much of the lack of fit emerges because the complaints processes have not been designed with the full range of **real-world use and users** in mind.

In particular there are several ways in which former boundaries are now blurred for news consumption, meaning real-world use has changed significantly. These include:

- **There are many ways to get to the same content in its original format** – for example on the original news publisher website, via a search engine, via a news aggregator, or via social media. Some of these routes track back to the original source for any complaints but others do not.
- **International boundaries are increasingly irrelevant to complainants.** As the complainant journeys identified, UK based readers can read news material from all over the world.
- **‘News-related material’ boundaries are not clear and largely not relevant to the user – it’s just material.** For example, on-line comments are content which can be harmful to readers. The comments might be on news material, they might not be, but many readers would expect to be protected from them nonetheless.
- **Separation between the content and the conduct of those creating it is less clear.** Reporting a comment on social media often blurs the boundary between content and conduct of the commentator – because the content is largely how their conduct is made manifest. This is different when considering the conduct and content generated by news workers, which are more discrete, and which is how the press complaints systems are set up using the referent model.

4. The potential impact of the On-line Safety Bill

4.1 Overview

The future news complaints landscape will be changing from a regulatory perspective as the Online Safety Bill becomes statute. Its aim is to establish a new regulatory regime to address illegal and harmful online content, preventing harm to individuals in the United Kingdom.²⁰

The new regime will apply to providers of regulated services, specifically:

- **User-to-user services:** Internet services that allow users to upload, generate, or share user-generated content or otherwise to interact online, i.e., social media platforms, online market places, and online forums
- **Search services:** Services that allow users to search all or some parts of the internet²¹

The Bill's scope is subject to widely drawn **exemptions** for services deemed to pose a low risk of harm to users, or that are otherwise regulated, including email or text messaging-only services, internal business services (such as an organisation's intranet), and services with only limited user-to-user functionalities. **Content on news publishers' websites is also excluded** from the scope of the legislation.

The legislation is **extra-territorial** and will apply to regulated services with links to the UK. Such links are defined as either:

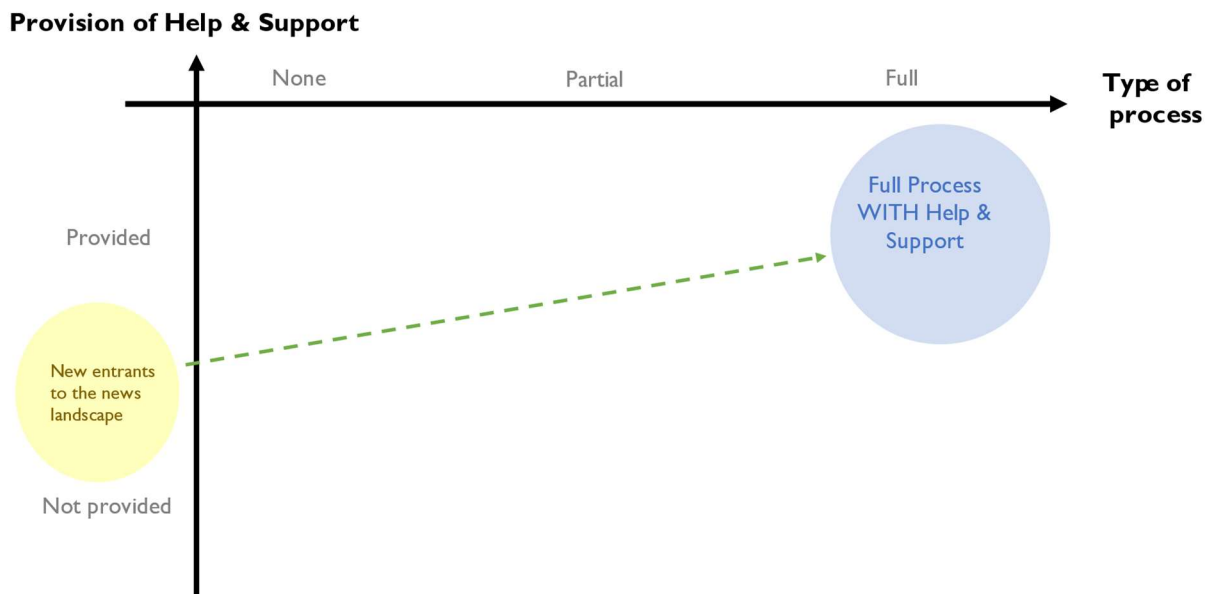
- having a significant number of users in the UK ("significant" is not defined in this context); or being targeted towards UK users; or
- being capable of being used by individuals in the UK; and giving rise to a material risk of significant harm to individuals in the UK arising from content on/via the service

4.2 Impact on complainant journeys

How will the Bill impact the complainant journeys? Will it support better coverage and fit? Put another way, will it mean that, rather than complainants facing one of five different situations, as represented in Figure 3.1, the Bill will move news material into a more *ideal future* space where a full complaints process, with help and support is the norm and new entrants to news landscape occupy that space (as represented in Figure 4.1)?

In covering user-to-user services and search services, and being extra-territorial, the Bill does include many of the potential newer routes to and locations for news encounters. This is important in dealing with many of the aspects of fit and blurred boundaries highlighted in section 3.

Figure 4.1: Ideal changes to the news complaints landscape



Also, by bringing these ‘newer’ on-line routes to news encounters into focus, it might seem to be well placed to reduce the number of different situations faced by complainants – down from five to fewer, improving coverage. However, these potential benefits would only be experienced by complainants IF news-related material were included in the Bill’s ambit AND if the approach taken to complaints by the regulator the Bill provides, matches that of the referent model.

In terms of the former, one of the exemptions the Bill is clear about is that content on news publishers’ websites is excluded from the scope of the legislation. This exemption means that the potential benefits of the bill will not have a bearing on lots of on-line news material. Furthermore, the Bill will do nothing additional to move any of these news publications or publishers who are already covered by the Royal Charter on Self-Regulation of the Press, but who choose not to subscribe to a complaints process as outlined in the Charter’s criteria, into a space where complaints are managed in this way (towards the top right in Figures 3.1 and 4.1).

Some news material will be covered, however, and this being the case, the Bill may also introduce a further example of variation which does not make sense to complainants. By specifying that news publishers are exempt whilst other on-line content is covered, comments on news articles made on individual friend feeds on platforms like *Facebook* would now be COVERED by the Bill, whilst comments on the same article on the Facebook News section of Facebook (or even on the publication’s own website) would NOT be.^{22,23}

Whilst from a complainant perspective, this variety of coverage does not make sense, it could be argued that it has the potential to provide a kind of small improvement if the Bill’s regulator (OfCom) enacts a full complaints process with help and support, in line with the referent model.

This would effectively move that particular content (comments on individual friend feeds on Facebook) from its current location in the green 'partial process' space into the top right space (Fig 4.1). If the Bill's Regulator does not enact a full complaints process with user help and support as described in this report, then the likely changes to the complaints landscape are for a proliferation of partial processes. In addition, two further potential unintended consequences are plausible.

4.2.1 Potential Unintended consequences

Shifting not solving a problem

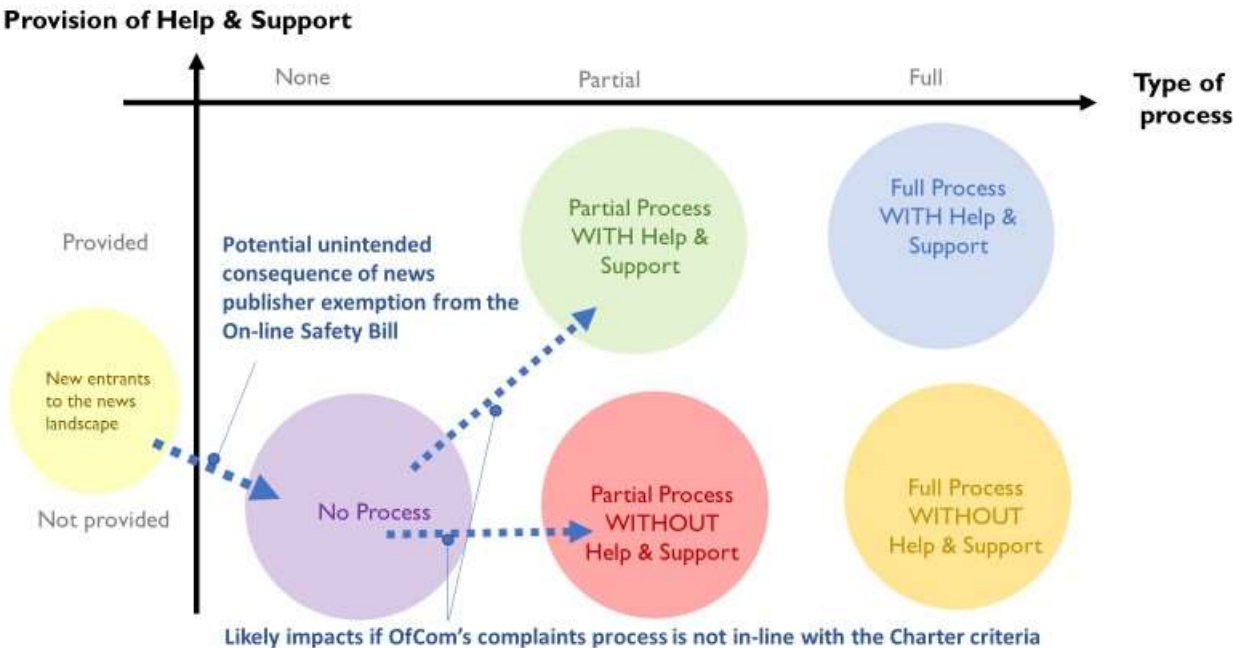
- If social media platforms become places where user generated material is actively 'policed', users fomenting hate might move to exempt places like on-line news publication websites which may not have complaints processes.

Creating opportunity for bad faith actors

- It is plausible that a bad faith actor could set up a site which does enough to attract exemption as a news publisher from the On-line Safety Bill, whilst still remaining outside any of the current press regulatory approaches and therefore providing no complaints process.

All of the potential impacts discussed in section 4 are summarised in Figure 4.2 below:

Figure 4.2: Potential impacts of the On-line Safety Bill



4.3 Summary

In covering user-to-user services and search services, and being extra-territorial, the On-line Safety Bill includes many of the potential newer routes to and locations for news encounters.

This is important in dealing with many of the aspects of fit and blurred boundaries highlighted in section 3.

Also, by bringing these 'newer' on-line routes to news into focus, it might seem well placed to reduce the number of different situations faced by complainants – down from five to fewer, improving coverage. However, these potential benefits would only be experienced by complainants IF news-related material were included in the Bill's ambit AND if the approach taken to complaints by the regulator the Bill provides, matches that of the referent model.

At the present time, the potential benefits of the On-line Safety Bill for the exemplar complainants in this work risk remaining largely unrealised because of the exemption of news publishers from the Bill's ambit. At best it might encourage some news material which currently has no complaints process into a space where there is a partial process. At worst, it may have the unintended effect of actively encouraging more players into a 'no process' space. It will also potentially introduce another regulator to the news landscape (OfCom) whose complaints process for any news material will need to match that of the referent model if it is not to bring yet another partial process into the already variable complaints landscape.

5. Conclusions

This work has highlighted gaps in the coverage of complaints processes across the UK press landscape from the consumer perspective. These gaps exist *between* processes – with some news material which is available to the UK public having no mechanism for complaint.

Gaps also exist *within* many of the complaints processes, which fall short of fulfilling the aspects outlined in the relevant criteria from the Royal Charter. Whilst these incomplete processes often provide helpful *in situ* ways of complaining, they do not provide all of the features of a specifically *press* complaints process, leaving the public and the press with only partial protection.

Furthermore, whether or not the public has access to a full press complaints process seems arbitrary and unfair – dependent in different instances on: whether or not news publishers subscribe to voluntary self-regulation; whether or not the complainant can access legal help; where the news is being consumed; and from where the news material originates.

The complaints processes which are there provide a variable match to the realities of modern day, increasingly on-line, news consumers. Whilst most processes have some good features, all of the processes are a poor fit for their potential users in one aspect or another.

With its ambit covering many of the new routes to news consumption, the On-line Safety Bill has the potential to fill some of the gaps in press complaints process coverage and fit, which have been highlighted in this work. However, realising this potential requires a consistency of approach to press complaints with that of the Royal Charter, and a more thorough consideration of the potential consequences (both intended and unintended) of how the Bill deals with news material as opposed to other on-line content.

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Appendix A: Assessing the complaints processes from the user's perspective – questions, followed by the Criteria from which they come

Assessment Questions			
Advice to the public about intrusion	y/n	Charges	y/n
I think a member of the press has 'intruded' on my privacy... Can I find advice about what to do? Where? Is it in plain English with support material/signposting?		Can I lodge my complaint without paying a fee?	
Complaints Handling		Escalation of a complaint	
I want to make a complaint about a news item or a member of the press... Can I find a complaint option where I am? Is it easy to find? Is it in plain English with support material/signposting? Is it clear to me...? If I can complain? On behalf of whom I can complain? If I have lodged the complaint? What remedies might be available to me? How long it will take to hear back? How will I hear back? What to do if it is not resolved?		Can I find an escalation process? Is it in plain English with support material/signposting? Is it clear to me...? If I can escalate? If I have escalated my complaint? How long it will take to hear back? How will I hear back? What to do if it is not resolved?	
		Remedies after escalation	
		Is it clear to me...? What remedies might be available to me? How long it might take to hear?	
Arbitration ahead of litigation			
I want to bring legal proceedings against a journalist/publication because of an issue around defamation, privacy or harassment. Is it clear that there is an arbitration service I can avail myself of?			

Issue	Charter	Indicators of what good looks like...	What does this mean for a user?
Advice to the public about intrusion	Criterion 8a: A self-regulatory body should provide advice to the public in relation to issues concerning the press and the standards code, along with a service to warn the press, and other relevant parties such as broadcasters and press photographers, when an individual has made it clear that they do not welcome press intrusion	<ul style="list-style-type: none"> • General and specific advice to the public is provided in a way which makes it easily accessible. • The service to warn the press is easily accessible and available. • The Regulator identifies appropriate tools and mechanisms to notify relevant parties on timescales which ensure that the recipients of it can respond promptly. 	<p>I think a member of the press has ‘intruded’ on my privacy...</p> <p>Can I find advice about what to do?</p> <ul style="list-style-type: none"> • Is it easy to find? • Is it easy to understand?
Complaints Handling	Criterion 10: The Board should require all those who subscribe to have an adequate and speedy complaint handling mechanism; it should encourage those who wish to complain to do so through that mechanism and should not receive complaints directly unless or until the internal complaints system has been engaged without the complaint being resolved in an appropriate time.	<ul style="list-style-type: none"> • The complaints procedure is easily accessible. • The Regulator requires subscribers to have a mechanism for dealing with complaints which is adequate and speedy including in that it should: <ul style="list-style-type: none"> ○ be publicised in a way which ensures that people who might wish to take advantage of it would know of its existence and how to use it; ○ identify when a complaint is being made; ○ facilitate the complainant’s understanding of how the complaint relates to the code; ○ acknowledge receipt of complaints and notify complainants how the complaint will be handled in an appropriate timeframe; ○ share findings of investigations and conclusions with complainant; and 	<p>I want to make a complaint about a news item or a member of the press...</p> <p>Can I find a complaints process?</p> <ul style="list-style-type: none"> • Is it easy to find? • Is it easy to understand? • Is it easy to use? <p>Is it clear to me...</p> <ul style="list-style-type: none"> • If I can complain? • On behalf of whom I can complain? • If I have actually lodged the complaint?

Issue	Charter	Indicators of what good looks like...	What does this mean for a user?
		<ul style="list-style-type: none"> ○ if the complaint is not resolved, provide details on how the complaint can be referred to the Regulator. • The Regulator has in place mechanisms which ensure that subscribers deal with complaints in a timeframe that is effective and proportionate for the subscriber and type of complaint, in accordance with performance indicators. • The Regulator requires subscribers to have an accessible complaints mechanism that considers vulnerable individuals and those who need additional support. 	<ul style="list-style-type: none"> • What remedies might be available to me? • How long it will take to hear back? • How I will hear back? • What to do if it is not resolved?
<p>Escalation of a complaint</p>	<p>Criterion II: 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:</p> <p>a) from anyone personally and directly affected by the alleged</p>	<ul style="list-style-type: none"> • The complaints and escalation procedure: <ul style="list-style-type: none"> ○ Is publicised and explained in a way which makes it easily accessible. ○ Operates in a manner and on a timescale which ensures complaint adjudications are effective. ○ Facilitate the complainant’s understanding of how the complaint relates to the code 	<p>Can I find an escalation process?</p> <ul style="list-style-type: none"> • Is it easy to find? • Is it easy to understand? • Is it easy to use? <p>Is it clear to me...</p> <ul style="list-style-type: none"> • If I can escalate? • If I have actually escalated my complaint? • How long it will take to hear back? • How I will hear back? • What to do if it is not resolved?

Issue	Charter	Indicators of what good looks like...	What does this mean for a user?
	<p>breach of the standards code, or</p> <p>b) 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</p> <p>c) from a third party seeking to ensure accuracy of published information.</p> <p>In the case of third party complaints the views of the party most closely involved should be taken into account.</p>		
Remedies after escalation	<p>Criterion 15: In relation to complaints, where a negotiated outcome between a complainant and a subscriber (pursuant to criterion 10) has failed, the Board should have the power to direct appropriate remedial action for breach of standards and the publication of corrections and apologies. Although remedies are essentially about correcting the record for individuals, the power to direct a correction and an</p>	<ul style="list-style-type: none"> • The mechanisms for achieving appropriate remedial action are designed to be credible and effective (including sufficiently fast) and operate in that way. 	<p>Is it clear to me...</p> <ul style="list-style-type: none"> • What remedies might be available to me? • How long it might take to hear?

Issue	Charter	Indicators of what good looks like...	What does this mean for a user?
	<p>apology must apply equally in relation to: a) individual standards breaches; and b) groups of people as defined in criterion 11 where there is no single identifiable individual who has been affected; and c) matters of fact where there is no single identifiable individual who has been affected.</p>		
	<p>Criterion 12a: The Board should be prepared to allow a complaint to be brought prior to legal proceedings being commenced. Challenges to that approach (and applications to stay or sist) can be decided on the merits.</p>		
<p>Fees for complaints</p>	<p>Criterion 14: It should continue to be the case that complainants are able to bring complaints free of charge</p>	<p>No charge for complaining</p>	<p>Can I lodge my complaint without paying a fee?</p>
<p>Arbitration ahead of litigation</p>	<p>Criterion 22: The Board should provide an arbitral process for civil legal claims against subscribers which: a) complies with the Arbitration Act 1996 or the Arbitration (Scotland) Act 2010 (as appropriate); b) provides suitable powers for the arbitrator to ensure the process operates fairly and quickly, and on an inquisitorial basis (so far as</p>	<p>The regulator either itself provides, or has in place arrangements to ensure that someone else will on its behalf provide, the arbitral process.</p> <p>Examples of evidence</p> <ul style="list-style-type: none"> • Information as to how the arbitral process operates in practice and a description of how it complies with criteria 22 (a) to (g). • Contracts/agreements between the regulator and its subscribers setting out arrangements for the arbitration of civil legal disputes. 	<p>I want to bring legal proceedings against a journalist/publication because of an issue around defamation, privacy or harassment.</p> <ul style="list-style-type: none"> • Is it clear that there is an arbitration service I can avail myself of?

Issue	Charter	Indicators of what good looks like...	What does this mean for a user?
	<p>possible); c) contains transparent arrangements for claims to be struck out, for legitimate reasons (including on frivolous or vexatious grounds); d) directs appropriate pre-publication matters to the courts; e) operates under the principle that arbitration should be free for complainants to use ; f) ensures that the parties should each bear their own costs or expenses, subject to a successful complainant's costs or expenses being recoverable (having regard to section 602 of the 1996 Act or Rule 63 of the Scottish Arbitration Rules³ and any applicable caps on recoverable costs or expenses); and g) overall, is inexpensive for all parties.</p>	<ul style="list-style-type: none"> • Guidance for the public on the arbitral process. 	

