

Secondary Complaints

Where a complainant is not personally identified or directly affected by the published material, the complaint is considered as a “secondary complaint” and some different procedures apply. These processes apply in addition to those applying to other types of complaint, unless those general processes are clearly inconsistent with the special ones described below.

1. The issues to be considered by the Council as a result of secondary complaints will be determined by the Executive Director, after considering the material to which the complaints refer and also any other possible breaches of the Council’s Standards of Practice arising from that material. These issues will not necessarily include all issues raised by complainants or be strictly limited to those which are raised explicitly by them.
2. Decisions by the Executive Director whether to consider the material in detail, seek a response from the publication and possibly refer it for adjudication will take account of the factors which apply to such decisions in all types of complaint, and also take account of the following factors:
 - the risk of aggravating any possible invasion of privacy or other harm caused to people or organisations which are directly affected by the material;
 - the extent to which informing the complainant, the media industry and the general public whether a particular type of breach has occurred may provide an important example of the application of the Council’s standards, even if people or organisations directly affected by it do not wish to make or endorse a complaint themselves or they cannot be contacted;
 - the extent to which consideration of the complaint might require the commitment of greater resources by the Council, the publication or the complainant than is reasonably proportionate to the significance of the possible breaches; or
 - the feasibility of considering the complaint in a way which will satisfactorily address any concerns arising from the above factors.
3. If the Executive Director decides to seek a response from the publication, the process will become a “secondary complaint” and the processes for handling it will differ from those for other complaints. In particular, the complaints processes do not involve the complainant unless the Executive Director decides that it is necessary to do so in order to clarify relevant issues of fact and opinion. However, the complainant is kept appropriately informed of the stage which the Council’s consideration has reached and of the final outcome.
4. After a complaint has been made to the Council, the complainant and publication should not seek to communicate about the complaint with a person who is the subject of the material in question, unless they have discussed with the Executive Director how, and by whom, the communication should be made. Failure to do so may limit the extent to which the Council can take account of a communication purporting to be from the person in question.
5. Where requested to do so by the complainant or the publication within seven days of being notified about the complaint, the Executive Director will seek to contact the person who is the subject of the material to which the complaint relates unless the Executive Director considers there are compelling reasons not to do so. The Executive Director may also decide to make such contact without having been requested to do so.
6. If contact is made, the person will be asked whether there are any key considerations of which the Council should be aware when deciding how to handle the complaint. They will not be asked to provide explicit agreement or disagreement to the Council continuing to consider the matter, but they will be given an opportunity to mention any reasons why it should or should not do so. Where appropriate, and with the consent of the person involved, those reasons will be conveyed to the complainant and/or publication for comment.