

Secondary Complaints

Where a complainant is not personally identified or likely to be identified by the published material, the complaint may be considered as a “secondary complaint” and the following special processes apply. Unless clearly inconsistent with these special processes, the processes applying to all other types of complaint also apply to secondary complaints.

1. The Council Secretariat decides which issues are to be considered by the Council as a result of secondary complaints. He or she does so after considering the complaints themselves and also any other possible breaches of the Council’s Standards of Practice that may arise from the material or action in question. The issues will not necessarily include, or be strictly limited, to those which are raised explicitly by the complainant.
2. Decisions by the Council Secretariat whether to consider the complaint in detail, seek a response from the publication and possibly refer to adjudication take account of the factors applying to such decisions in all types of complaint, and also the following factors:
 - the risk of aggravating any possible invasion of privacy or other harm caused to people or organisations identified or likely to be identified 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 those 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
 - the need for the APC to allocate its resources fairly and equitably across all the complaints it receives about reporting on a number and variety of issues and events, as well as across the other areas of work within its Constitutional ambit;
 - the feasibility of considering the complaint in a way which will satisfactorily address any concerns arising from the above factors.
3. If requested by the complainant or publication within seven days of their having been being notified of the complaint, the Council Secretariat may seek to contact the person who is the subject of the material to which the complaint relates, unless he or she considers there are compelling reasons not to do so. The Council Secretariat may also decide to make such contact without having been requested to do so.
4. The complainant may not be (and is not usually) involved in the Council’s ongoing consideration of the complaint unless the Council Secretariat decides it is desirable to do so in order to effectively clarify relevant issues of fact and opinion, or Standards of Practice. However, wherever possible, the complainant will be individually informed of the final outcome. Where this is impracticable, for example where there are multiple complainants, notification may be via a general notice on the Council’s website.
5. After the complaint has been made to the Council and referred to the publication, the complainant and publication should not communicate about the complaint with a person who is the subject of the published material or action in question, unless they have discussed with the Council Secretariat how, and by whom, the communication should be made. Failure to do so may limit the extent to which the Council takes account of a communication purporting to be from the person in question.
6. If contact is made, the person is asked whether there are any key considerations of which the Council should be aware when it decides 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 will have an opportunity to put forward 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.