

### **1 • How do I make a complaint?**

You should read [Making a Complaint](#) , where you'll notice that the first step is to approach the [editor/news director/website manager](#)

. A reasonable approach from both parties can often bring swift resolution by way of explanation, publication of a letter to the editor, or a correction/apology. If this doesn't work, you must fill out a

[Complaint Form](#)

and email or post it to us.

### **2 • How much does it cost to file a complaint?**

There is no cost.

### **3 • Does my complaint have to be in writing?**

Yes, you must fill out the [Complaint Form](#) .

### **4 • How long will it take to deal with my complaint?**

Each case is different so it will depend on how complex the issues are, but once your completed Complaint Form is received by the Executive Officer, he/she will be in touch with you immediately to explain the next step.

The Media Council is scheduled to meet monthly and we will aim to resolve each case as swiftly as possible to ensure issues are not allowed to drag on, putting unnecessary strain on those concerned.

You should allow at least one month for resolution; many complaints will be resolved more quickly than that, others might take a little longer.

### **5 • Does the Media Council deal with all media outlets on the island?**

All of the main news providers are involved in the Media Council of Bermuda initiative. For a full list of our members [click here](#) .

### **6 • I have a complaint but the media outlet in question is not listed as one of your members. Can you help?**

In such cases the Executive Officer of the Media Council will ask the complainant and the non-member to agree to their complaint being resolved by the Media Council. If the media outlet declines, the Media Council can still pass on correspondence to the relevant editor/news director/website manager — though this will depend on the circumstances of the complaint. Where there is no cooperation from the media outlet complained against, the Media Council, in consultation with the Executive Officer, will use its discretion in deciding whether or not to hear a complaint made against a non-member.

### **7 • How does the complaints process work?**

The Media Council's principal role in any complaint is essentially to act as a dispute resolution service. Through a process of mediation between the complainant and the editor/news director/website manager, we will try to come up with a resolution that is — primarily — satisfactory to you.

Our approach is non-confrontational and non-bureaucratic. We work transparently and all correspondence is seen by both sides so you are always clear about what the media outlet is proposing.

[The complaints process is fully explained here.](#)

### **8 • What are some of the ways my complaint might be resolved?**

We will always try to negotiate a resolution that you are satisfied with — but that is also reasonable in the circumstances. Typical examples will include: the publication/broadcast/posting of a correction, apology, follow-up article or letter/comment from you; a private letter of apology from the editor/news director/website manager; an undertaking as to future conduct by the media outlet and/or the annotation/amendment/deletion of online material to ensure that an error is not repeated.

In the early stages our Executive Officer will be able to advise you as to what might be an appropriate way of resolving your complaint. The precise location of a published/broadcast/posted correction or apology can be negotiated as part of this process.

### **9 • What happens if my complaint can't be resolved through mediation?**

If your complaint can't be resolved either directly with the editor/news director/website manager or through mediation facilitated by our Executive Officer, the Media Council will come to a decision under the Code of Practice. If they consider that there is a breach of the Code that remains unresolved, the complaint will be upheld. The Media Council will then issue a critical ruling that sets out the background to the case. The Media Council will publish all upheld complaints on its website. Also, the media outlet complained against is obliged to publish/broadcast/post the Media Council's decision.

On the other hand, sometimes the Media Council will decide that there has not, in fact, been a breach of the Code or that a media outlet's offer to resolve the complaint is sufficient in the circumstances. No further action would therefore be necessary. Since there would be no outstanding breach of the Code, the complaint would be recorded as 'not upheld'. We will list the outcome of all complaints in our annual reports.

### **10 • What is the Media Council's greatest sanction?**

The greatest penalty the Media Council can impose is to make a reasoned decision against the media outlet. The media outlet is compelled to publish/broadcast/post the decision, with due prominence, and it may be reported on by other media. This is a very strong deterrent which effectively acts as a powerful 'name and shame' sanction as editors/news directors/website managers do not like having to publicize their mistakes to their staff, readers and competitors. If the breach is particularly serious, and/or forms part of a pattern of behaviour, the Media Council can also refer the editor/news director/website manager to his or her outlet's publisher/owner. A serious breach, and/or a pattern of poor judgement could potentially have severe consequences for media professionals, career-wise.

### **11 • Can I appeal the decision of the Media Council?**

No. The decision of the Media Council is final.

### **12 • If I'm unhappy with the Media Council's decision, can I take action against it?**

No. Along with all complainants, you must sign a Waiver & Consent Form that prohibits you from taking any action against the Media Council or its individual members. Bear in mind that the members of the Media Council are all volunteers who give up their time to help resolve grievances. It's an alternative to costly litigation and should not be seen as a legal process.

### **13 • Your Complaints Procedure states that decisions against media outlets must be**

### **published/broadcast/posted with ‘due prominence’. What does this mean?**

There is no strict definition of this term. However, the requirement for due prominence in our Code of Practice (section 3b) means that the Media Council expects its decisions to be published/broadcast/posted somewhere that is proportionate to the original breach.

This common-sense approach does not necessarily mean that something has to be published/broadcast/posted with exactly the same prominence as the original item, as there will be a number of factors to consider in each case, including: the gravity of the error; the speed with which it has been addressed by the media outlet; the proportion of the original story/item that was in breach of the Code; and whether the media outlet has a designated corrections column/slot.

### **14 • Why doesn't the Media Council impose fines on media outlets?**

In order to do this, the Media Council would probably have to have statutory powers of enforcement, which would fundamentally change the nature of the system it oversees. Many of the existing benefits would be removed or reduced — it would become more legalistic, more confrontational and less flexible. But in any case, evidence from other countries suggests that where fines do exist (in France, for example) editors/news directors/website managers risk publishing/broadcasting/posting questionable stories — and then paying the damages — because the increase in sales/viewership more than compensates for the cost of the fine. Critical decisions are a much more powerful sanction.

A 2006 public opinion survey in the U.K. found that 68 per cent of people would prefer a system that offered a swift apology and no fine rather than one which offered apologies and fines after a lengthy legal process.

Feedback received by the Press Complaints Commission in the U.K. frequently praises the speed with which it is able to resolve a complaint. This would not be the case if a formal system of financial penalties was involved.

Also, there is a commercial disincentive to breaching the Code of Practice as frequent breaches dent credibility in the eyes of advertisers.

### **15 • Can anyone complain to the Media Council?**

Yes. The Media Council is specifically designed to help members of the public who find themselves — often through no fault of their own — mentioned in the media. Our services require no legal representation or specialist knowledge of the media.

### **16 • How often does the Media Council meet?**

It is scheduled to meet once a month, though this might change subject to the volume of complaints.

### **17 • Do I need a lawyer to help me make a complaint?**

No. The Media Council does not accept the involvement of lawyers in the complaints procedure, which is designed to be a free, non-legal redress.

If a complaint is lodged by a lawyer acting for a client, the Executive Officer will request that the lawyer pass the correspondence on to you (the complainant) and that you be responsible for dealing with the matter.

If you would like help in making a complaint, we will be happy to assist wherever possible — please e-mail [info@mediacouncilofbermuda.org](mailto:info@mediacouncilofbermuda.org) if you need help. [Click here](#) for a full explanation of how the complaints procedure works and [here for instructions](#) on how to file a complaint.

### **18 • Can I get financial compensation through the Media Council?**

No. We have no formal powers to negotiate compensation on behalf of complainants and generally speaking if you are seeking money, you will need to take legal advice.

### **19 • Complaints against newspapers and websites have to be made within 60 days, 30 days for broadcasters. Why?**

Common sense dictates that complaints are most appropriately investigated while the circumstances remain fresh in the minds of those involved, and where supporting evidence like reporters' notes are still available. As such, any long delay will inevitably impact on the extent to which we can reach a finding on a case; as well as the possible action necessary from a media outlet to resolve the complaint.

Generally speaking, we cannot accept complaints more than two months after publication/posting of the article, except in extraordinary circumstances. The time frame is shorter for broadcast because of the limited availability of tapes.

The Media Council will consider reasons why it may not have been possible to make a complaint at the time of publication/broadcast/posting.

### **20 • What sort of cases can the Media Council generally NOT deal with?**

The Media Council does not deal with:

- Legal or contractual matters that are dealt with more appropriately by the courts;
- Concerns about matters of taste and decency. Why? Questions of taste and decency are always highly subjective, and if the Media Council were to have to decide whether something was 'tasteless' or 'offensive', it could become a moral arbiter, thereby inhibiting media outlets' right to free expression. Editors/news directors/website managers are expected to be acutely aware of what is and is not acceptable to their readers/viewers. If they do publish/broadcast/post material that causes offence to their readers/viewers, they know that they run the risk of losing them. Also note, however, that Section 8 of the Code of Conduct demands particular sensitivity when dealing with children while Section 10 stipulates that in crime reporting, the media shall use due care and responsibility with regard to the presentation of brutality, sexual content, violence and atrocities.

### **21. Can media outlets report whatever is revealed in a court or inquest, even if it is upsetting?**

The Media Council recognizes that media attention during a court case or inquest can be distressing to the families and friends of those directly involved and especially in a small island community like ours. Generally speaking, the principle of open justice is such that media outlets are entitled to report on what is revealed in court, provided that the court has not imposed any reporting restrictions (which will be made clear at the start of a case).

However, there is a provision in the Code which is relevant to reporting in this area: [Section 7 \(Intrusion into grief or shock\)](#)

of the Code states that publication must be handled sensitively at times of grief and shock. It also makes clear that this 'does not restrict the right to report legal proceedings, such as inquests'. So, while the Code entitles media outlets to report any inquest or court case, it also

requires that sensitivity at the same time be shown to those in grief. This may mean not making light of the circumstances of the death, or lingering gratuitously on gory details.

### **22 • I have a disability that makes it difficult for me to complain. Can the Media Council still help me?**

If you have trouble reading, we can make the Code of Practice and any of the other documents posted on this website available in large print format. If you are not able to make your complaint in writing for any reason — and cannot be assisted by a friend or relative — our Executive Officer can take the details of your concern over the telephone (236-7043). A transcript of your concerns will then be sent back to you for your signed authorization. Your complaint will then be taken forward as normal.

If you have a friend or relative who can lodge the complaint, [click here for more information about Third Party Complaints](#) and [here for the Third Party Complaint Form](#)

### **23 • I find it difficult to write at length in English. Can I make my complaint in a foreign language?**

Unfortunately we are not able to accept complaints made in other languages. You may wish to ask a friend to make the complaint in English on your behalf, which we can accept with your signed authorization. [Click here](#) for the Third Party Complaint Form.

### **24 • I want to lodge a complaint on behalf of a child. Can I do so?**

Yes you can — but only if you are the child's parent or legal guardian. [Click here](#) to find out more about Third Party Complaints.

### **25 • Can I submit my complaint online or does it have to be by mail?**

Yes you can. To go to our online Complaint Form [click here](#) . At the foot of the form you will find both our e-mail and mail addresses.

### **26 • Can I attend the meeting of the Media Council when it deals with my complaint?**

You (as the complainant) cannot attend a meeting of the Media Council and nor can any lawyers or any representative of the media outlet complained against. It is important that

members of the Council feel free to have candid, uninhibited discussions and especially since they will sometimes be tackling sensitive issues such as invasions of privacy. The meeting format must not resemble a court of law and it is considered best practice for the meetings to be informal.

Minutes of meetings will be taken and kept by the Council, but only the decision will be made public. All [upheld complaints will be posted](#) on the Media Council's website.

**27 • I have a complaint about a story that came out two years ago. Can the Media Council deal with retroactive complaints?**

No. The Council will only hear complaints that arise from stories that were published/broadcast/posted on or after the day the Media Council of Bermuda became active. The Media Council of Bermuda became active on Wednesday, February 2, 2011.

**28 • Can I contact the Media Council out of office hours?**

You can email us at any time but complaints are unlikely to be responded to out of office hours. The email address is: [info@mediacouncilofbermuda.org](mailto:info@mediacouncilofbermuda.org)

The mailing address is: Media Council of Bermuda, Suite 1235, 48 Par-la-Ville Road, Hamilton HM11

**29 • Can I speak to someone for advice before submitting my complaint?**

Yes, during office hours you can call our [Executive Officer](#) on 236-7043.

**Acknowledgement:** *Some of the information above has been adapted, with permission, from the U.K.'s Press Complaints Commission. The Media Council of Bermuda is extremely grateful for their help and cooperation.*