

theguardian

12 November 2009

From the editor
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Paul Dacre
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Dear Paul

I tried to contact you while you were away to tell you that I would like to step down from the Code Committee. I think it performs a very valuable function and I have enjoyed sitting on it under your chairmanship, working to improve and update the Code of Practice. But I am afraid that I am personally out of sympathy with the PCC at the moment. Its code is excellent: its mediation work is often very valuable. But, to my mind, it is not suited to the task of regulation as most people would understand that term.

I do not think this is a sustainable position in the long term. I shall follow Peta Buscombe's attempts to reform the governance of the PCC with interest and hope that good things follow from them.

Very best wishes,



Alan Rusbridger
Editor in Chief

cc Baroness Peta Buscombe – Chair, PCC
Ian Beales – Secretary, PCC Code Committee

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Guidelines

The Guardian's
editorial code
January 2002

Appendix 3.3: Areas of interest and companies that GMG holds

Guardian Media Group's national newspaper division (GNL) publishes *The Guardian*, *The Observer*, *The Guardian Weekly*, *Guardian Europe*, *Money Observer*; it is the electronic publisher of *Guardian Unlimited*, and co-publisher of *learn.co.uk*.

GMG is also the publisher of the *Manchester Evening News*, the *Reading Evening Post* and 44 weekly newspapers, as well of co-publishing *Metro* in Manchester.

GMG half-owns *Trafford Park Printers* and has publishing subsidiaries in Holland, Italy, Norway and South Africa.

The company operates regional and local radio stations and has a co-holding in *Jazz FM*.

The **Trader Media Group** division publishes *Auto Trader* and nine other allied titles.

On-line there is *workthing.com* and *Fish4*.

Television interests include *Channel M* and *Artsworld*.

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Summary

"A newspaper's primary office is the gathering of news. At the peril of its soul it must see that the supply is not tainted."

The most important currency of the Guardian is trust. This is as true today as when CP Scott marked the centenary of the founding of the paper with his famous essay on journalism in 1921.

The purpose of this code is, above all, to protect and foster the bond of trust between the paper and its readers, and therefore to protect the integrity of the paper and of the editorial content it carries.

As a set of guidelines, this will not form part of a journalist's contract of employment, nor will it form part, for either editorial management or journalists, of disciplinary, promotional or recruitment procedures. However, by observing the code, journalists working for the Guardian will be protecting not only the paper but also the independence, standing and reputation of themselves and their colleagues. It is important that freelancers working for the Guardian also abide by these guidelines while on assignment for the paper.

Press Complaints Commission Code of Conduct

The Guardian — in common with most other papers in Britain — considers the PCC's Code of Conduct to be a sound statement of ethical behaviour for journalists. It is written into our terms of employment that staff should adhere to the Code of Conduct. It is attached below [Page 11] so that all editorial staff can familiarise themselves with it — and comments in this document which relate to the PCC code are marked with an asterisk.

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supply is not tainted. Neither in what it gives, nor in what it does not give, nor in the mode of presentation must the unclouded face of truth suffer wrong. Comment is free, but facts are sacred. 'Propaganda,' so called, by this means is hateful. The voice of opponents no less than that of friends has a right to be heard. Comment also is justly subject to a self-imposed restraint. It is well to be frank; it is even better to be fair. This is an ideal. Achievement in such matters is hardly given to man. We can but try, ask pardon for shortcomings, and there leave the matter.

But, granted a sufficiency of grace, to what further conquests may we look, what purpose serve, what task envisage? It is a large question, and cannot be fully answered. We are faced with a new and enormous power and a growing one. Whither is the young giant tending? What gifts does he bring? How will he exercise his privilege and powers? What influence will he exercise on the minds of men and on our public life? It cannot be pretended that an assured and entirely satisfactory answer can be given to such questions. Experience is in some respects disquieting. The development has not been all in the direction which we should most desire.

One of the virtues, perhaps almost the chief virtue, of a newspaper is its independence. Whatever its position or character, at least it should have a soul of its own. But the tendency of newspapers, as of other businesses, in these days is towards amalgamation. In proportion, as the function of a newspaper has developed and its organisation expanded, so have its costs increased. The smaller newspapers have had a hard struggle; many of them have disappeared. In their place we have great organisations controlling a whole series of publications of various kinds and even of differing or opposing politics. The process may be inevitable, but clearly there are drawbacks. As organisation grows personality may tend to disappear. It is much to control one newspaper well; it is perhaps beyond the reach of any man, or any body of men, to control half a dozen with equal success. It is possible to exaggerate the danger, for the public is not undiscerning. It recognises the authentic voices of conscience and conviction when it finds them, and it has a shrewd intuition of what to accept and what to discount.

This is a matter which in the end must settle itself, and those who cherish the older ideal of a newspaper need not be dismayed. They have only to make their papers good enough in order to win, as well as to merit, success, and the resources of a newspaper are not wholly measured in pounds, shillings, and pence. Of course the thing can only be done by competence all round, and by that spirit of co-operation right through the working staff which only a common ideal can inspire.

There are people who think you can run a newspaper about as easily as you can poke a fire, and that knowledge, training, and aptitude are superfluous endowments. There have even been experiments on this assumption, and they have not met with success. There must be competence, to start with, on the business side, just as there must be in any large undertaking, but it is a mistake to suppose that the business side

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ce, or to portray a character in an article; there is almost never a case in which we need to use a swearword outside direct quotes. The stronger the swearword, the harder we ought to think about using it. Avoid using in headlines, pull quotes and standfirsts and never use asterisks, which are just a copout.

Legal Our libel and contempt laws are complex, and constantly developing. The consequences of losing actions can be expensive and damaging for our reputation. Staff should a) familiarise themselves with the current state of the law and seek training if they feel unconfident about aspects of it; b) consult our in-house legal department or night lawyers about specific concerns on stories; c) read the regular legal bulletins about active cases and injunctions emailed by the legal department.

Payment In general, the Guardian does not pay for stories, except from bona fide freelance sources. The editor or his deputies must approve rare exceptions.

PCC and libel judgments Judgments by the PCC and the outcome of defamation actions relating to the Guardian, should be reported promptly.

Photographs Digitally enhanced or altered images, montages and illustrations should be clearly labelled as such.

Plagiarism Staff must not reproduce other people's material without attribution. The source of published material obtained from another organisation should be acknowledged including quotes taken from other newspaper articles. Bylines should be carried only on material that is substantially the work of the bylined journalist. If an article contains a significant amount of agency copy then the agency should be credited.

Privacy In keeping with both the PCC Code and the Human Rights Act we believe in respecting people's privacy. We should avoid intrusions into people's privacy unless there is a clear public interest in doing so. Caution should be exercised about reporting and publishing identifying details, such as street names and numbers, that may enable others to intrude on the privacy or safety of people who have become the subject of media coverage.

Race In general, we do not publish someone's race or ethnic background or religion unless that information is pertinent to the story. We do not report the race of criminal suspects unless their ethnic background is part of a description that seeks to identify them or is an important part of the story (for example, if the crime was a hate crime).

Sources Sources promised confidentiality must be protected at all costs. However, where possible, the sources of information should be identified as specifically as possible.

Subterfuge Journalists should generally identify themselves as Guardian employees when working on a story. There may be instances involving stories of exceptional public interest where this does not apply, but this need the approval of a head of department.

material concerned ought to be published in the public interest and payment is necessary for this to be done.

The public interest

There may be exceptions to the clauses marked ** where they can be demonstrated to be in the public interest.

- 1 The public interest includes:
 - i) Detecting or exposing crime or a serious misdemeanour;
 - ii) Protecting public health and safety;
 - iii) Preventing the public from being misled by some statement or action of an individual or organisation.
- 2 In any case where the public interest is invoked, the Press Complaints Commission will require a full explanation by the editor demonstrating how the public interest was served.
- 3 There is a public interest in freedom of expression itself. The Commission will therefore have regard to the extent to which material has, or is about to, become available to the public.
- 4 In cases involving children editors must demonstrate an exceptional public interest to override the normally paramount interest of the child.

Acting in an advisory capacity in the preparation of a report for an organisation, for example, would require a declaration every time the journalist wrote an article referring to it.

- 3 Some connections are obvious and represent the reason why the writer has been asked to contribute to the paper. These should always be stated at the end of the writer's contribution even if he or she contributes regularly, so long as the writer is writing about his or her area of interest.
- 4 Generally speaking a journalist should not write about or quote a relative or partner in a piece, even if the relative or partner is an expert in the field in question. If, for any reason, an exception is made to this rule, the connection should be made clear.
- 5 Commissioning editors should ensure that freelancers asked to write for the Guardian are aware of these rules and make any necessary declaration.

Declarations of corporate interest

The Guardian is part of a wider group of media companies. We should be careful to acknowledge that relationship in stories.

Anyone writing a story concerning Guardian-related businesses should seek comments and/or confirmation in the normal way. Staff should familiarise themselves with the companies and interests we have. At the end of this document is a broad outline of the areas and companies which we own or in which we have an interest. Fuller details are on the GMG website, in the sub-section 'Annual Reports' in the section called 'Financial Reports': <http://www.gmgplc.co.uk/gmg/>

Financial reporting

For many years the Guardian's City office has maintained a register of personal shares. All staff are expected to list all shares that they own, any transactions in those shares and any other investments which they believe ought to be properly disclosed because of a potential conflict of interest. While it is acceptable for financial members to own shares, it is not acceptable for them to be market traders on a regular basis. It is most important that the register is kept and that all information in it is up to date. The attention of Guardian journalists is also drawn to the provisions of the PCC Code of Practice and to the PCC's recently strengthened guidelines on financial journalism. This reads:

- i) Even where the law does not prohibit it, journalists must not use for their own profit financial information they receive in advance of its general publication, nor should they pass such information to others.
- ii) They must not write about shares or securities in whose performance they know that they or their close families have a significant financial interest without disclosing the interest to the editor or financial editor.
- iii) They must not buy or sell, either directly or through nominees or agents, shares or

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7 Children in sex cases**

1 The press must not, even where the law does not prohibit it, identify children under the age of 16 who are involved in cases concerning sexual offences, whether as victims or as witnesses.

2 In any press report of a case involving a sexual offence against a child,

- i)** the child must not be identified;
- ii)** the adult may be identified;
- iii)** the word 'incest' must not be used where a child victim might be identified;
- iv)** care must be taken that nothing in the report implies the relationship between the accused and the child.

8 Listening devices**

Journalists must not obtain or publish material obtained by using clandestine listening devices or by intercepting private telephone conversations.

9 Hospitals**

- i)** Journalists or photographers making enquiries at hospitals or similar institutions should identify themselves to a responsible executive and obtain permission before entering non-public areas.
- ii)** The restrictions on intruding into privacy are particularly relevant to enquiries about individuals in hospitals or similar institutions.

10 Reporting of crime**

- i)** The press must avoid identifying relatives or friends of persons convicted or accused of crime without their consent.
- ii)** Particular regard should be paid to the potentially vulnerable position of children who are witnesses to, or victims of, crime. This should not be interpreted as restricting the right to report judicial proceedings.

11 Misrepresentation**

- i)** Journalists must not generally obtain or seek to obtain information or pictures through misrepresentation or subterfuge.
- ii)** Documents or photographs should be removed only with the consent of the owner.
- iii)** Subterfuge can be justified only in the public interest and only when material cannot be obtained by any other means.

12 Victims of sexual assault

The press must not identify victims of sexual assault or publish material likely to contribute to such identification unless there is adequate justification and, by law, they are free to do so.

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or commercial organisations.

- 3** Undertake any outside employment likely to conflict with their professional duties at the Guardian.
- 4** Chair public or political forums or appear on platforms.
- 5** Make representations or give evidence to any official body in connection with material which has been published in the Guardian.

Relationships Staff members should not write about, photograph or make news judgments about any individual related by blood or marriage or with whom the staff member has a close personal, financial or romantic relationship. A staff member who is placed in a circumstance in which the potential for this kind of conflict exists should advise his or her department head.

Guidelines

The Guardian's Editorial Code

Updated April 2007

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The purpose of this code is, above all, to protect and foster the bond of trust between the Guardian (in print and online) and its readers, and therefore to protect the integrity of the paper and of the editorial content it carries.

As a set of guidelines this will not form part of a journalist's contract of employment, nor will it form part, for either editorial management or journalists, of disciplinary, promotional or recruitment procedures. However, by observing the code, journalists working for the Guardian will be protecting not only the paper but also the independence, standing and reputation of themselves and their colleagues. It is important that freelancers working for the Guardian also abide by these guidelines while on assignment for the paper.

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1. Professional practice

Anonymous quotations We recognise that people will often speak more honestly if they are allowed to speak anonymously. The use of non-attributed quotes can therefore often assist the reader towards a truer understanding of a subject than if a journalist confined him/herself to quoting bland on-the-record quotes. But if used lazily or indiscriminately anonymous quotes become a menace.

We should be honest about our sources, even if we can't name them.

The New York Times policy on pejorative quotes is worth bearing in mind: "The vivid language of direct quotation confers an unfair advantage on a speaker or writer who hides behind the newspaper, and turns of phrase are valueless to a reader who cannot assess the source."

There may be exceptional circumstances when anonymous pejorative quotes may be used, but they will be rare — and only after consultation with the senior editor of the day. In the absence of specific approval we should paraphrase anonymous pejorative quotes.

Children* Special care should be taken when dealing with children (under the age of 16). Heads of departments must be informed when children have been photographed or interviewed without parental consent. (See PCC code, section 6)

Copy approval The general rule is that no one should be given the right to copy approval. In certain circumstances we may allow people to see copy or quotes but we are not required to alter copy. We should avoid offering copy approval as a method of securing interviews or co-operation.

Direct quotations Should not be changed to alter their context or meaning.

Errors It is the policy of the Guardian to correct significant errors as soon as possible. Journalists have a duty to cooperate frankly and openly with the Readers' Editor and to report errors to her. All complaints should be brought to the attention of a department head, the managing editor or the Readers' Editor. All journalists should read both the daily and weekly column.

Fairness *"The voice of opponents no less than of friends has a right to be heard . . . It is well to be frank; it is even better to be fair"* (CP Scott, 1921). The more serious the criticism or allegations we are reporting the greater the obligation to allow the subject the opportunity to respond.

Grief* People should be treated with sensitivity during periods of grief and trauma. (See PCC code, section 5)

Language Respect for the reader demands that we should not casually use words that are likely to offend. Use swear words only when absolutely necessary to the facts of a piece, or to portray a character in an article; there is almost never a case in which we need to use a swearword outside direct quotes. The stronger the swearword, the harder we ought to think about using it. Avoid using in headlines, pull quotes and standfirsts and never use asterisks, which are just a cop-out.

Legal Our libel and contempt laws are complex, and constantly developing. The consequences of losing actions can be expensive and damaging for our reputation. Staff should a) familiarise themselves with the current state of the law and seek training if they feel unconfident about aspects of it; b) consult our in-house legal department or night lawyers about specific concerns on stories; c) read the regular legal bulletins about active cases and injunctions emailed by the legal department.

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Sources Sources promised confidentiality must be protected at all costs. However, where possible, the sources of information should be identified as specifically as possible.

Subterfuge Journalists should generally identify themselves as Guardian employees when working on a story. There may be instances involving stories of exceptional public interest where this does not apply, but this needs the approval of a head of department.

Suicide Journalists are asked to exercise particular care in reporting suicide or issues involving suicide, bearing in mind the risk of encouraging others. This should be borne in mind both in presentation, including the use of pictures, and in describing the method of suicide. Any substances should be referred to in general rather than specific terms if possible. When appropriate a helpline number should be given (eg Samaritans 08457 90 90 90). The feelings of relatives should also be carefully considered.

2. Personal behaviour and conflicts of interest

The Guardian values its reputation for independence and integrity. Journalists clearly have lives, interests, hobbies, convictions and beliefs outside their work on the paper. Nothing in the following guidelines is intended to restrict any of that. It is intended to ensure that outside interests do not come into conflict with the life of the paper in a way that either compromises the Guardian's editorial integrity or falls short of the sort of transparency that our readers would expect. The code is intended to apply to all active outside interests which, should they remain undeclared and become known, would cause a fair-minded reader to question the value of a contribution to the paper by the journalist involved.

These are guidelines rather than one-size-fits-all rules. If you are employed as a columnist — with your views openly on display — you may have more latitude than a staff reporter, who would be expected to bring qualities of objectivity to their work. (The Washington Post's Code has some sound advice: "Reporters should make every effort to remain in the audience, to stay off the stage, to report the news, not to make the news.") If in doubt, consult a head of department, the managing or deputy editors, or the editor himself.

Commercial products No Guardian journalist or freelance primarily associated with the Guardian should endorse commercial products unless with the express permission of their head of department or managing editor.

Confidentiality Desk editors with access to personal information relating to other members of staff are required to treat such information as confidential, and not disclose it to anyone except in the course of discharging formal responsibilities.

Conflicts of interest Guardian staff journalists should be sensitive to the possibility that activities outside work (including holding office or being otherwise actively involved in organisations, companies or political parties) could be perceived as having a bearing on — or as coming into conflict with — the integrity of our journalism. Staff should be transparent about any outside personal, philosophical or financial interests that might conflict with their professional performance of duties at the Guardian, or could be perceived to do so.

Declarations of interest

1. It is always necessary to declare an interest when the journalist is writing about something with which he or she has a significant connection. This applies to both staff journalists and freelancers writing for the Guardian. The declaration should be to a head of department or editor during preparation. Full transparency may mean that the declaration should appear in the paper or website as well.
2. A connection does not have to be a formal one before it is necessary to declare it. Acting in an advisory capacity in the preparation of a report for an organisation, for example, would require a declaration every time the journalist wrote an article referring to it.
3. Some connections are obvious and represent the reason why the writer has been asked to contribute to the paper. These should always be stated at the end of the writer's contribution even if he or she contributes regularly, so long as the writer is writing about his or her area of interest.
4. Generally speaking a journalist should not write about or quote a relative or partner in a piece, even if the relative or partner is an expert in the field in question. If, for any reason, an exception is made to this rule, the connection should be made clear.
5. Commissioning editors should ensure that freelancers asked to write for the Guardian are aware of these rules and make any necessary declaration.

Declarations of corporate interest The Guardian is part of a wider group of media companies. We should be careful to acknowledge that relationship in stories. Anyone writing a story concerning Guardian-related businesses should seek comments and/or confirmation in the normal way. Staff should familiarise themselves with the companies and interests we have. At the end of this document is a summary of the areas and companies that GMG owns or in which it has an interest. Full details are on the GMG website at <http://www.gmgplc.co.uk/>

Financial reporting

Top of Form

For many years the Guardian's business desk has maintained a register of personal shares. All staff are expected to list all shares that they own, any transactions in those shares and any other investments which they believe ought to be properly disclosed because of a potential conflict of interest. While it is acceptable for financial members to own shares, it is not acceptable for them to be market traders on a regular basis. It is most important that the register is kept and that all information is up to date. The attention of Guardian journalists is also drawn to Section 13 of the PCC Code of Practice (below) and to the PCC's best-practice guidelines on financial journalism (<http://www.pcc.org.uk/news/index.html?article=OTM>) which can also be found in the "code advice" section of the PCC website <http://www.pcc.org.uk/>.

Bottom of Form

The Code:

- prohibits the use of financial information for the profit of journalists or their associates;
- imposes restrictions on journalists writing about shares in which they or their close families have a significant interest without internal disclosure;
- stops journalists dealing in shares about which they have written recently or intend to write in the near future; and
- requires that financial journalists take care not to publish inaccurate material and to distinguish between comment, conjecture and fact. This is particularly important for any journalists making investment recommendations to readers about whether to buy, sell or hold shares.

Freelance work As a general rule avoid freelance writing for house magazines of particular businesses or causes if the contribution could be interpreted as an endorsement of the concern. If in doubt consult your head or department.

Freebies

1. Staff should not use their position to obtain private benefit for themselves or others.
2. The Guardian and its staff will not allow any payment, gift or other advantage to undermine accuracy, fairness or independence. Any attempts to induce favourable editorial treatment through the offer of gifts or favours should be reported to the editor. Where relevant the Guardian will disclose these payments, gifts or other advantages.
3. We should make it clear when an airline, hotel or other interest has borne the cost of transporting or accommodating a journalist. Acceptance of any such offer is conditional on the Guardian being free to assign and report or not report any resulting story as it sees fit.
4. Except in some areas of travel writing it should never need to be the case that the journalist's partner, family or friends are included in any free arrangement. When a partner, family member or friend accompanies the journalist on a trip, the additional costs should generally be paid for by the journalist or person accompanying the journalist.
5. Staff should not be influenced by commercial considerations — including the interests of advertisers — in the preparation of material for the paper.
6. Gifts other than those of an insignificant value (say, less than £25) should be politely returned or may be entered for the annual raffle of such items for charity, "the sleaze raffle".

Guardian connections Staff members should not use their positions at the Guardian to seek any benefit or advantage in personal business, financial or commercial transactions not afforded to the public generally. Staff should not use Guardian stationery in connection with non-Guardian matters or cite a connection with the paper to resolve consumer grievances, get quicker service or seek discount or deals.

Outside engagements or duties The Guardian accepts the journalist's right to a private life and the right to take part in civic society. However, staff should inform their immediate editor if, in their capacity as an employee of the Guardian, they intend to:

1. Give evidence to any court.
2. Chair public forums or seminars arranged by professional conference organisers or commercial organisations.
3. Undertake any outside employment likely to conflict with their professional duties at the Guardian.
4. Chair public or political forums or appear on platforms.
5. Make representations or give evidence to any official body in connection with material that has been published in the Guardian.

Relationships Staff members should not write about, photograph or make news judgments about any

individual related by blood or marriage or with whom the staff member has a close personal, financial or romantic relationship. A staff member who is placed in a circumstance in which the potential for this kind of conflict exists should advise his or her department head.

3. Appendices

Appendix 3.1 Press Complaints Commission Code of Practice

The Press Complaints Commission <http://www.pcc.org.uk> is charged with enforcing the following Code of Practice [PDF 684kb], which was framed by the newspaper and periodical industry and was ratified by the PCC on August 7 2006.

THE CODE

All members of the press have a duty to maintain the highest professional standards. This Code sets the benchmark for those ethical standards, protecting both the rights of the individual and the public's right to know. It is the cornerstone of the system of self-regulation to which the industry has made a binding commitment.

It is essential that an agreed code be honoured not only to the letter but in the full spirit. It should not be interpreted so narrowly as to compromise its commitment to respect the rights of the individual, nor so broadly that it constitutes an unnecessary interference with freedom of expression or prevents publication in the public interest.

It is the responsibility of editors and publishers to implement the Code and they should take care to ensure it is observed rigorously by all editorial staff and external contributors, including non-journalists, in printed and online versions of publications. Editors should co-operate swiftly with the PCC in the resolution of complaints. Any publication judged to have breached the Code must print the adjudication in full and with due prominence, including headline reference to the PCC.

1 Accuracy

- i. The Press must take care not to publish inaccurate, misleading or distorted information, including pictures.
- ii. A significant inaccuracy, misleading statement or distortion once recognised must be corrected, promptly and with due prominence, and - where appropriate - an apology published.
- iii. The Press, whilst free to be partisan, must distinguish clearly between comment, conjecture and fact.
- iv. A publication must report fairly and accurately the outcome of an action for defamation to which it has been a party, unless an agreed settlement states otherwise, or an agreed statement is published.

2 Opportunity to reply

A fair opportunity for reply to inaccuracies must be given when reasonably called for.

3 *Privacy

- i. Everyone is entitled to respect for his or her private and family life, home, health and correspondence, including digital communications. Editors will be expected to justify intrusions into any individual's private life without consent.
- ii. It is unacceptable to photograph individuals in private places without their consent.

Note: Private places are public or private property where there is a reasonable expectation of privacy.

4 *Harassment

- i. Journalists must not engage in intimidation, harassment or persistent pursuit.
- ii. They must not persist in questioning, telephoning, pursuing or photographing individuals once asked to desist; nor remain on their property when asked to leave and must not follow them.
- iii. Editors must ensure these principles are observed by those working for them and take care not to use non-compliant material from other sources.

5 **Intrusion into grief or shock**

i. In cases involving personal grief or shock, enquiries and approaches must be made with sympathy and discretion and publication handled sensitively. This should not restrict the right to report legal proceedings, such as inquests.

*ii. When reporting suicide, care should be taken to avoid excessive detail about the method used.

6 ***Children**

i. Young people should be free to complete their time at school without unnecessary intrusion.

ii. A child under 16 must not be interviewed or photographed on issues involving their own or another child's welfare unless a custodial parent or similarly responsible adult consents.

iii. Pupils must not be approached or photographed at school without the permission of the school authorities.

iv. Minors must not be paid for material involving children's welfare, nor parents or guardians for material about their children or wards, unless it is clearly in the child's interest.

v. Editors must not use the fame, notoriety or position of a parent or guardian as sole justification for publishing details of a child's private life.

7 ***Children in sex cases**

1. The press must not, even if legally free to do so, identify children under 16 who are victims or witnesses in cases involving sex offences.

2. In any press report of a case involving a sexual offence against a child:

i. the child must not be identified;

ii. the adult may be identified:

iii. the word "incest" must not be used where a child victim might be identified;

iv. care must be taken that nothing in the report implies the relationship between the accused and the child.

8 ***Hospitals**

i. Journalists must identify themselves and obtain permission from a responsible executive before entering non-public areas of hospitals or similar institutions to pursue enquiries.

ii. The restrictions on intruding into privacy are particularly relevant to enquiries about individuals in hospitals or similar institutions.

9 ***Reporting of Crime**

i. Relatives or friends of persons convicted or accused of crime should not generally be identified without their consent, unless they are genuinely relevant to the story.

ii. Particular regard should be paid to the potentially vulnerable position of children who witness, or are victims of, crime. This should not restrict the right to report legal proceedings.

10 ***Clandestine devices and subterfuge**

i. The press must not seek to obtain or publish material acquired by using hidden cameras or clandestine listening devices; or by intercepting private or mobile telephone calls, messages or emails; or by the unauthorised removal of documents or photographs.

ii. Engaging in misrepresentation or subterfuge, can generally be justified only in the public interest and then only when the material cannot be obtained by other means.

11 **Victims of sexual assault**

The press must not identify victims of sexual assault or publish material likely to contribute to such identification unless there is adequate justification and they are legally free to do so.

12 **Discrimination**

i. 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.

ii. 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.

13 **Financial journalism**

i. Even where the law does not prohibit it, journalists must not use for their own profit financial information they receive in advance of its general publication, nor should they pass such information to others.

ii. They must not write about shares or securities in whose performance they know that they or their close families have a significant financial interest without disclosing the interest to the editor or financial editor.

iii. They must not buy or sell, either directly or through nominees or agents, shares or securities about which they have written recently or about which they intend to write in the near future.

14 **Confidential sources**

Journalists have a moral obligation to protect confidential sources of information.

15 **Witness payments in criminal trials**

i. No payment or offer of payment to a witness - or any person who may reasonably be expected to be called as a witness - should be made in any case once proceedings are active as defined by the Contempt of Court Act 1981.

This prohibition lasts until the suspect has been freed unconditionally by police without charge or bail or the proceedings are otherwise discontinued; or has entered a guilty plea to the court; or, in the event of a not guilty plea, the court has announced its verdict.

*ii. Where proceedings are not yet active but are likely and foreseeable, editors must not make or offer payment to any person who may reasonably be expected to be called as a witness, unless the information concerned ought demonstrably to be published in the public interest and there is an over-riding need to make or promise payment for this to be done; and all reasonable steps have been taken to ensure no financial dealings influence the evidence those witnesses give. In no circumstances should such payment be conditional on the outcome of a trial.

*iii. Any payment or offer of payment made to a person later cited to give evidence in proceedings must be disclosed to the prosecution and defence. The witness must be advised of this requirement.

16 ***Payment to criminals**

i. Payment or offers of payment for stories, pictures or information, which seek to exploit a particular crime or to glorify or glamorise crime in general, must not be made directly or via agents to convicted or confessed criminals or to their associates - who may include family, friends and colleagues.

ii. Editors invoking the public interest to justify payment or offers would need to demonstrate that there was good reason to believe the public interest would be served. If, despite payment, no public interest emerged, then the material should not be published.

THE PUBLIC INTEREST

There may be exceptions to the clauses marked * where they can be demonstrated to be in the public interest.

1. The public interest includes, but is not confined to:
 - i. Detecting or exposing crime or serious impropriety;
 - ii. Protecting public health and safety;
 - iii. Preventing the public from being misled by an action or statement of an individual or organisation.
2. There is a public interest in freedom of expression itself.
3. Whenever the public interest is invoked, the PCC will require editors to demonstrate fully how the public interest was served.
4. The PCC will consider the extent to which material is already in the public domain, or will become so.
5. In cases involving children under 16, editors must demonstrate an exceptional public interest to over-ride the normally paramount interest of the child.

Appendix 3.2: CP Scott's essay published in the Manchester Guardian on the centenary of the paper's first issue

CP Scott, Editor, Thursday May 5, 1921

A hundred years is a long time; it is a long time even in the life of a newspaper, and to look back on it is to take in not only a vast development in the thing itself, but a great slice in the life of the nation, in the progress and adjustment of the world.

In the general development the newspaper, as an institution, has played its part, and no small part, and the particular newspaper with which I personally am concerned has also played its part, it is to be hoped, not without some usefulness. I have had my share in it for a little more than fifty years; I have been its responsible editor for only a few months short of its last half-century; I remember vividly its fiftieth birthday; I now have the happiness to share in the celebration of its hundredth. I can therefore speak of it with a certain intimacy of acquaintance. I have myself been part of it and entered into its inner courts. That is perhaps a reason why, on this occasion, I should write in my own name, as in some sort a spectator, rather than in the name of the paper as a member of its working staff.

In all living things there must be a certain unity, a principle of vitality and growth. It is so with a newspaper, and the more complete and clear this unity the more vigorous and fruitful the growth. I ask myself what the paper stood for when first I knew it, what it has stood for since and stands for now. A newspaper has two sides to it. It is a business, like any other, and has to pay in the material sense in order to live. But it is much more than a business; it is an institution; it reflects and it influences the life of a whole community; it may affect even wider destinies. It is, in its way, an instrument of government. It plays on the minds and consciences of men. It may educate, stimulate, assist, or it may do the opposite. It has, therefore, a moral as well as a material existence, and its character and influence are in the main determined by the balance of these two forces. It may make profit or power its first object, or it may conceive itself as fulfilling a higher and more exacting function.

I think I may honestly say that, from the day of its foundation, there has not been much doubt as to which way the balance tipped as far as regards the conduct of the paper whose fine tradition I inherited and which I have had the honour to serve through all my working life. Had it not been so, personally, I could not have served it. Character is a subtle affair, and has many shades and sides to it. It is not a thing to be much talked about, but rather to be felt. It is the slow deposit of past actions and ideals. It is for each man his most precious possession, and so it is for that latest growth of time the newspaper. Fundamentally it implies honesty, cleanness, courage, fairness, a sense of duty to the reader and the community. A newspaper is of necessity something of a monopoly, and its first duty is to shun the temptations of monopoly. Its primary office is the gathering of news. At the peril of its soul it must see that the supply is not tainted. Neither in what it gives, nor in what it does not give, nor in the mode of presentation must the unclouded face of truth suffer wrong. Comment is free, but facts are sacred. "Propaganda," so called, by this means is hateful. The voice of opponents no less than that of friends has a right to be heard. Comment also is justly subject to a self-imposed restraint. It is well to be frank; it is even better to be fair. This is an ideal. Achievement in such matters is hardly given to man. We can but try, ask pardon for shortcomings, and there leave the matter.

But, granted a sufficiency of grace, to what further conquests may we look, what purpose serve, what task envisage? It is a large question, and cannot be fully answered. We are faced with a new and enormous power and a growing one. Whither is the young giant tending? What gifts does he bring? How will he exercise his privilege and powers? What influence will he exercise on the minds of men and on our public life? It cannot be pretended that an assured and entirely satisfactory answer can be given to such questions. Experience is in some respects disquieting. The development has not been all in the direction which we should most desire.

One of the virtues, perhaps almost the chief virtue, of a newspaper is its independence. Whatever its position or character, at least it should have a soul of its own. But the tendency of newspapers, as of other businesses, in these days is towards amalgamation. In proportion, as the function of a newspaper has developed and its organisation expanded, so have its costs increased. The smaller newspapers have had a hard struggle; many of them have disappeared. In their place we have great organisations controlling a whole series of publications of various kinds and even of differing or opposing politics. The process may be inevitable, but clearly there are drawbacks. As organisation grows personality may tend to disappear. It is much to control one newspaper well; it is perhaps beyond the reach of any man, or any body of men, to control half a dozen with equal success. It is possible to exaggerate the danger, for the public is not undiscerning. It recognises the authentic voices of conscience and conviction when it finds them, and it has a shrewd intuition of what to accept and what to discount.

This is a matter which in the end must settle itself, and those who cherish the older ideal of a newspaper need not be dismayed. They have only to make their papers good enough in order to win, as well as to merit, success, and the resources of a newspaper are not wholly measured in pounds, shillings, and pence. Of course the thing can only be done by competence all round, and by that spirit of co-operation right through the working staff which only a common ideal can inspire.

There are people who think you can run a newspaper about as easily as you can poke a fire, and that knowledge, training, and aptitude are superfluous endowments. There have even been experiments on this assumption, and they have not met with success. There must be competence, to start with, on the business side, just as there must be in any large undertaking, but it is a mistake to suppose that the business side of a paper should dominate, as sometimes happens, not without distressing consequences.

A newspaper, to be of value, should be a unity, and every part of it should equally understand and respond to the purposes and ideals which animate it. Between its two sides there should be a happy marriage, and editor and business manager should march hand in hand, the first, be it well understood, just an inch or two in advance. Of the staff much the same thing may be said. They should be a friendly company. They need not, of course, agree on every point, but they should share in the general purpose and inheritance. A paper is built up upon their common and successive labours, and their work should never be task work, never merely dictated. They should be like a racing boat's crew, pulling well together, each man doing his best because he likes it, and with a common and glorious goal.

That is the path of self-respect and pleasure; it is also the path of success. And what a work it is! How multiform, how responsive to every need and every incident of life! What illimitable possibilities of achievement and of excellence! People talk of "journalese" as though a journalist were of necessity a pretentious and sloppy writer; he may be, on the contrary, and very often is, one of the best in the world. At least he should not be content to be much less. And then the developments. Every year, almost every day, may see growth and fresh accomplishments, and with a paper that is really alive, it not only may, but does. Let anyone take a file of this paper, or for that matter any one of half a dozen other papers, and compare its whole make-up and leading features today with what they were five years ago, ten years ago, twenty years ago, and he will realise how large has been the growth, how considerable the achievement. And this is what makes the work of a newspaper worthy and interesting. It has so many sides, it touches life at so many points, at every one there is such possibility of improvement and excellence. To the man, whatever his place on the paper, whether on the editorial or business, or even what may be regarded as the mechanical side — this also vitally important in its place — nothing should satisfy short of the best, and the best must always seem a little ahead of the actual. It is here that ability counts and that character counts, and it is on these that a newspaper, like every great undertaking, if it is to be worthy of its power and duty, must rely.

Appendix 3.3. Areas of interest and companies held by GMG

Guardian Media Group comprises four operating divisions: Guardian News and Media (GNM), GMG Regional Media, GMG Radio and Trader Media Group.

GNM publishes the *Guardian*, the *Observer*, *Guardian Weekly*, *Guardian Monthly*, *Money Observer* and *Public*. It is the electronic publisher of *Guardian Unlimited* and the online educational content provider *Learnthings*.

GMG Regional Media publishes the *Manchester Evening News*, the *Reading Evening Post* and a number of weekly newspapers, mainly across Greater Manchester and the South of England, as well as co-publishing (with Associated Newspapers) the free daily *Metro* in Manchester. Television interests include *Channel M*.

GMG Radio operates regional and local stations across the UK under the *Real Radio*, *Smooth Radio*, *Century FM* and *Rock Radio* brands, as well as a number of websites including *jazzfm.com*. It also has stakes in *MXR*, a holder of regional digital multiplex licences, and in the news services provider *Digital News Network*.

Trader Media Group (jointly owned with Apax Partners, with GMG the majority shareholder) publishes the *Auto Trader* magazine and website, as well as a number of other classified advertising titles. It has centres across the UK and subsidiaries in the Netherlands, Italy and South Africa.

Other interests include a quarter share in online classified business *Fish4* and joint ownership with Telegraph Media Group of *Trafford Park Printers* and *Paper Purchase Management*.

Editorial Guidelines

Guardian News & Media Editorial Code

Updated August 2011

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Summary

"A newspaper's primary office is the gathering of news. At the peril of its soul it must see that the supply is not tainted."

Our most important currency is trust. This is as true today as when CP Scott marked the centenary of the founding of the Guardian with his famous essay on journalism in 1921.

The purpose of this code is, above all, to protect and foster the bond of trust between GNM (in print and online) and its readers, and therefore to protect the integrity of GNM and its journalism, however it is published.

As a set of guidelines this will not form part of a journalist's contract of employment, nor will it form part, for either editorial management or journalists, of disciplinary, promotional or recruitment procedures. However, by observing the code, journalists working for GNM will be protecting the independence, standing and reputation of themselves and their colleagues. It is important that freelancers also abide by these guidelines while on assignment for GNM.

Press Complaints Commission Code of Practice

GNM – in common with most news publishers in Britain – considers the PCC's Code of Practice to be a sound statement of ethical behaviour for journalists. It is written into our terms of employment that staff should adhere to the Code of Practice. It is published below so that all editorial staff can familiarise themselves with it – and comments in this document that relate to the PCC Code are marked with an asterisk.

1. Professional practice

Attribution

a) **Anonymous quotations** We recognise that people will often speak more honestly if they are allowed to speak anonymously. The use of non-attributed quotes can therefore often assist the reader towards a truer understanding of a subject than if a journalist confined him/herself to quoting bland on-the-record quotes. But if used lazily or indiscriminately anonymous quotes become a menace.

We should be honest about our sources, even if we can't name them.

The New York Times policy on pejorative quotes is worth bearing in mind: "The vivid language of direct quotation confers an unfair advantage on a speaker or writer who hides behind the newspaper, and turns of phrase are valueless to a reader who cannot assess the source."

There may be exceptional circumstances when anonymous pejorative quotes may be used, but they will be rare – and only after consultation with the senior editor of the day. In the absence of specific approval we should paraphrase anonymous pejorative quotes.

b) **Anonymous contributions** Articles commissioned by GNM should be published anonymously or pseudonymously only in exceptional circumstances, for example where the author's safety, privacy or livelihood may be compromised, and only with the permission of the relevant editor or managing editor. In these cases, readers should be made aware that identities have been obscured or withheld. This provision need not apply to user-generated content published or reproduced on our print and digital platforms, or to authors with established pseudonyms commissioned or hosted by GNM in that capacity.

c) **Credits** Staff must not reproduce other people's material without attribution, other than in exceptional circumstances – for example where the source cannot be identified – and only with permission of the most senior editor on duty. The source of published material obtained from another organisation should be acknowledged, including quotes taken from other newspaper articles. Bylines should be carried only on material that is substantially the work of the bylined journalist. If an article contains a significant amount of agency copy then the agency should be credited.

Bribery and facilitation payments The Bribery Act 2010 takes a robust approach to bribery, and creates a number of criminal offences, which even if committed abroad can be prosecuted in the UK. These include (i) bribery - ie offering someone in the UK or abroad a financial or other advantage to improperly perform an activity (whether public or private), (ii) being bribed and (iii) bribing a foreign public official. In some circumstances, offers or acceptances of hospitality and / or facilitation payments paid to public officials abroad in order to secure or expedite the performance of a routine or necessary action will come within the Act. There is no public interest defence, although where an individual is left with no alternative but to make a facilitation payment in order to protect against loss of life, limb or liberty there may be a defence of duress. Staff should always discuss with their managing editor beforehand if they are concerned that any payments might fall into these categories and, if such payments are requested or made, they should inform the editor-in-chief or their managing editor of the circumstances as soon as they are able to afterwards. (See also 'Freebies', in Personal Behaviour and Conflicts of Interest)

Children* Special care should be taken when dealing with children (under the age of 16). Heads of departments must be informed when children have been photographed or interviewed without parental consent. Articles that include significant intrusions into children's private lives without their understanding and consent need a strong public interest justification.

In view of the longevity of online material, editors should consider whether children's identities should be obscured to protect them from embarrassment or harm as they grow older.

These provisions extend to writers who are considering making their own children the subject of an article. Consent to publication should be sought where the child is reasonably considered able to make an informed decision.

Section 6 of the PCC code should be studied carefully.

Commissioning GNM supports good commissioning practice, including fair treatment of freelances. Editors should make reference to the GNM's Freelance Charter when commissioning new contributors. See: <http://www.guardian.co.uk/info/guardian-news-media-freelance-charter>

Copy approval The general rule is that no one should be given the right to copy approval. In certain circumstances we may allow people to see copy or quotes but we are not required to alter copy. We should avoid offering copy approval as a method of securing interviews or co-operation.

Copyright Journalists should not use content from non-authorized third-party sources - whether pictures, text or other media - without obtaining the necessary permissions. There are limited legal situations where permission may not be needed but you must check with the picture desk or editorial legal before using without permission. Journalists should especially familiarise themselves with the guidelines on "rights and use of content from public websites", available on GNM's internal Really Social Media site on Spike.

Direct quotations Should not be changed to alter their context or meaning.

Endorsements Journalists should not agree to promote through copy, photographs or footnotes the financial interests of prospective interviewees or contributors, or their sponsors, as a means of securing access to them. Promotional information about a subject or author provided in footnotes should be included only where, in the editor's judgment, it is of genuine interest or assistance to the reader.

Errors It is the policy of the GNM to correct significant errors as soon as possible. Journalists have a duty to cooperate frankly and openly with the Guardian and Observer readers' editors and to report errors to them. All complaints should be brought to the attention of the readers' editors. All journalists should read both the daily and Sunday corrections columns by the readers' editors.

External assistance Journalists should not engage the paid services of external non-journalistic agents or assistants without the prior knowledge and approval of the editor-in-chief.

Fairness “The voice of opponents no less than of friends has a right to be heard . . . It is well be to be frank; it is even better to be fair” (CP Scott, 1921). The more serious the criticism or allegations we are reporting the greater the obligation to allow the subject the opportunity to respond.

Grief* People should be treated with sensitivity during periods of grief and trauma. (See PCC code, section 5)

Language Respect for the reader demands that we should not casually use words that are likely to offend. Use swear words only when absolutely necessary to the facts of a piece, or to portray a character in an article; there is almost never a case in which we need to use a swearword outside direct quotes. The stronger the swearword, the harder we ought to think about using it. Avoid using in headlines, pull quotes and standfirsts and never us asterisks, which are just a cop-out.

Legal Our libel and contempt laws are complex, and constantly developing. The consequences of losing actions can be expensive and damaging for our reputation. Staff should a) familiarise themselves with the current state of the law and seek training if they feel unconfident about aspects of it; b) consult our in-house legal department or night lawyers about specific concerns on stories; c) read the regular legal bulletins about active cases and injunctions emailed by the legal department.

Payment In general, GNM does not pay for stories, except from bona fide freelance sources. The editor or his deputies must approve rare exceptions.

PCC and libel judgments Judgments by the PCC and the outcome of defamation actions relating to GNM should be reported promptly.

Photographs Digitally enhanced or altered images, montages and illustrations should be clearly labeled as such.

Privacy* In keeping with both the PCC Code and the Human Rights Act we believe in respecting people's privacy. Much journalism may be intrinsically intrusive but we should avoid invading anyone's privacy unless there is a clear public interest in doing so. Proportionality is essential, as is proper prior consideration where privacy issues may be involved. To borrow from the recommendations made by the former UK Security and Intelligence Coordinator Sir David Omand for his own field of inquiry: the degree of intrusion must be justified by the seriousness of the story and the public good that is likely to follow from its publication. Likewise the grounds for investigation must be strong; we do not conduct 'fishing' expeditions unless the issue, suspicion and prospects of success are all serious. Caution should also be exercised about reporting and publishing identifying details, such as street names and numbers, that may enable others to intrude on the privacy or safety of people who have become the subject of media coverage. (See PCC code, section 3)

To adapt the Omand principles, here are five questions we should ask ourselves about a situation in which we are considering intruding on privacy:

1. There must be sufficient cause – the intrusion needs to be justified by the scale of potential harm that might result from it.
2. There must be integrity of motive - the intrusion must be justified in terms of the public good that would follow from publication
3. The methods used must be in proportion to the seriousness of story and its public interest, using the minimum possible intrusion.
4. There must be proper authority – any intrusion must be authorised at a sufficiently senior level and with appropriate oversight.
5. There must be a reasonable prospect of success; fishing expeditions are not justified

Race In general, we do not publish someone's race or ethnic background or religion unless that information is pertinent to the story. We do not report the race of criminal suspects unless their ethnic background is part of a description that seeks to identify them or is an important part of the story (for example, if the crime was a hate crime).

Sources Sources promised confidentiality must be protected at all costs. However, where possible, the sources of information should be identified as specifically as possible.

Subterfuge* Journalists should generally identify themselves as GNM employees when working on a story. There may be instances involving stories of exceptional public interest where this does not apply, but this needs the approval of a head of department. See PCC code, section 10. This applies to anything we publish, including any information obtained by the subterfuge of others.

Suicide* Journalists are asked to exercise particular care in reporting suicide or issues involving suicide, bearing in mind the risk of encouraging others. This should be borne in mind both in presentation, including the use of pictures, and in describing the method of suicide. Any substances should be referred to in general rather than specific terms if possible. When appropriate a helpline number should be given (eg Samaritans 08457 90 90 90). The feelings of relatives should also be carefully considered. See PCC code, section 5 (ii)

Verification Trust in the authenticity and reliability of our sources is essential. Digital communications and a fast-moving news environment present special challenges for verification, and scepticism should therefore be the starting point for web and email sources. We must be tenacious in seeking reliable corroboration and should state the level of substantiation we have been able to achieve (eg, "the Guardian has been unable independently to verify the facts"). Do not state as fact information about or from someone who we cannot authenticate (eg, "A student who says she witnessed the riot", not "A student who witnessed the riot"). Where relevant we must be open with readers in saying what medium was used to conduct an interview. Satisfaction with sources is the responsibility of desk editors as well as reporters and correspondents, and sub-editors should be confident in challenging the dependability of information.

2. Personal behaviour and conflicts of interest

We value our reputation for independence and integrity. Journalists clearly have lives, interests, hobbies, convictions and beliefs outside their work. Nothing in the following guidelines is intended to restrict any of that. It is intended to ensure that outside interests do not come into conflict with the life of the papers in a way that either compromises our editorial integrity or falls short of the sort of transparency that our readers would expect. The code is intended to apply to all active outside interests which, should they remain undeclared and become known, would cause a fair-minded reader to question the value of a contribution to the paper by the journalist involved.

These are guidelines rather than one-size-fits-all rules. If you are employed as a columnist — with your views openly on display — you may have more latitude than a staff reporter, who would be expected to bring qualities of objectivity to their work. (The Washington Post's Code has some sound advice: "Reporters should make every effort to remain in the audience, to stay off the stage, to report the news, not to make the news.") If in doubt, consult a head of department, the managing or deputy editors, or the editor himself.

Commercial products No Guardian journalist or freelance primarily associated with GNM should endorse commercial products unless with the express permission of their head of department or managing editor. Neither should they be involved in producing advertisement features (advertorials).

Confidentiality Desk editors with access to personal information relating to other members of staff are required to treat such information as confidential, and not disclose it to anyone except in the course of discharging formal responsibilities.

Conflicts of interest Staff journalists should be sensitive to the possibility that activities outside work (including holding office or being otherwise actively involved in organisations, companies or political parties) could be perceived as having a bearing on — or as coming into conflict with — the integrity of our journalism. Staff should be transparent about any outside personal, philosophical or financial interests that might conflict with their professional performance, or could be perceived to do so.

Declarations of interest

1. It is always necessary to declare an interest when the journalist is writing about something with which he or she has a significant connection. This applies to both staff journalists and freelances. The declaration should be to a head of department or editor during preparation. Full transparency may mean that the declaration should appear in print and on the website.
2. A connection does not have to be a formal one before it is necessary to declare it. Acting in an advisory capacity in the preparation of a report for an organisation, for example, would require a declaration every time the journalist wrote an article referring to it.
3. Some connections are obvious and represent the reason why the writer has been asked to contribute to the paper. These should always be stated at the end of the writer's contribution even if he or she contributes regularly, so long as the writer is writing about his or her area of interest.
4. Generally speaking a journalist should not write about or quote a relative or partner in a piece, even if the relative or partner is an expert in the field in question. If, for any reason, an exception is made to this rule, the connection should be made clear.
5. Commissioning editors should ensure that freelances are aware of these rules and make any necessary declaration.

Declarations of corporate interest The Guardian and Observer are part of a wider group of media companies. We should be careful to acknowledge that relationship in stories. Anyone writing a story concerning GMG-related businesses should seek comments and/or confirmation in the normal way. Staff should familiarise themselves with the companies and interests we have. At the end of this document is a summary of the areas and companies that GMG owns or in which it has an interest. Full details are on the GMG website at <http://www.gmgplc.co.uk/>

Financial reporting

For many years our business desk has maintained a register of personal shares. All staff are expected to list all shares that they own, any transactions in those shares and any other investments which they believe ought to be properly disclosed because of a potential conflict of interest. While it is acceptable for financial members to own shares, it is not acceptable for them to be market traders on a regular basis. It is most important that the register is kept and that all information is up to date. The attention of GNM journalists is also drawn to Section 13 of the PCC Code of Practice (below) and to the PCC's best-practice guidelines on financial journalism (<http://tiny.cc/c7qodj>) which can also be found in the "code advice" section of the PCC website, www.pcc.org.uk

The Code:

- prohibits the use of financial information for the profit of journalists or their associates;
- imposes restrictions on journalists writing about shares in which they or their close families have a significant interest without internal disclosure;
- stops journalists dealing in shares about which they have written recently or intend to write in the near future; and
- requires that financial journalists take care not to publish inaccurate material and to distinguish between comment, conjecture and fact. This is particularly important for any journalists making investment recommendations to readers about whether to buy, sell or hold shares.

Freelance work As a general rule avoid freelance writing for house magazines of particular businesses or causes if the contribution could be interpreted as an endorsement of the concern. If in doubt consult your head or department.

Freebies

1. Staff should not use their position to obtain private benefit for themselves or others.
2. GNM will not allow any payment, gift or other advantage to undermine accuracy, fairness or independence. Any attempts to induce favourable editorial treatment through the offer of gifts or favours should be reported to the editor. Where relevant, payments, gifts or other advantages will be disclosed.
3. We should make it clear when an airline, hotel or other interest has borne the cost of transporting or accommodating a journalist. Acceptance of any such offer is conditional on GNM being free to assign and report or not report any resulting story as it sees fit.
4. Except in some areas of travel writing it should never need to be the case that the journalist's partner, family or friends are included in any free arrangement. When a partner, family member or friend accompanies the journalist on a trip, the additional costs should generally be paid for by the journalist or person accompanying the journalist.
5. Staff should not be influenced by commercial considerations — including the interests of advertisers — in the preparation of material for the paper.
6. Gifts other than those of an insignificant value (less than £50) should be politely returned or may be entered for the annual raffle of such items for charity, "the sleaze raffle".

GNM connections Staff members should not use their positions to seek any benefit or advantage in personal business, financial or commercial transactions not afforded to the public generally. Staff should not use our stationery in connection with non-GNM matters or cite a connection with the paper to resolve consumer grievances, get quicker service or seek discount or deals.

Interaction with readers Our most important relationship is the one we have with our readers and site users. Courtesy applies whether an exchange takes place in person, by telephone, letter or email. The company recognises that communication online, eg in blogs and social media domains, can be more informal, brisk and, where a debate is underway, combative — but journalists should be mindful of the guidelines on blogging and social media available on GNM's internal Really Social Media site.

Outside engagements or duties GNM accepts the journalist's right to a private life and the right to take part in civic society. However, staff should inform their immediate editor if, in their capacity as an employee, they intend to:

- Give evidence to any court
- Chair public forums or seminars arranged by professional conference organisers or commercial organisations*

- Undertake any outside employment likely to conflict with their professional duties
- Chair public or political forums or appear on platforms
- Make representations or give evidence to any official body in connection with material that has been published by GNM

*Journalists invited to chair debates or appear on panels as a representative of GNM should not usually accept or request payment for doing so, unless preparation or attendance at the event involves a significant call on private time. Acceptance of payment should be approved in advance by the managing editor having particular regard for other clauses within these guidelines, such as conflict of interest, declarations of interest and endorsement of commercial products. Travel and other reasonable expenses may be accepted. In general, staff journalists should not provide public relations advice, especially to an audience that has paid to attend. Please consult your managing editor if in doubt.

Relationships Staff members should not write about, photograph or make news judgments about any individual related by blood or marriage or with whom the staff member has a close personal, financial or romantic relationship. A staff member who is placed in a circumstance in which the potential for this kind of conflict exists should advise his or her department head.

3. Appendices

Appendix 3.1 Press Complaints Commission Code of Practice

The Editors' Code

All members of the press have a duty to maintain the highest professional standards. The Code, which includes this preamble and the public interest exceptions below, sets the benchmark for those ethical standards, protecting both the rights of the individual and the public's right to know. It is the cornerstone of the system of self-regulation to which the industry has made a binding commitment.

It is essential that an agreed code be honoured not only to the letter but in the full spirit. It should not be interpreted so narrowly as to compromise its commitment to respect the rights of the individual, nor so broadly that it constitutes an unnecessary interference with freedom of expression or prevents publication in the public interest.

It is the responsibility of editors and publishers to apply the Code to editorial material in both printed and online versions of publications. They should take care to ensure it is observed rigorously by all editorial staff and external contributors, including non-journalists, in printed and online versions of publications. Editors should co-operate swiftly with the PCC in the resolution of complaints. Any publication judged to have breached the Code must print the adjudication in full and with due prominence, including headline reference to the PCC.

There may be exceptions to the clauses marked * where they can be demonstrated to be in the public interest (see below).

1 Accuracy

- i) The Press must take care not to publish inaccurate, misleading or distorted information, including pictures.
- ii) A significant inaccuracy, misleading statement or distortion once recognised must be corrected, promptly and with due prominence, and - where appropriate - an apology published. In cases involving the Commission, prominence should be agreed with the PCC in advance.
- iii) The Press, whilst free to be partisan, must distinguish clearly between comment, conjecture and fact.
- iv) A publication must report fairly and accurately the outcome of an action for defamation to which it has been a party, unless an agreed settlement states otherwise, or an agreed statement is published.

2 Opportunity to reply

A fair opportunity for reply to inaccuracies must be given when reasonably called for.

3 *Privacy

i) Everyone is entitled to respect for his or her private and family life, home, health and correspondence, including digital communications.

ii) Editors will be expected to justify intrusions into any individual's private life without consent. Account will be taken of the complainant's own public disclosures of information.

iii) It is unacceptable to photograph individuals in private places without their consent.

Note – Private places are public or private property where there is a reasonable expectation of privacy.

4 *Harassment

i) Journalists must not engage in intimidation, harassment or persistent pursuit.

ii) They must not persist in questioning, telephoning, pursuing or photographing individuals once asked to desist; nor remain on their property when asked to leave and must not follow them. If requested, they must identify themselves and whom they represent.

iii) Editors must ensure these principles are observed by those working for them and take care not to use non-compliant material from other sources.

5 Intrusion into grief or shock

i) In cases involving personal grief or shock, enquiries and approaches must be made with sympathy and discretion and publication handled sensitively. This should not restrict the right to report legal proceedings, such as inquests.

*ii) When reporting suicide, care should be taken to avoid excessive detail about the method used.

6 *Children

i) Young people should be free to complete their time at school without unnecessary intrusion.

ii) A child under 16 must not be interviewed or photographed on issues involving their own or another child's welfare unless a custodial parent or similarly responsible adult consents.

iii) Pupils must not be approached or photographed at school without the permission of the school authorities.

iv) Minors must not be paid for material involving children's welfare, nor parents or guardians for material about their children or wards, unless it is clearly in the child's interest.

v) Editors must not use the fame, notoriety or position of a parent or guardian as sole justification for publishing details of a child's private life.

7 *Children in sex cases

1. The press must not, even if legally free to do so, identify children under 16 who are victims or witnesses in cases involving sex offences.

2. In any press report of a case involving a sexual offence against a child -

i) The child must not be identified.

ii) The adult may be identified.

iii) The word "incest" must not be used where a child victim might be identified.

iv) Care must be taken that nothing in the report implies the relationship between the accused and the child.

8 *Hospitals

- i) Journalists must identify themselves and obtain permission from a responsible executive before entering non-public areas of hospitals or similar institutions to pursue enquiries.
- ii) The restrictions on intruding into privacy are particularly relevant to enquiries about individuals in hospitals or similar institutions.

9 *Reporting of Crime

- (i) Relatives or friends of persons convicted or accused of crime should not generally be identified without their consent, unless they are genuinely relevant to the story.
- (ii) Particular regard should be paid to the potentially vulnerable position of children who witness, or are victims of, crime. This should not restrict the right to report legal proceedings.

10 *Clandestine devices and subterfuge

- i) The press must not seek to obtain or publish material acquired by using hidden cameras or clandestine listening devices; or by intercepting private or mobile telephone calls, messages or emails; or by the unauthorised removal of documents or photographs; or by accessing digitally-held private information without consent.
- ii) Engaging in misrepresentation or subterfuge, including by agents or intermediaries, can generally be justified only in the public interest and then only when the material cannot be obtained by other means.

11 Victims of sexual assault

The press must not identify victims of sexual assault or publish material likely to contribute to such identification unless there is adequate justification and they are legally free to do so.

12 Discrimination

- i) 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.
- ii) 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.

13 Financial journalism

- i) Even where the law does not prohibit it, journalists must not use for their own profit financial information they receive in advance of its general publication, nor should they pass such information to others.
- ii) They must not write about shares or securities in whose performance they know that they or their close families have a significant financial interest without disclosing the interest to the editor or financial editor.
- iii) They must not buy or sell, either directly or through nominees or agents, shares or securities about which they have written recently or about which they intend to write in the near future.

14 Confidential sources

Journalists have a moral obligation to protect confidential sources of information.

15 Witness payments in criminal trials

i) No payment or offer of payment to a witness - or any person who may reasonably be expected to be called as a witness - should be made in any case once proceedings are active as defined by the Contempt of Court Act 1981.

This prohibition lasts until the suspect has been freed unconditionally by police without charge or bail or the proceedings are otherwise discontinued; or has entered a guilty plea to the court; or, in the event of a not guilty plea, the court has announced its verdict.

*ii) Where proceedings are not yet active but are likely and foreseeable, editors must not make or offer payment to any person who may reasonably be expected to be called as a witness, unless the information concerned ought demonstrably to be published in the public interest and there is an overriding need to make or promise payment for this to be done; and all reasonable steps have been taken to ensure no financial dealings influence the evidence those witnesses give. In no circumstances should such payment be conditional on the outcome of a trial.

*iii) Any payment or offer of payment made to a person later cited to give evidence in proceedings must be disclosed to the prosecution and defence. The witness must be advised of this requirement.

16 *Payment to criminals

i) Payment or offers of payment for stories, pictures or information, which seek to exploit a particular crime or to glorify or glamorise crime in general, must not be made directly or via agents to convicted or confessed criminals or to their associates - who may include family, friends and colleagues.

ii) Editors invoking the public interest to justify payment or offers would need to demonstrate that there was good reason to believe the public interest would be served. If, despite payment, no public interest emerged, then the material should not be published.

The public interest

There may be exceptions to the clauses marked * where they can be demonstrated to be in the public interest.

1. The public interest includes, but is not confined to:

- i) Detecting or exposing crime or serious impropriety
- ii) Protecting public health and safety
- iii) Preventing the public from being misled by an action or statement of an individual or organisation.

2. There is a public interest in freedom of expression itself.

3. Whenever the public interest is invoked, the PCC will require editors to demonstrate fully that they reasonably believed that publication, or journalistic activity undertaken with a view to publication, would be in the public interest.

4. The PCC will consider the extent to which material is already in the public domain, or will become so.

5. In cases involving children under 16, editors must demonstrate an exceptional public interest to over-ride the normally paramount interest of the child.

Appendix 3.2: CP Scott's essay published in the Manchester Guardian on the centenary of the paper's first issue

CP Scott, Editor, Thursday May 5, 1921

A hundred years is a long time; it is a long time even in the life of a newspaper, and to look back on it is to take in not only a vast development in the thing itself, but a great slice in the life of the nation, in the progress and adjustment of the world.

In the general development the newspaper, as an institution, has played its part, and no small part, and the particular newspaper with which I personally am concerned has also played its part, it is to be hoped, not without some usefulness. I have had my share in it for a little more than fifty years; I have been its responsible editor for only a few months short of its last half-century; I remember vividly its fiftieth birthday; I now have the happiness to share in the celebration of its hundredth. I can therefore speak of it with a certain intimacy of acquaintance. I have myself been part of it and entered into its inner courts. That is perhaps a reason why, on this occasion, I should write in my own name, as in some sort a spectator, rather than in the name of the paper as a member of its working staff.

In all living things there must be a certain unity, a principle of vitality and growth. It is so with a newspaper, and the more complete and clear this unity the more vigorous and fruitful the growth. I ask myself what the paper stood for when first I knew it, what it has stood for since and stands for now. A newspaper has two sides to it. It is a business, like any other, and has to pay in the material sense in order to live. But it is much more than a business; it is an institution; it reflects and it influences the life of a whole community; it may affect even wider destinies. It is, in its way, an instrument of government. It plays on the minds and consciences of men. It may educate, stimulate, assist, or it may do the opposite. It has, therefore, a moral as well as a material existence, and its character and influence are in the main determined by the balance of these two forces. It may make profit or power its first object, or it may conceive itself as fulfilling a higher and more exacting function.

I think I may honestly say that, from the day of its foundation, there has not been much doubt as to which way the balance tipped as far as regards the conduct of the paper whose fine tradition I inherited and which I have had the honour to serve through all my working life. Had it not been so, personally, I could not have served it. Character is a subtle affair, and has many shades and sides to it. It is not a thing to be much talked about, but rather to be felt. It is the slow deposit of past actions and ideals. It is for each man his most precious possession, and so it is for that latest growth of time the newspaper. Fundamentally it implies honesty, cleanness, courage, fairness, a sense of duty to the reader and the community. A newspaper is of necessity something of a monopoly, and its first duty is to shun the temptations of monopoly. Its primary office is the gathering of news. At the peril of its soul it must see that the supply is not tainted. Neither in what it gives, nor in what it does not give, nor in the mode of presentation must the unclouded face of truth suffer wrong. Comment is free, but facts are sacred. "Propaganda," so called, by this means is hateful. The voice of opponents no less than that of friends has a right to be heard. Comment also is justly subject to a self-imposed restraint. It is well to be frank; it is even better to be fair. This is an ideal. Achievement in such matters is hardly given to man. We can but try, ask pardon for shortcomings, and there leave the matter.

But, granted a sufficiency of grace, to what further conquests may we look, what purpose serve, what task envisage? It is a large question, and cannot be fully answered. We are faced with a new and enormous power and a growing one. Whither is the young giant tending? What gifts does he bring? How will he exercise his privilege and powers? What influence will he exercise on the minds of men and on our public life? It cannot be pretended that an assured and entirely satisfactory answer can be given to such questions. Experience is in some respects disquieting. The development has not been all in the direction which we should most desire.

One of the virtues, perhaps almost the chief virtue, of a newspaper is its independence. Whatever its position or character, at least it should have a soul of its own. But the tendency of newspapers, as of other businesses, in these days is towards amalgamation. In proportion, as the function of a newspaper has developed and its organisation expanded, so have its costs increased. The smaller newspapers have had a hard struggle; many of them have disappeared. In their place we have great organisations controlling a whole series of publications of various kinds and even of differing or opposing politics. The process may be inevitable, but clearly there are drawbacks. As organisation grows personality may tend to disappear. It is much to control one newspaper well: it is perhaps beyond the reach of any man, or any body of men, to control half a dozen with equal success. It is possible to exaggerate the danger, for the public is not undiscerning. It recognises the authentic voices of conscience and conviction when it finds them, and it has a shrewd intuition of what to accept and what to discount.

This is a matter which in the end must settle itself, and those who cherish the older ideal of a newspaper need

not be dismayed. They have only to make their papers good enough in order to win, as well as to merit, success, and the resources of a newspaper are not wholly measured in pounds, shillings, and pence. Of course the thing can only be done by competence all round, and by that spirit of co-operation right through the working staff which only a common ideal can inspire.

There are people who think you can run a newspaper about as easily as you can poke a fire, and that knowledge, training, and aptitude are superfluous endowments. There have even been experiments on this assumption, and they have not met with success. There must be competence, to start with, on the business side, just as there must be in any large undertaking, but it is a mistake to suppose that the business side of a paper should dominate, as sometimes happens, not without distressing consequences.

A newspaper, to be of value, should be a unity, and every part of it should equally understand and respond to the purposes and ideals which animate it. Between its two sides there should be a happy marriage, and editor and business manager should march hand in hand, the first, be it well understood, just an inch or two in advance. Of the staff much the same thing may be said. They should be a friendly company. They need not, of course, agree on every point, but they should share in the general purpose and inheritance. A paper is built up upon their common and successive labours, and their work should never be task work, never merely dictated. They should be like a racing boat's crew, pulling well together, each man doing his best because he likes it, and with a common and glorious goal.

That is the path of self-respect and pleasure; it is also the path of success. And what a work it is! How multiform, how responsive to every need and every incident of life! What illimitable possibilities of achievement and of excellence! People talk of "journalese" as though a journalist were of necessity a pretentious and sloppy writer; he may be, on the contrary, and very often is, one of the best in the world. At least he should not be content to be much less. And then the developments. Every year, almost every day, may see growth and fresh accomplishments, and with a paper that is really alive, it not only may, but does. Let anyone take a file of this paper, or for that matter any one of half a dozen other papers, and compare its whole make-up and leading features today with what they were five years ago, ten years ago, twenty years ago, and he will realise how large has been the growth, how considerable the achievement. And this is what makes the work of a newspaper worthy and interesting. It has so many sides, it touches life at so many points, at every one there is such possibility on improvement and excellence. To the man, whatever his place on the paper, whether on the editorial or business, or even what may be regarded as the mechanical side — this also vitally important in its place — nothing should satisfy short of the best, and the best must always seem a little ahead of the actual. It is here that ability counts and that character counts, and it is on these that a newspaper, like every great undertaking, if it is to be worthy of its power and duty, must rely.

Appendix 3.3. Areas of interest and companies held by GMG

Guardian Media Group's portfolio comprises wholly owned businesses, joint ventures and other investments.

There are three wholly owned operating divisions: Guardian News and Media (GNM), GMG Radio and GMG Property Services; and two joint ventures with Apax Partners: Trader Media Group and Emap. The Group also has a long-term investment fund, with Cambridge Associates as advisors.

GNM publishes the Guardian, Observer, guardian.co.uk and other titles such as Guardian Weekly.

GMG Radio operates regional stations across the UK under the Real Radio, Smooth Radio and Rock Radio brands, as well as a number of websites. It also has a stake in MXR, a holder of regional digital multiplex licences.

Trader Media Group (jointly owned with Apax Partners) publishes the Auto Trader website and magazine, as well as a number of other classified advertising titles. It has centres across the UK and subsidiaries in Ireland, Italy and South Africa.

Other interests include shares in Seven Publishing, Development Hell, Spectrum Venture Management, Press Association and Radio Advertising Bureau. GMG also has full ownership of the print plant GPC Manchester.

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Code of conduct

The NUJ's Code of Conduct has set out the main principles of British and Irish journalism since 1936. The code is part of the rules and all journalists joining the union must sign that they will strive to adhere to the it.

Members of the National Union of Journalists are expected to abide by the following professional principles:

A journalist:

1. At all times upholds and defends the principle of media freedom, the right of freedom of expression and the right of the public to be informed
2. Strives to ensure that information disseminated is honestly conveyed, accurate and fair
3. Does her/his utmost to correct harmful inaccuracies
4. Differentiates between fact and opinion
5. Obtains material by honest, straightforward and open means, with the exception of investigations that are both overwhelmingly in the public interest and which involve evidence that cannot be obtained by straightforward means-
6. Does nothing to intrude into anybody's private life, grief or distress unless justified by overriding consideration of the public interest
7. Protects the identity of sources who supply information in confidence and material gathered in the course of her/his work
8. Resists threats or any other inducements to influence, distort or suppress information and takes no unfair personal advantage of information gained in the course of her/his duties before the information is public knowledge
9. Produces no material likely to lead to hatred or discrimination on the grounds of a person's age, gender, race, colour, creed, legal status, disability, marital status, or sexual orientation
10. Does not by way of statement, voice or appearance endorse by advertisement any commercial product or service save for the promotion of her/his own work or of the medium by which she/he is employed
11. A journalist shall normally seek the consent of an appropriate adult when interviewing or photographing a child for a story about her/his welfare.
12. Avoids plagiarism.

The NUJ believes a journalist has the right to refuse an assignment or be identified as the author of editorial that would break the letter or spirit of the code. The NUJ will fully support any journalist disciplined for asserting her/his right to act according to the code.

(Modified 2011)

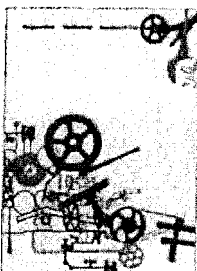
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Comment

CSR and newspapers

Speech given by the Guardian editor, Alan Rusbridger, at Harvard on October 14 2006

MediaGuardian.co.uk

I'm very honoured to be giving this lunchtime talk to such a distinguished group of American journalists and academics.

- Editorial
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Alex Jones wrote me a very nice letter back in August inviting me to speak about how the Guardian ran itself and wondering whether there were any lessons for the more commercial environment in which most American media work.

I was reminded of the centenary history of the Manchester Guardian, published in 1921, which extended to an American edition. The great editor CP Scott - who had been at the helm since 1875 but I don't think ever made it to these shores - wrote an introduction to this edition in which he wrote:

"It seems such a friendly thing to have an American Edition and that it should be taken for granted that quite an appreciable number of American citizens should be interested in the life and development of a single English newspaper."

I feel rather the same today - pleasantly surprised that there should be a modest amount of friendly interest in what we get up to at the Guardian. I hope some of the themes I'm going to talk about today - which are about accountability, transparency and opening an editorial process up to a certain amount of independent challenge - have some wider resonances.

At the heart of what I want to explore today is what it means to run a newspaper on the sort of ethical lines we urge everyone else to abide by in public and corporate life. What does "corporate social responsibility" mean in terms of a media organisation? How would you measure it, and why does it matter? And is any of this important given the other issues we're discussing this weekend?

I should begin by explaining a bit about the Guardian - the story of how we do things doesn't mean much without understanding how we got here.

The paper is now in its 185th year: it currently sells just under 400,000 copies a day in the UK and is the biggest British newspaper on the web, with nearly 13 million unique users a month.

In the past two years it's twice been voted the best newspaper website in the world and, somewhat to our surprise, has at least as many, if not more, web readers in the US than the LA Times.

That more than four million Americans should have stumbled on us without us spending a cent in advertising is rather intriguing, which is why we recently appointed Mike Kinsley as our American editor with a view to seeing if he can find another four million.

The paper's origins lie in the Peterloo massacre of August 1819, when troops rode into a peaceful crowd of Manchester protesters who had been demanding an extension of the vote. By the end of the day 11 members of the crowd had been killed and 560 unarmed civilians injured, a great many of them seriously. Among those locked up that evening was the sole reporter who witnessed the savagery, a certain Mr Tyas of the London Times.

There was a great fear that, with the only independent journalist out of circulation, the first version of events would be the official one - written by the very magistrates who had unleashed the murder on the crowd. But a man called John Edward Taylor wrote his own account, which he sent to London by the night coach and which appeared within 48 hours - and which was never overtaken by the so-called official version.

Inspired by what he'd done, Taylor decided to found a newspaper in Manchester. He called it the Manchester Guardian. The first issue appeared in 1821 (and, incidentally, included a short announcement of the death of Napoleon.) Shortly afterwards Taylor married a woman called Sophia Russell Scott. Sophia's nephew was CP Scott, who at the age of 25 became editor and remained in charge of - and owner of - the paper for an astonishing 57 years, dying in 1932.

Scott's son, Edward, took over as editor, but in his first year was tragically killed in a boating accident while on Lake Windermere with his son Richard, who is still alive today. The threat of a double set of death duties placed the newspaper in some jeopardy and, in an act of supreme selflessness, the Scott family set up a trust to own the Manchester Guardian, to ensure its independence and to enable it to live on in perpetuity. More recently it purchased the oldest Sunday newspaper in the world, the Observer.

And so we move to the present day.

The Scott Trust still owns the paper. It operates with a light touch. Trustees have a self-denying ordinance about discussing the paper's political line or the finer details of management or finance. They appoint editors (of which I am only the 10th since Taylor himself) and give them one instruction, and only one: to carry on the traditions of the paper "as heretofore".

What does that mean? It means understanding, and being true to, the liberal and progressive ethos of the paper. It means an attachment to high journalistic ethical standards. It carries an assumption that the paper will be serious, politically independent and international in its outlook. Lord Robert Cecil once described the Guardian as "righteousness made readable". I'm not sure he intended it as a compliment.

The only place any of this is written down is in Scott's famous 1921 essay on journalism, the one which includes the famous sentence about comment being free and facts being sacred.

The same essay contains a passage on the relationship between the editorial and business sides of a newspaper:

"It is a mistake to suppose that the business side of a paper should dominate, as sometimes happens, not

without distressing consequences. A newspaper, to be of value, should be a unity, and every part of it should equally understand and respond to the purposes and ideals which animate it. Between its two sides there should be a happy marriage, and editor and business manager should march hand in hand, the first, be it well understood, just an inch or two in advance."

The managing directors of the Guardian just love to be reminded of that last phrase! But, in Scott's view, the editor was the crucial figure and the editorial content mattered more than profit. Today, the Guardian editor is one of only two people in the organisation who sit on the divisional board, the group board and the trust itself.

Today - in a climate in which three out of four of the main British quality dailies, are losing money and the fourth has seen its profits halved in a few years - the Scott Trust asks that the paper should be run efficiently and be "profit-seeking". It does not necessarily expect the Guardian to be in profit, let alone earn the sort of returns many big American media organisations are used to (or were used to) seeing from newspapers. Trustees understand that serious public service journalism isn't always compatible with enormous circulations or huge profits. With the Scott Trust there's no question which comes first.

That's just as well at the moment, because it's certainly my view - perhaps a near universal one among newspaper folk - that we're going to go through a very testing period in which newspaper print sales and revenue - rather crudely represented by a blue line here - are going to decline while our hopes and expectations (the red line) are that digital consumption and revenue will grow - but not nearly fast enough. So we're all going to be in that green bubble. The panic temptation to slash away at costs is going to be almost irresistible. The newspapers which will survive will be the ones with values, a long-term vision and a belief in journalism. That doesn't have to be the preserve of a trust. I think it's true, for instance, of Rupert Murdoch.

It's going to be even more testing as we move from a world in which we dealt in one medium - text and still pictures - to a world in which we will probably be telling stories in text, pictures, audio and video. We move from the comparative comfort of being up against a small number of other newspapers to a new world in which we're competing against any number of other media and technology companies.

It's as well to ask yourself what you stand for, what you do well, or risk losing any special identity in a very crowded stadium of people shouting for attention. These are some of the attributes we think belong with the Guardian.

Some media organisations could claim some of the qualities or aspirations on that list. Very few could claim the whole set. Writing them down like that helps cement what we think important and also helps our editorial and business decisions in terms of thinking what we should concentrate on.

We will all be tested - and have already been. Most recently the trust's commitment to serious journalism came with the autumn 2004 stampede of the British quality press into tabloid format - with the Independent, famously, rebranding itself as a "viewpaper" rather than what it had been for the first 18 years of its 20-year life - on outfit that did news bit before it did the comment bit.

When I saw the direction in which the Independent was going I thought 'how on earth could you possibly try to be

the Guardian and yet compete in the same format on the newsstand with a paper which is adopting tabloid techniques to maximise sales? The destination that leads to was best exemplified by the recent issue in which the paper was guest-edited by Giorgio Armani, whose main idea was to black up the supermodel Kate Moss to look like an African Aids victim.

Anticipating such a trend, I went to the trust and asked, "Can we possibly not go tabloid?" Instead, I recommended that we adopt the Berliner format, common in Europe. We got McKinseys in to do the maths: they demonstrated that, over a 15-year span, the switch of format would be cost neutral, if not actually positive. The trust didn't need much convincing.

In order to allow the Guardian that kind of comfort zone to pursue these high ideals expected of it, the trust has, over the years, built up a series of profitable media businesses, run on pretty conventional lines. They include a radio, magazine and regional newspaper business, all of which sit alongside the Guardian and Observer in a parent company called the Guardian Media Group.

The arrangement is, in my view as a editor, almost a miracle. We, as journalists, are free to produce what we hope is a great newspaper along the lines we - and we alone - determine. And over us is a benign presence that will make sure that, within reason, we have the resources to do what we all believe in. There is no proprietor or conventional corporate structure telling us what to think. Our only relationship is with each other - and with the readers.

For the arrangement to work both bits of the organisation need a fairly subtle understanding of the unique nature of the deal.

Guardian journalists appreciate that the rest of the company is run on tough, commercial lines - both in terms of profit expectations and rewards. And our colleagues in the other divisions show an understanding that, constitutionally, legally and morally, they are there to support liberal journalism at its best - the production of which may not always conform to how you might behave were the market alone to rule.

Having listened politely so far, you may well be switching off at this point. "This is lovely if you're in the happy position of having a protecting angel over your business," you may be thinking to yourself. "But most of us live in the real world. The owners of American media companies are not about to sign over their worldly possessions into not-necessarily-for-profit trusts"

Well, you're quite right and the last thing I want to do is to lecture anyone about how they should run their companies. But I can share with you our thinking about the reasons we do things in the way we do, which are as much about self-interest as the desire to behave well.

Let me begin with what we put in the paper.

The famous Scott Essay of 1921 contains another striking sentence:

"A newspaper is of necessity something of a monopoly, and its first duty is to shun the temptations of monopoly"

Some would argue with that proposition. Britain, for instance, has an intensely competitive national press - quite different to many American or European cities which are now served by one, or at most, two titles.

But only the wilfully blind could be oblivious to the widespread concerns people have about the power of the

so-called mainstream media. As an editor, I share those concerns. I was rather alarmed by the power I acquired the day, just over 11 years ago, I walked into the editor's office for the first time. Editors do have the power to make or break people. They can sit as judge and jury on people in public life. They can - or until recently, they could - determine who is allowed a voice in public debate, and who is denied one. They are astonishingly unfettered (compared, say, with any law enforcement agency) to snoop out information on people's private lives. Several British newspapers voice fears about the implications of the Big Brother state - with the prospect of centralised computer databases for security, welfare and health records. In some cases these same newspapers think nothing of paying for exactly the same information about celebrities' private lives using private investigators as cut-outs.

For a long time we could behave with a certain arrogance because we had the playing field to ourselves. We were - quite correctly - fierce in fighting for our rights. We were less interested in talking about our responsibilities, far less any notions of transparency, accountability, responsiveness ... or discussions about our own ethical standards and methods.

The explosion of new technologies, most of them web-based, has enabled our readers to challenge all that - to criticise us, to interrogate us, to expose us, to offer alternatives to us, to bypass us altogether.

Most of it boils down to one word: trust. And - in this new world where you can get your information, much of it free, from any number of sources - it's always seemed to me that we ought to think about trust rather more carefully than we used to.

There's a particularly notorious English football club whose supporters' chant runs "Nobody Loves Us, We don't care." That could equally well have served as an anthem for the British press.

All surveys of trust in Britain show a public very sceptical about whether their newspapers can be trusted to tell the truth. The most recent one by the parliamentary committee on standards in public life show that the so-called quality papers are trusted by about 39% whereas tabloid papers are only trusted by 9% of the population.

So, whatever our ownership structure, I think self-interest dictates that we should start to care more about trust.

What have we done about that on the Guardian in editorial terms?

The most basic responsibility we have is to be accurate and truthful in what we write. So the most fundamental duty is to have systems in place that alert us when we get things wrong so that we can correct, amplify or clarify matters where - as in inevitable in all forms of journalism - we get things wrong. Some of these things are commonplace in some American news organisations. They're pretty rare in Britain.

We began, four years ago, by agreeing and publishing a code of practice, the rules by which we'd behave as Guardian journalists. This covers such things as respect for privacy, declaration of outside interests, covering suicides, use of non-attributable quotes, financial reporting, subterfuge. Anyone can read it on our website and judge us by the standards we set ourselves.

Nine years ago I appointed an independent readers' editor. Anyone can contact him directly about anything in the paper which concerns them - primarily errors and points of

clarification. There are numerous complaints about English usage, accuracy, graphics and use of statistics. The present readers' editor, Ian Mayes, has also dealt with declarations, or conflicts, of interest, plagiarism, manipulation of pictures and a host of other worries.

Some colleagues on other papers - in resisting this approach - argue that it's the editor who should deal with these matters since they are the responsibility of the editor. Well, in an important sense that's true. But there's the problem that he/she was responsible for the error in the first place, so it's questionable whether he/she is really the best person to sit in judgment on his or her own error. There are not many areas of corporate life where consumers or customers have no independent channel of approach to, or appeal against, the decision of the people who run a company. If you want people to trust you, it helps to have an independent method of measurement of arbitration.

Ian Mayes deals with 18,000 complaints, comments and queries a year - broken down to around 40 or 50 phone calls a week and as many as 200 or 300 emails a week. I've no idea if this is good or bad - I rather doubt that the Guardian is significantly more error-ridden or ethically compromised than its British counterparts, but as no one else has a comparable system or makes any attempt to systematically correct mistakes it's a little hard to know whether this is a sign of health or otherwise. I do feel confident about two things: one, that very few errors escape detection. We have millions of eyes crawling over every word we write - an unpaid army of fact checkers. So the writers know that, crudely, they won't get away with making a mistake. Secondly, the system does alert us to problems with unreliable individuals or processes to which we would otherwise not be alive.

The readers' editor corrects our errors in the most prominent place in the paper, after the front page. That's to say next to the editorial column.

He also has a weekly column in which he can discuss any editorial matters raised by readers, or which he considers important. He might use this space to discuss over coverage of mental health or of the Middle East - sometimes polling editorial staff, or readers, for their views. He's aired uncomfortable issues about individual reporters or stories. With some of them, my first instinct was "why are we washing this dirty laundry in public?" I think I can say that my subsequent reaction was always, "Thank God we made a clean breast of that."

Two examples: one uncomfortable column quoted our own code of conduct on the manipulation of pictures.

Before going on to ask why we manipulated a picture - we bleached out a bloody limb from a picture of the aftermath of the 2004 Madrid train bombings - the answer was an understandable urge to protect readers from a distressing image. I know, because I made the call. But it was the wrong call. Several other papers tweaked the image in some ways. We were the only one to own up and examine our behaviour.

Another column looked at the circumstances behind a young reporter getting his facts badly wrong in a violent situation in China.

It might have been more comfortable to have drawn a veil over the matter - though that's difficult when the bloggers are going wild over an error of this significance. But, actually, Ian's column helped the reader understand why the reporter got it wrong; won us some respect among a wide body of readers whose trust in us had been shaken and who believed newspapers never apologised; and made

us rethink both our policy on sending inexperienced reporters into conflict zones and how we're bad at thinking about trauma in the context of journalism.

On four days a week we publish a Response column on the leader pages where people who have been written about in the paper can reply. It's not quite a "right to reply", more an "opportunity to reply". I think it's the only such reserved space in the British press.

I hope all this adds up to an editorial process which allows external challenge to our journalism and is, I hope, educative on both sides. It helps reporters and editors understand better the concerns of readers and takes out of their hands decisions about which errors deserve correction. It can also inform readers about the reasons behind decisions or policies and the way we work. On both sides I think it's educative about journalism - how, very often, the truth is elusive and is sometime best reached by a process of accretion or subtraction - which may involve clarifying, adding, withdrawing, testing and correcting.

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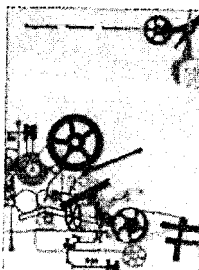


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Comment

CSR and newspapers

Speech given by the Guardian editor, Alan Rusbridger, at Harvard on October 14 2006

[The Guardian](#)

[Click here](#) for first part of speech.

One final thing about the editorial processes, and this is an internal matter.

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On many papers, it's only a small group of executives who get the chance to comment on the paper or to input ideas. Conferences are semi-secret affairs, except for the privileged few. Each morning at the Guardian begins with the opposite - an open editorial conference - open, that is, to any member of staff.

Each and every day the meeting - which can be attended by anything from 25 people to 70 or more - is invited to say what they thought of the previous day's paper. If people are unhappy with any aspect of editorial policy, they'll say so. It's another way of introducing some accountability and challenge into a process that can, in my view, too easily reflect the pre-occupations and prejudices of a small group of executives. It doesn't mean you edit a paper by committee.

We frequently give a summary of these discussions on an editors' blog.

That blog, incidentally, appears on the Comment is Free site, a site we've created where our own commentators debate in the same space as readers, or people with a specialist knowledge of a subject who wish to take part in the conversation. It's as if the Huffington Post existed in the same space as the New York Times. Difficult to imagine, perhaps, and quite often a bumpy ride. But all part of the continual experimentation demanded of media organisations by the Web 2.0 era. In seven months we've registered 1,000 commentators. We've carried more than 6,000 pieces of comment, less than half of which also appeared in the paper, and around 240,000 responses, almost none of which were also printed in the paper. In other words, we've opened our doors and, in doing so, we've widened the liberal debate to include hundreds of people who would previously have had no mass public platform.

This is partly about good journalism, it's partly about resisting the temptations of monopoly ... and, if we're honest, it's partly about not wanting to see our community of readers disappear over the hill into the sunset. If we don't learn some of the lessons about openness and responsiveness of web 2.0 we won't see our readers for dust.

So, these are a few of the measures and internal processes we've introduced into the paper to make it more open, more transparent, less - in the jargon of the new technologies - a tablet of stone handed down from on high.

But we thought we should go further in trying to assess whether the staff are with us in our perceptions of how we were running the paper. So, twice in the past three years, we've commissioned an outside firm to survey staff across the company - editorial and commercial. The headline findings this year were encouraging.

91% proud to work for the company 90% put in extra effort 79% enjoy their work 73% would actively recommend us an employer.

But it was important to drill a little deeper. Here are some of the results we got this year, compared with the first survey in 2003.

A series of questions about how people felt about working at the company produced generally high scores. There was some concern about whether there was a gap between the Scott Trust's values and how we lived them as a company. People like their working colleagues and we found little evidence of bullying or harassment. But there were grounds for concern about diversity and fairness issues - whether we were doing enough to encourage a more diverse workforce and whether selection for internal jobs was fair.

Of course, having done such a survey there's the question of what you do with it. Should we really be airing staff concerns about lack of feedback and inability of some managers to confront poor performance? Or their complaints about pay and career development. Crudely, how transparent were we willing to be? In the end we decided we'd publish all the results both internally and externally, in our social audit. More of which in a minute.

As I said at the start, a lot of this is about addressing the issue of trust. It seems to me that we are, collectively as an industry, in some trouble on this score. We're all going to have work harder at the things all organisations or institutions do when trust begins to erode. We have a job on our hands to persuade the generation that newspapers hold any kind of appeal. We have to work harder at convincing them that our sort of journalism carries a weight and authority that can't easily be found elsewhere.

The British political philosopher Onora O'Neill has been exploring this theme in the BBC Reith lectures she gave in 2002 and since.

The press are skilled at making material accessible but erratic about making it assessable.

She continued:

- For all of us who have to place trust with care in a complex world, reporting that we cannot assess is a disaster. If we can't trust what the press report, how can we tell whether to trust those on whom they report?
- An erratically reliable or unassessable press might not matter for privileged people with other sources of information. They can tell which stories are near the mark and which are confused, vicious or simply false; but for most citizens it matters.

How can we tell whether newspapers, websites and publications that claim to be independent are not, in fact, promoting some agenda? How can we tell whether and when we are on the receiving end of hype and spin, of misinformation and disinformation?

As our thinking about all these issues developed we thought it right to move beyond a concern about editorial processes to examining how we behaved as a newspaper company - an exercise in the sort of corporate social responsibility we, as newspapers, love to urge on others without always seeing why we should do it ourselves.

So we decided we'd subject the Guardian, the Observer and our website, Guardian Unlimited, to the sort of social audit we suggest would be improving for other organisations. We've actually now done three of them and are about to publish a fourth. We call them "Living our Values".

One should begin by conceding that many people have reservations about social auditing. There are plenty of critics who complain that it has become merely a glossy extension of a company's PR and marketing function.

It seemed all the more important, therefore, that we should engage an independent social auditor to verify our report. As far as I know we remain the only media company to do this.

It was interesting to note that when we held a beauty parade to choose our auditor, all the companies that presented - bar one - spent little time talking about the actual auditing process but concentrated on the marketing benefits we could derive once we had completed the audit. Only one talked with passion about the process itself. We chose him.

Not only do we get an independent view on how we are doing, but the auditor also acts as a pressure point when we are not acting quickly enough. For example, his view that we were acting too slowly on improving our environmental performance led to the creating of an environment board champion, who is now consolidating activity across the company.

Without getting into too much detail, the auditor assesses our social audit using the two recognised global standards on the credibility of reports and assurance processes.

We wanted to satisfy three tests:

- Materiality - is the information relevant?
- Completeness - is there the evidence that the company understands all its significant social, economic and environmental impacts?
- Responsiveness - is there evidence of a commitment to improving its performance?

The verdict from one of the country's leading social auditors - now working as the Svengali behind the Tory leader, David Cameron, was encouraging and emphasises the point that most CSR reports are too dry and technical. We not only want people to enjoy reading our report but also to ensure that it has something of the creativity of our papers.

It's important to approach social auditing not merely as a reporting tool but as an agent of change. We have done this by creating key performance indicators in a number of areas and setting targets for change across the business.

So, for instance, we can measure the energy we use in our head office and offset the carbon emissions.

Other examples of this include using more wind-powered energy, improving supplier payment plans, creating a total rewards strategy, and implementing a comprehensive recycling strategy.

By far the biggest physical impact we have on the environment is through our paper purchasing, with the Guardian and Observer using more than 100,000 tonnes of paper. We compared ourselves with other British newspaper and magazine publishers and found we were about the median. Recycled paper makes up around three-quarters of our paper and the Guardian, along with the rest of the industry, has taken great strides forward in this area. But we are lagging behind other sectors in the way we purchase virgin paper. Most newspaper companies, including the Guardian, do not have accurate data on how much of our newsprint comes from certified sources and do not yet have strategies in place for tackling this.

In 2004, we commissioned consultants to advise on the responsible sourcing of paper. It concluded that whilst the majority of our suppliers were reputable, we were unable to guarantee that "all the fibre used to produce its newsprint comes from reputable sources".

As a result of this, we are currently auditing exactly where our paper comes from, and have committed to having a paper purchasing policy in place within the next year.

And so on. I won't go into much more detail about areas we've looked into, but if I show you a few slides you'll get an idea and can always look up the full report on our websites.

So, briefly, a question about the sort of advertising people find unacceptable. We did actually stop taking sex chat line adverts after the first audit, deciding that, though lucrative, they didn't fit in with our values.

We asked whether the content of the Guardian and Observer adequately reflected British society in terms of such issues or measures as ethnicity, gender, religion and geographic regionality. On this last question we clearly come across as too metropolitan in our coverage. A bit of a warning light. And there's only a lukewarm endorsement of the ethnic diversity of our writers.

We asked whether people found us value for money. Answer: not bad. That's a) encouraging, and b) gives us some idea of how we should approach a pricing strategy, given the economic model which has supported us through 185 years is being fairly fundamentally challenged.

We asked what people did with their papers after reading them: good news. 92% of Guardian readers recycle them.

We tested awareness of the paper's readers' editors - average - and whether people were inclined to believe the papers were more responsive because of them - pretty high. There's a high awareness of our policy on corrections.

We asked what forms of social engagement - from arguing with friends or family to making financial donations - had resulted from reading the guardian and observer. 80% had argued about issues we raised, 60% had boycotted products as a result of reading about them (that seems an interestingly high figure) and more than a third had been moved to dip into their pockets. A quarter had written to their MPs

There's average awareness of our ownership structure, but - on prompting - a very strong belief that the papers and their website are true to the trust's mission.

And, finally, on trust. You'll remember that the public at large, asked about supposedly quality papers like the Guardian, were only moderately inclined to trust them - the figure was 37%. Well, the good news is that - among people who actually read the Guardian - that figure rises to 86%. That's terribly important to us. It's one thing to

believe that "trusted" should be an attribute of the Guardian. But believing it and measuring it are two different things.

Why do newspapers find some of this stuff so hard to do? I think some of the clues are in the anguished discussions such as we were hearing yesterday - all the things implicit in the fear of the move from 'me to you' to 'us to us'. Many in the so-called mainstream media feel besieged enough. They wonder what is happening to notions of journalistic authority. They're taken aback by the bitterness and hostility to what we do. So it's a perfectly understandable reaction not to give 'them' - the baying mob - the material to attack us any further. Show any weakness and they'll scent blood.

But - whoever owns you and whatever the business model - that's not going to work in future, if it ever did. Whatever scepticism any of us about any of the new media dogmas - wiki, 'we the media', 'the wisdom of crowds' - I really do believe the benefits of opening up outweigh any pain.

I want to end with my favourite definition of a newspaper - which appropriately, given his connection with the Shorenstein Center, was written by David Broder.

I lived in Washington for six months in 1987 and had a deep immersion in - and love affair with - American journalism.

During this time there was a book published by Broder in which he quoted his own remarks made, I think I'm right in saying, in 1978. So this was nearly 30 years ago, long before the bloggers got stuck into newspapers with their critiques of how inadequate and untrustworthy big old corporate news organisations were.

I remember reading this passage and a small light bulb going off in my head. This was what journalism was - not an exercise in perfection, but an exercise in imperfection. It was a complete reversal of what the story we told about ourselves. If we could be honest about the most basic truth about our business people would trust us more, not less. We might, I remember thinking, even be able to include them in the process. The more you could be open with your readers, the more they would believe in what you were doing.

Since many things I've talked about flowed from that American light bulb moment it seems worth just quoting it.

"I would like to see us say over and over until the point has been made ... that the newspaper that drops on your doorstep is a partial, hasty, incomplete, inevitably somewhat flawed and inaccurate rendering of some of the things we heard about in the past 24 hours ... distorted despite our best efforts to eliminate gross bias by the very process of compression that makes it possible for you ... to read it in about an hour."

"If we labelled the paper accurately then we would immediately add: 'But it's the best we could do under the circumstances, and we will be back tomorrow with a corrected updated version ...'"

Thank you for being a friendly audience and for your interest in the life and development of a single English newspaper.

the guardian

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Readers' editor terms of reference

The Guardian, Thursday 14 May 2009

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To collect, consider, investigate, respond to, and where appropriate come to a conclusion about readers' comments, concerns, and complaints in a prompt and timely manner, from a position of independence within the paper.

To seek to ensure the maintenance of high standards of accuracy, fairness, and balance in our reporting and writing.

To create new channels of communication with and greater responsiveness to readers, whether by 'phone, email, the internet, surface mail, or through the columns of the paper.

To seek the views and where appropriate, the written comments, of journalists whose work is the focus of readers' concerns: to take these views into account when responding to readers, and to make critical appraisals, if judged necessary, on an objective and fully-informed basis.

To look for ways of improving the paper's work and performance, in the broadest sense, by collating and analysing readers' concerns, ideas, and suggestions and identifying possible new or alternative courses of action and/or ways to develop the paper for the benefit of its readers and the paper itself

To write a regular - and, where possible - weekly column addressing one or several aspects of readers' concerns/suggestions/complaints, the content to be determined independently and not subject to prior approval by the editor or others on the staff, other than in respect of matters of fact, style, spelling and grammar.

To use this column as a platform and forum for readers' views.

To require of the editor that he take steps to ensure that his staff co-operate fully and

promptly with the readers' editor should they be requested to provide assistance in responding to readers' concerns and complaints. Similarly, the management and commercial departments of GNL, insofar as their activities relate to readers' concerns about editorial content.

In consultation with the editor and/or managing editor, to decide whether and when a correction should be published and/or apologies tendered, when deemed necessary, insofar as any correction/apology is not the subject of, or may be prejudicial to, a current complaint to the press complaints commission, our defence of an actual or possible legal action against the paper, or actual or possible legal or other action by the affected journalist(s).

In order to keep fully in touch with the workings of the paper, the readers' editor should have an established right of access to the editor, to heads of department meetings, budget meetings, to daily news conferences, and to other relevant forums. The readers' editor should be available to report, on an ad hoc, basis, to the editor and to these other groupings. The existence of the readers' editor, and how to contact him or her, should be advertised fairly prominently on a daily basis in the paper.

The readers' editor can refer to the external ombudsman any substantial grievances, or matters whereby the Guardian's journalistic integrity has been called into question.

The readers' editor will initially be appointed for two years. He/she can be reappointed. He/she can only be removed from the post within two years by a vote of the Scott Trust.

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the guardian

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Full text

External ombudsman report

This is the full text of the external ombudsman, John Willis's, report into the handling by the Guardian readers' editor of the controversy surrounding an interview with the writer Noam Chomsky

John Willis
The Guardian, Thursday 25 May 2006

A Letter to the editor

I was asked in late March 2006 by the Scott Trust to resume the role of External Ombudsman for the Guardian - a position I had held from 1997 before leaving the UK to work in America in 2002. The role of the External Ombudsman is outlined in the Terms of Reference for the Guardian Readers' Editor on the newspaper's website.

In particular, the Scott Trust asked me to adjudicate on whether Ian Mayes, the Readers' Editor, had discharged his duties properly in relation to an interview with Professor Noam Chomsky (31/10/05). Following complaints from Professor Chomsky and others the Guardian issued a correction (17/11/05) and withdrew the article from its website.

As a result of this correction complaints were received from others, particularly David Aaronovitch, Oliver Kamm and Francis Wheen, who claimed that this correction was in itself wrong and needed to be withdrawn or corrected.

As a result I was invited by the Scott Trust in accordance with the Terms of Reference for the Readers' Editor to answer two questions:- a) Did the Readers' Editor discharge his duty to the readers by taking complaints seriously and considering them thoroughly? b) Did he reach a conclusion and take an appropriate action as a result of that conclusion?

Thus the Terms of Reference from the Scott Trust to me made it clear that my task was to judge the adequacy and fairness of how the complaint was handled not the complex underlying historical debate which surrounds the Bosnian conflict.

Timeline

1. On 31st October 2005 an interview with Professor Noam Chomsky by Emma Brockes is published as the lead article in the G2 section. This followed Professor Chomsky being voted as the world's greatest intellectual by readers of Prospect magazine.
2. Publication sparks an immediate storm. Noam Chomsky sends a letter for publication to the Letters Editor. On November 1st two letters condemning the interview are published.
3. The following day, November 2nd two letters are published under the letters page headline "Falling out over Srebrenica". One letter is from Professor Chomsky and the second, from Kemal Parvenic, is about Omarska.
4. Chomsky continues to be unhappy, particularly with the juxtaposition of his letter with that from Parvenic. His complaint intensifies when he receives a hard copy of the original article including photographs and headlines.
5. On November 5th a spoof article under the pseudonym Norman Johnson which attempts to satirise Chomsky and more generally former left wingers who have changed their political alignment, is published.

6. Acrimonious correspondence with Noam Chomsky continues and an e-mail campaign, largely from an organisation called Media Lens, sparks off several hundred e-mails. Their website ('Smearing Chomsky - the Guardian in the gutter 4/11/05) urges readers to e-mail the Guardian editor and others.
7. On November 17th a correction is printed and the article is deleted from the website. Five days previously a 'holding note' from the Readers' Editor had been published saying the findings would be published when the complaint was resolved.
8. On November 23rd a comment piece from Diana Johnstone whose views on Srebrenica are referred to in the original interview is published.
9. On December 2nd a letter of complaint about the correction is received from David Aaronovitch, Oliver Kamm and Francis Wheen.
10. On December 12th Ian Mayes examines the issues in his Open Door column.
11. Correspondence between the three second wave complainants, the Guardian and the Scott Trust continues. They are unhappy with the unwillingness of the Scott Trust to ask the External Ombudsman to examine content as well as process. As a result on March 20th two of them publish their lengthy and detailed complaint on their websites. It runs to approximately 4,500 words. On behalf of the three complaints Oliver Kamm later explained publication "We did not want to go outside the Guardian's appeals procedure until our complaint had gone through all the hoops. We have been extremely patient". (11/4/06) The heart of their complaint is that the Guardian should not have issued a correction because in their view Professor Chomsky "most certainly does seem to believe that...Srebrenica was not a massacre and that therefore Emma Brockes had been done "a serious injustice". Their complaint claims that Professor Chomsky had on a previous occasion put the case that Srebrenica was not a massacre "directly and unambiguously".

Correction

12. The correction of November 17th "found in favour of Professor Chomsky" on three significant complaints. Principal among these was 'a statement by Ms Brockes that in referring to atrocities committed at Srebrenica during the Bosnian War he (Chomsky) had placed the word 'massacre' in quotation marks. This suggested, particularly when taken with other comments by Ms Brockes, that Professor Chomsky considered the word inappropriate or that he had denied that there had been a massacre'. For this the Guardian 'retracts the statement with an unreserved apology'.

In addition the headline, about which Professor Chomsky also complained, 'added to the misleading impression given by the treatment of the word 'massacre'. It read: "Q: Do you regret supporting those who say the Srebrenica massacre was exaggerated? A: My only regret is that I didn't do it strongly enough." No question in that form was put to Professor Chomsky'.

The correction made it clear that the headline was not justified by the text. It related to Professor Chomsky's support for Diana Johnstone (not Diane as in the original interview) over the withdrawal of a book in which she dealt with issues concerning the war in the former Yugoslavia. Ian Mayes wrote: "Prof Chomsky's support for Ms Johnstone, which was made in the form of an open letter with other signatories, related entirely to her right to freedom of speech". He also stated, "Neither Professor Chomsky nor Ms Johnstone ever denied the fact of the massacre".

Finally, Noam Chomsky complained about the juxtaposition of the letter from him with a letter from Kemal Parvenic, a survivor of Omarska. The Guardian acknowledged that "with hindsight the juxtaposition has exacerbated Professor Chomsky's complaint, and that is regretted". However, the Readers' Editor also stated that he believed that these letters were published together 'in good faith'.

Method

13. I have read through all the complaints, relevant e-mails and drafts of the correction. I have also been in contact with the key participants in this process, including Ian Mayes, Emma Brockes, Noam Chomsky and the three complainants about the original

correction.

Background

14. Ian Mayes has been the Readers' Editor for eight years. The system is embedded in the culture of the newspaper with journalists, by and large, understanding the principles and practices that underpin this role.

The relationship of the Readers' Editor to the newspaper is different from other journalists. He has access to any necessary meetings and correspondence and any decision he takes is independent of the Guardian management. No doubt on occasions he has reached a conclusion on a complaint that the Editor or Managing Editor has not agreed with.

Ian Mayes says, "I have no brief to defend the Guardian but I have a responsibility to be fair to all sides including the journalist".

15. The technique that has evolved since the appointment of a Readers' Editor involves widespread participation. Indeed, this was probably important in winning the confidence of the staff so that the principle of a Readers' Editor is supported and therefore journalists are more unafraid to admit mistakes.

Part of this approach is to be open enough to let Guardian journalists be involved, see drafts and have an opportunity to put their views or seek alterations. In this way the opinion of the Readers' Editor is tested against other parties to a complaint.

Nonetheless Ian Mayes is clear that he is in charge of any complaint and that his decision is final. "When I took this formal complaint over it was made clear to everyone involved at the Guardian that I was in charge," he says. (28/3/06)

16. There is no doubt that this was a difficult complaint for the newspaper. Professor Chomsky was extremely angry. Even in correspondence with me several months later he writes of the Guardian editors, "I have never seen such a disgraceful performance, and that covers quite a wide range".

As a world figure and an icon to many, Chomsky gathered significant support for his campaign. The Editor, Alan Rusbridger, received over four hundred letters and emails. The vast majority were stimulated by Media Lens. This lobby, as the Guardian would describe it, was dealt with directly by Alan Rusbridger. The Readers' Editor did not see these complaints to the Editor and dealt only with that by Noam Chomsky. Nonetheless the newspaper must have felt under significant pressure.

17. The original interview was tape recorded but unfortunately the tape has been partially recorded over. A transcript of sorts exists but the most contentious section of the interview was not available on tape. No one seems to doubt that this was genuine.

Conclusion

18. I have no doubt that Ian Mayes acted conscientiously and in good faith. He spent significant amount of time on the original complaint.

Ian Mayes diligently kept everyone fully informed and according to his Open Door article, "all were shown my draft conclusions ahead of publication and were given an opportunity to comment or argue for any amendment". There is nothing to doubt his complete integrity.

19. Oliver Kamm and David Aaronovitch in their letters on their websites (20/03/06) are clear: 'We have never questioned the diligence and professionalism with which Mayes considered Chomsky's complaints'. However, they are clear that they disagree with the judgement he came to.

Professor Chomsky seems to have no problem with the way Ian Mayes dealt with his complaint. Emma Brockes felt that he was 'professional and did everything by the book. He consulted all of us. His independence was not compromised'. Ian Katz, Editor of G2, confirmed, "Emma and I signed off at each stage of the correction process". (25/4/06)

20. Both the correction and the Open Door letter indicates an openness with readers by the newspaper and a willingness to admit fault. Many other newspapers would be much more reluctant to admit a serious mistake and apologise so clearly. As one correspondent in a largely critical e-mail to the Guardian put it, "Having committed the errors the Guardian behaved quite well - certainly a hundred times better than any other paper is likely to have done".

21. Ian Mayes is a general journalist. He deals with many complaints and corrections every year across a range of issues. He is not an expert on the Bosnian conflict, nor can he be expected to be. Scholars and journalists from many nations have written on this subject for many years and no doubt will continue to do so. As Ian Mayes put it himself, "It was not my role to investigate the history of the former Yugoslavia but, in the light of Chomsky's complaint, to put that (complaint) to the author and seek some justification".

All the Readers' Editor can do is to conscientiously examine the complaint about what actually appeared in the Guardian. His evidence had to be largely confined to what Noam Chomsky said to Emma Brockes on the day of the interview. His correction did not go into the rights and wrongs of Chomsky's view of Srebrenica but set straight points not supported by the interview itself. He was clear that the journalist had been wrong to put the word massacre in quotes and that the headline, which was not the responsibility of Emma Brockes, had not been a direct question. Both Ian Katz, the G2 Editor, and Emma Brockes agreed that a significant mistake had been made. On that basis he was surely right to conclude that the errors had been serious enough to issue a correction and an apology.

22. He read the long complaint from David Aaronovitch and others which quotes extensively from Chomsky's other writing and comments. Ian Mayes concluded (5/12/05) that having read the material sent in by David Aaronovitch 'those concerned argue that the correction concerning Noam Chomsky was flawed, should not have been made and should be withdrawn. I should say immediately that none of the material sent to me has persuaded me that I should do that'.

23. I have read the complaint about the correction. I too am not an expert on the history of the former Yugoslavia. There may be debate about what Professor Chomsky's exact views are about the work of Diana Johnstone. But as one blog on David Aaronovitch's website put it, 'Even if Chomsky supported (Diana Johnstone's) book it would not prove that he had denied the Srebrenica massacre'. In addition, he said nothing to Emma Brockes on the day of the interview which justified putting massacre in quotation marks, nor in the long complaint from David Aaronovitch and others is there a direct quote from Chomsky that supports an opposite view. In his Times column (14/3/06) David Aaronovitch wrote, 'Johnstone, certainly, and Chomsky, implicitly, had most certainly denied the massacre'. Even if you agree with this interpretation of Chomsky's views, and Chomsky and many others deny that extremely vehemently, implication is not 'direct and unambiguous', to use the words of the complainants. On that basis my opinion is that Ian Mayes was right to come to his view on the evidence sent to him directly by the complainants.

24. David Aaronovitch, Oliver Kamm and Francis Wheen also complained that by using legal advice the independence of the Readers' Editor was compromised. This was a complex complaint, replete with risks of litigation of different kinds. Any Readers' Editor in those circumstances would have sought legal advice. To not have done so would have been imprudent. The Readers' Editor does not enjoy legal privilege. He risked being sued by the original complainant or possibly Emma Brockes if he got his correction wrong. Emma Brockes was also at risk from an action. So it is not surprising that a Guardian lawyer was present at some key meetings.

Having seen drafts of the correction and explanatory article before and after the Guardian lawyers commented, nothing I have seen indicates that the independence of Ian Mayes was in any sense undermined. Indeed, a verdict so very clearly in favour of Noam Chomsky against the Guardian was not a result that the newspaper would have welcomed.

25. On the question of the letters published on November 2nd I can see how Professor

Chomsky might have felt that the juxtaposition of his letter with one from Kemal Parvenic was deliberate or unfair. He points out that the headline "Fall Out Over Srebrenica" implies a dispute between the two letter writers which did not exist. However, printing letters side by side which represent different perspectives is common practice for newspapers. In his correction Ian Mayes says that "the juxtaposition has exacerbated Professor Chomsky's complaint and that is regretted". But like him, I can find no evidence that the newspaper was not acting in "good faith". It was not until Ian Mayes returned from a trip to Madrid a few days after the publication of the letters that he received a formal complaint from Professor Chomsky about the form of publication of the letters and other matters.

26. Although I am sure that Ian Mayes always acted properly and was absolutely right to issue an apology and correction I do have two concerns:-

a) Given the commendable openness of the Guardian and its willingness to stimulate debate amongst its readers it seems surprising, as Oliver Kamm, David Aaronovitch and Francis Wheen point out, that the article, albeit with appropriate changes or the apology added, should have been deleted from the website. Indeed, Professor Chomsky himself never sought to have the article removed from the website. Ironically, the article is available on Chomsky's own website.

This decision was made by Ian Mayes himself although Emma Brockes and Ian Katz were present at the meeting when the decision was made. No doubt there was discussion about this decision but no one seems to have objected fiercely. No one for a second can doubt the integrity of Ian Mayes and this particular judgement but in hindsight there must be a question of whether this was the right course of action. "Drawing a line under the affair" is not a compelling reason for withdrawal and indeed that tactic failed.

b) I am not convinced that the Guardian should have run the short comment piece by Diana Johnstone in the form it did. She was not the direct subject of the original interview and although comment and response pieces are part of Guardian culture, taken with the apology and correction letters and the Open Door article, this piece contributed to the impression that the newspaper may have over compensated for the original, albeit serious errors.

Ms Johnstone's first paragraph referred to "some of the errors" being corrected which implied that there were more mistakes in the original interview than the substantial and clear apology from the Readers' Editor had detailed and to that extent was not completely fair to Emma Brockes. The Readers' Editor was not responsible for commissioning this response article.

Summary

I was asked by the Scott Trust to examine: a) whether the Readers' Editor discharged his duties seriously b) whether he took appropriate action as a result. It is clear that Ian Mayes conducted his examination punctiliously and independently. No party on either side of the complaint disagrees. Overall the newspaper took both the complaint from Chomsky and later from others extremely conscientiously. It is ironic that they are entertaining a complaint about their process when so few newspapers have any independent process at all. The Readers' Editor was right to conclude that an apology and correction was deserved. The journalists involved agreed. This was a serious matter. He was also right, on the evidence sent to him, that the substantive complaint from Messrs. Aaronovitch, Kamm and Wheen about Professor Chomsky's views on Srebrenica should be rejected and that therefore the original correction should stand.

However, with hindsight, the removal of the original interview from the website was unnecessary and over responsive. The Readers' Editor was not responsible for the Diana Johnstone response article but the form of this too looks like an over correction.

John Willis
External Ombudsman
May 8th 2006

the guardian

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External ombudsman's decision on David Elstein complaint

Decision by John Willis, the external ombudsman, in response to a complaint by David Elstein about articles in the Guardian that mentioned the numbers who died and were detained as a result of the Mau Mau uprising in Kenya in the 1950s

John Willis
guardian.co.uk, Monday 7 April 2008 18.01 BST

A longer version

On January 7 I received a complaint from David Elstein about two articles published in October 2006 in the Guardian about the Mau Mau in 1950s Kenya and what he claimed was the subsequent failure of the newspaper to deal adequately with his complaints about these articles.

Background

On Friday October 6 2006 Chris McGreal filed from Nairobi a story in the international pages headlined, "Mau Mau veterans to sue Britain over a torture and illegal killings in Kenya".

He wrote that, "an ageing group of former Mau Mau insurgents will launch a legal action in Britain next week accusing the army and the colonial authorities of torturing or illegally killing thousands of Kenyans during the rebellion from independence 50 years ago".

The article went onto say that "an official report determined that 32 whites were killed while more than 11,000 Africans died, many of them civilians. Others put the death toll much higher". It continued, lawyers were "likely to call as a witness American academic Caroline Elkins, whose acclaimed book *Britain's Gulag* estimates that up to 100,000 Kenyans died of torture, abuse and neglect in the British camps".

A few days later on October 13 2006 McGreal wrote a follow-up feature article largely devoted to stories of this severe ill-treatment against Kenyans including widespread torture, killings and malnutrition. The article did not deal with the detailed numbers involved in this brutal period as they would have been a distraction from the human story. But the article did note briefly that "150,000 Kenyans (were) held in British prison camps" and "an official report about the emergency concluded that about 12,000 Mau Mau were killed in the conflict. Some historians put the figure much higher".

The complaint

In all, David Elstein wrote eleven complaints to the Guardian following these articles and in his view, the response was either inadequate or non-existent. When his complaints were finally dealt with in some detail in a column and also a letter by Siobhain Butterworth, the relatively newly appointed readers' editor, a year later, he was still unhappy with the response of the Guardian.

Butterworth wrote a column which dealt with Elstein's key points but Elstein then complained to the external ombudsman that this response a) failed to deal adequately with central complaints and b) that Siobhain Butterworth "compounded the problem by adding further errors of her own".

The substance of his complaint is that in the original article it stated that Caroline Elkins estimated "that 100,000 Kenyans died of torture, abuse and neglect in British camps". David Elstein says, however, that Elkins never said this and it was untrue anyway.

The second part of his complaint was that Chris McGreal's "use of the figure 150,000 (detainees) without any reference to the official total was misleading".

David Elstein concludes that the Guardian "recycles spurious research and justifies continuing to do so, refuses to admit fault and refuses to publish a refutation".

The context

A BBC documentary, *Kenya – White Terror*, first transmitted on November 17 2002, well before the articles David Elstein complains about, drew much of its own evidence from the research of Caroline Elkins.

Featured in that programme was an interview with Terence Gavaghan, officer in charge of rehabilitation resources in Kenya, who had responsibility for the administration of some of the detainees. He was a neighbour in London of David Elstein. Subsequently, Ofcom, the broadcasting regulator, upheld in part a complaint by Gavaghan against the programme.

In addition to the BBC, David Elstein has also entered into a correspondence with the *London Review of Books* and the *New York Review of Books* following reviews of the book written by Caroline Elkins.

Method

a) I should say at the outset that I know David Elstein. He is a well-known and visible figure in the small world of British broadcasting and although I have never worked directly with him we were on the Board of Channel Five at the same time. As it happens I also know, albeit not well, the solicitor working with Caroline Elkins as well as some of those involved with the original BBC documentary.

For the purpose of examining this complaint I hope that Elstein and others, trust me to be as fair and independent as possible, as enshrined in the remit of external ombudsman.

b) I am not an expert in Kenyan history, nor have I tried to become one. That would take many years. My job is simply to judge whether the Guardian dealt adequately with these complaints.

To that end I have read all the relevant correspondence, articles and books. I have spoken to both Siobhain Butterworth and David Elstein. I have also tried to separate complaints about the BBC and the *London Review of Books* from Elstein's criticism of the Guardian in order to be clear exactly what the complaint entails.

The Guardian response

a) On October 6 2006 David Elstein wrote a short letter to the letters editor for publication, in which he explained why the Elkins numbers were, by his calculation wrong. He pointed to articles in the *New York Review of Books* and *London Review of Books* which "decisively debunked" the figures from Caroline Elkins. He does not mention that the "debunking" had come from Elstein himself.

b) This letter was not published but forwarded to Chris McGreal, who replied on the same day as publication that he was interested "to read all points of view" and asking how to find the relevant articles. The next day Elstein sent a further email to Chris McGreal explaining where to find these letters (not articles) and mentioning the Ofcom ruling on the BBC documentary. Two days later October 9 2006 he sent a further email to Chris McGreal enquiring whether the Guardian would publish his letter and attaching the unedited version of his letter to the NYRB. A week later Chris McGreal wrote his feature article in G2 in which, claims Elstein, he made a second error in putting the number of detainees at 150,000 (not the official figure of 80,000) and not crediting

Caroline Elkins as the source. There was an immediate and furious response from Elstein to Chris McGreal copied to the deputy editor which largely centred on a defence of his neighbour, Terence Gavaghan, who had been featured in the second article and was unhappy with his treatment by the newspaper. This time he suggested that Gavaghan deserved a right of reply.

c) Subsequently on October 24 2006 he wrote in detail to the then readers' editor, Ian Mayes. In his reply Mayes says that he had given careful consideration to the matter. He goes on that "it is clear that the historical record is still highly contested ... for precisely that reason, it is impossible to establish the clarity required for a correction". So as "the best I can do" Ian Mayes suggested a short letter for publication, "which I will be happy to recommend to the letters' editor (although he will have the final say)".

d) David Elstein wrote again to Ian Mayes claiming that "The 100,000 figure has zero basis. It should have been corrected. The only justification ever put forward for it has been debunked".

e) On November 5 David Elstein wrote a long letter to the paper for publication but it was not published.

f) Eight months later in July 2007 Elstein wrote a new letter for publication without success and then finally, on July 31 2007 Elstein wrote to Siobhain Butterworth, the new readers' editor following an article in which she analysed the conflicting versions of the Iraqi civilian death count. Elstein chose to draw parallels with the Guardian's approach to the Kenya death count.

g) On October 20 2007 in response to Elstein's complaint she wrote a column about the controversy surrounding the numbers of dead and detained during the Kenyan emergency. She followed this up with a detailed private letter to Elstein.

h) Butterworth concluded in her column that as the original article was a news story "the journalist was not obliged to deconstruct the research for that purpose. It was recognisable reportage not analysis".

On the second complaint about the number of detainees detailed in the second article she defended the journalist largely because the Kenya Human Rights Commission and another historian give a similar figure. But she also clearly pointed out, "However, since the number is disputed, the paper should have given the source and reported the official figure as well".

Conclusions

a) In terms of the first article, Butterworth wrote: "The news report contrasted the official figure for the number of Africans who died with an estimate put forward in a new historical work. I do not believe that the journalist was under any obligation to deconstruct the research for the purposes of the news story. This was recognisably reportage, not analysis of the research and I think readers would have understood it as such".

Although David Elstein claims this was 'old news', in fact the legal firm representing the complainants from Kenya had issued a press release outlining that they were to start legal action. That press release also announced that Caroline Elkins would come to London as a key witness the following week. In that context this was news, the story was reported on the news pages, and in my view Siobhain Butterworth was right to say that the journalist could not be expected to deconstruct the research beyond quoting both the official death toll and the much larger estimate from Elkins and that the readers would understand this was a news story.

b) With the second article I have more trouble. At that point Chris McGreal had already received a complaint from David Elstein claiming that the numbers from Caroline Elkins were disputed and controversial. He knew about the Ofcom ruling on the BBC documentary and he had been made aware of the debates in the pages of the NYRB and LRB.

Although he chose to go with the lower figure (160,000 rather than 320,000) of the estimates by Elkins it was still double the official figures. This was not a news article but a feature. It was primarily a powerful and shocking piece of human testimony but the journalist had the time as well as the responsibility to be clear about the status and source of the numbers. David Elstein's emails would have led the journalist to the Ofcom adjudication on the BBC documentary even if he had not been aware of that before. Even though that ruling did not adjudicate specifically on the Elkins numbers it was a signal to proceed cautiously. A quick look at reviews of the book by Caroline Elkins would have also rang an alarm bell. Some were positive but the Economist called her evidence "flimsy", the New York Times said "Elkins often forgoes complexity and careful analysis" and Max Hastings in the Telegraph wrote "her anger causes her to eschew intellectual rigour".

The readers' editor noted that Chris McGreal went for the lower figure of 160,000 and that there was some corroboration from the Kenya Human Rights Commission and Dr David Anderson of Oxford University. Chris McGreal, however, says his number in the second article was not based on Elkins at all. Mr. Elstein says that these corroborative figures rested on what he believes are the flawed workings of Caroline Elkins.

But Butterworth also wrote that "since the number is disputed, the paper should have given the source and reported the official figure as well" and that overall a newspaper should be transparent, "readers should be told where estimates come from and whether they are controversial".

In my view this is right and I am clear that knowing how the figures were contested Chris McGreal should have done exactly that.

c) In his complaint David Elstein says that Elkins never wrote that 100,000 Kenyans died in the camps as Chris McGreal reported. What the book does say on its cover is that "nearly the entire Kikuyu population of one and a half million" were held "in camps or were confined in villages ringed with barbed wire". The key word here is 'or'. There is a difference between the actual camps and the contained villages which adds confusion to exactly what Elkins is asserting. The paperback cover goes on "tens of thousands of detainees – and possibly a hundred thousand or more died". Subsequently in a phone call with Siobhain Butterworth a year later Caroline Elkins confirmed her 100,000 figure was "based exactly on her book".

I am not sure that Chris McGreal can have been expected to pick up the difference between the alleged 100,000 dead in the camps, as he wrote in his original news article, and the 100,000 dead in the camps and the villages described on the book cover. It is an important difference but a subtle one and not that easy to spot in the context of a speedily written news story.

More importantly, was this figure correct or not? In his news article McGreal contrasted the official figure of 11,000 dead with the 100,000 estimate from Dr Elkins. The status of these two numbers was clear in the article but once the newspaper had understood that the Elkins figure was disputed and apparently had little support there was a case for further clarification, probably in the form of a letter.

d) Despite the acknowledgement that the paper had got some things wrong David Elstein asserts that the Siobhain Butterworth column compounded the original errors. Indeed, he wrote yet another long letter for publication (October 23 2007) criticising her response in detail. Once again, this went unpublished.

This story would present any newspaper with some difficulty. How does it best deal with death toll figures that are so disputed? This is exactly what Siobhain Butterworth tried to illuminate in her article about Iraq and subsequently in her article about the Kenyan emergency.

In this case Caroline Elkins is a Harvard professor, albeit quite junior, when she wrote her book. After many years research her book won the Pulitzer Prize. At first glance there is some support for the lower of her estimates of detainees from others such as the Kenyan Human Rights Commission and Dr David Anderson of Oxford University. As mentioned earlier there seems little or no support for her death figures although she still

sticks by that number. The only rebuttal of both these figures comes from David Elstein himself in the New York Review of Book and the London Review of Books although several reviewers of her book are also sceptical.

David Elstein may be right. Certainly Elkins does not really show the workings out of her numbers. But while it is reasonable for him to expect, as Siobhain Butterworth agreed a year later, figures that are disputed to be labelled as such, it is unrealistic to expect the Guardian given the number of stories it prints daily to have the resources or the academic research capability to fully accept Elstein's rebuttal. Indeed, the Guardian is no more able to test Elstein's figures than those from Elkins.

The newspaper, therefore had no obligation to print a rebuttal but, as they finally recognised, should have acknowledged that the figures were and still are disputed.

Did, as Elstein claims, the Open Door Column (October 22 2007) "compound" the errors? It was a conscientious and thoughtful piece of work. For the first time some of Elstein's points were in the open. She, wrongly in Elstein's view, puts part of Elkin's case following a phone call to Harvard. Of course, the column was not a rebuttal and therefore more "limited" than Elstein would have wanted. But it put on record the dispute around the figures and concludes quite correctly, "The task then is to be transparent; readers should be told where the estimates come from and whether they are controversial".

e) Once David Elstein started complaining how adequately did the newspaper respond?

The Guardian has led the way in the British newspaper industry in terms of correcting complaints and responding to the concern of readers via the readers' editor.

In that context it is surprising that, until Siobhain Butterworth's conscientious attempt to deal with the issue, months had gone by with little response from the newspaper despite eleven letters from David Elstein. It must have felt like the paper was simply shutting down on this topic.

That lack of response came despite the recommendation (but no guarantee) by Ian Mayes, the then readers' editor, that Elstein wrote a letter for publication. No letter was ever published even though one was written on November 5 2006.

Other publications like the London Review of Books, were happy to publish Elstein letters and to have an 'open' conversation about this subject.

Having said that no newspaper, even the Guardian, guarantees a right of reply. To do so would not only be impractical but would threaten the editorial independence of the paper. Every day the letters editor receives several hundred emails and editorial judgement has to come into the process of what to select for publication.

In this case the decision was made not to publish despite the recommendation of the readers' editor. Well over a year after the original article and given how many words the Guardian publishes each year it is difficult to work out exactly why nothing was published.

It may be that the letter was too long. It was certainly very detailed. Publication was never guaranteed and it may have been decided that the Elstein letter was just not clear enough or interesting enough. A shorter letter however, could have been negotiated. Reading the emails too, there clearly was some concern about the reliability of Elstein's own figures. The fact that he pointed to rebuttals in the NYRB and LRB without indicating that the rebuttal was by Elstein himself didn't help.

Nor, I suspect, did the sheer volume of complaints and that they were sent or copied to several different senior figures at the newspaper. It helped create an air of confusion around the response process.

In my view, the ultimate test of whether the newspaper responded adequately was what picture the readers were given. In this case, it was undoubtedly an important story, important enough for the Guardian to cover it significantly twice in a week. But as Ian Mayes recognised, the figures of deaths and detentions in the Elkins book were contested.

A quick search would have shown that Elstein aside, there was a lack of robustness in the numbers from Elkins and undoubted criticism of that part of her book. For example Dr David Anderson of Oxford University published his book, *Histories of the Hanged*, at the same time as Britain's Gulag came out. He supports the lower Elkins figure for detainees of 150,000 (the figure reported by Chris McGreal) but his estimates of the dead at 20-30,000 are above the official figure but way below the Elkins number of 100,000.

However, the Guardian reader would know none of this. Their picture of the scale of the horror would be partial and incomplete. Any reader or any student searching the Guardian archive would take the figures from Professor Elkins as uncontested.

Overall, Dr Anderson was right when he wrote in the *New Statesman* that "compiling league tables of atrocity is pointless. One atrocity is too many and while the British were no more atrocious as imperialists as anyone else they were no better either".

Yet, the Guardian readers should have the most complete picture of the scale of that horror, read about the competing interpretations and made their own minds up.

Response articles are an integral part of the Guardian's accountability to its readers and there must have been a case for one to have been written on this occasion. Recently, indeed, Ian Buist a former colonial office member, wrote such a piece following a Chris McGreal article about the impact of British colonial policy on the current crisis in Kenya.

But the newspaper was under no obligation to print the response David Elstein would have liked. His complaint to me says the Guardian "refuses to publish a refutation" but that was entirely a matter for their own editorial judgement.

However, the result is that the reader is left with a partial maybe misleading view and the archive with an incomplete picture. Despite the extenuating circumstances outlined earlier, in my view the newspaper should have found a way of publishing a letter or some other response from David Elstein about the contested figures.

By the time Siobhain Butterworth responded a year later, albeit with some criticism of one of the articles, it was too late and now the Guardian readers are still left not knowing as much about this story as they should.

The recent emergency in Kenya has only underlined the need for the paper's picture of the scale of that brutal and shameful part of our colonial history to be understood as fully and accurately as possible.

Even so long after the original articles the paper should, in my view, at the very least correct the archive record and attach some addendum that makes it clear that the figures from Caroline Elkins are contested. Such transparency is in the interest of the readers.

John Willis
External ombudsman
March 2008

guardian.co.uk Mail - Fwd: Observer

<https://mail.google.com/mail/?ui=2&ik=3e26c200ab&view=...>

From: <Shaun_Williams/Press_Office/GNL>
Date: 13 December 2006 16:45
Subject: Observer
To:
Cc: Roger_Alton

Rob - Roger Alton has asked me to give you this statement from him re your email .. let me know if you have any further queries.

"Yes. The Observer has used the services of an outside agency in the past, and while there were strong public interest defences for most of those cases it is possible that some of the enquiries did not sufficiently fit that criteria. As a result, I have now taken steps to ensure that no enquiries will be made through outside agencies unless I believe that there is a compelling public interest to do so."