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THE PRESS STANDARDS BOARD OF FINANCE LIMITED

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Editors' Code of Practice Committee

CHAIRMAN: LESLIE HINTON

email: editorscode@fsmail.net

SECRETARY: IAN BEALES
PO BOX 235
STONEHOUSE, GL10 3UF

AGENDA

For meeting at the Press Association boardroom
292 Vauxhall Bridge Road, London,
Thursday, 10 February, 2005 at 4.30pm

*The meeting will be followed at 6-00pm by a small reception in
the Cathedral Suite to launch The Editors' Codebook*

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1. **Apologies**
 2. **Minutes of 23 September, 2004** (circulated)
 3. **Business arising**, if not dealt with below.
 - Legality of recording telephone interviews. *IB to report*
 4. **The Editors' Codebook**
 5. **Transgender discrimination**
 6. **Representations from the public**
 7. **Annual Code review**
 8. **Other business**
 9. **Next meeting**
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4. The Editors' Codebook

4.1 Copies of the book will be available for all Code Committee members. Jim Raeburn, Secretary-Treasurer of Pressbof, and Ian Beales will report on publication and launch arrangements. The book will be sold at £5, including postage, discounted to £4 per copy for bulk orders of more than 25. *See also Press Release, Pages 5-6.*

5. Transgender discrimination

Secretary's report: In September, the Committee rejected a request, from lobby group Press For Change, that Clause 12's categories of those vulnerable to discrimination be extended to include transgender people. The Committee felt transgender issues were already implicitly covered within the Code under the sex or health provisions and privacy clause, and this group was not sufficiently vulnerable to merit specific mention.

The decision caused something of a storm within the trans community - openly prompted by Press For Change - and we received more than 60 emails, including several from Dr Lynne Jones, MP, who chairs the Parliamentary Forum on Transsexual Issues. Press For Change compiled a 40-page confidential dossier on its case, including many of the letters, and a 17-minute DVD.

To save the Committee's time, I have tried to distil the arguments below, but I can email the dossier to Committee members who wish it.

5.1. While the correspondence contains several confused and contradictory rants from angry, sad and possibly disturbed writers, it also includes from other trans people some very reasoned and cogent expositions of what is undoubtedly an extremely complex situation.

5.2 They share a common sense of social ostracism, frequently blamed on the tenor of most press coverage – both tabloid and broadsheet (where stories were often seen as having a feminist agenda). Recurrent themes were that trans people had not chosen to be afflicted by *gender dysphoria*, but rather that it had chosen them; and that press publicity was often couched in terms that led almost inexorably to actual physical or verbal violence against them. Several examples were cited, some obviously very distressing personally to the victims.

5.3 Two points emerge strongly: The volume, content and quality of the responses make it difficult for the Committee not to reconsider this issue; also, legitimate questions have been raised about our previously stated reasons for not including trans people within the Code. These could leave us very exposed if challenged externally, such as under questioning by a Commons committee – i.e. Media, Culture and Sport.

5.4 This means that if the Committee wishes to continue to exclude trans people, it will probably need more sustainable reasons than those previously advanced, i.e. that they are: already implicitly covered; are not particularly vulnerable; or in need of specific mention; and anyway are covered under Privacy. The main flaws are:

- **Implicit coverage:** While it may be argued that people suffering from gender dysphoria – a recognised medical illness under the law - are covered under the Code, this applies only to those who have not yet had an operation for gender reassignment, or who are in a transitional stage. People who have recovered from surgery or treatment (there are estimated to be 5,000 of them) are not regarded as inherently ill or disabled.
- **Not in need of specific mention:** This has become difficult to sustain with the passing of the Gender Recognition Act 2004. The Act gives perhaps unique protection to trans people under the law, allowing them to be issued with new birth certificates (with privacy heavily guarded) reflecting their new gender; allows them to marry; and grants them all the rights (including pensions etc) of their new gender. The law is expected to take effect in April. Trans people have had special status within the Sex Discrimination Act since 1999.

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- **Not sufficiently vulnerable:** the trans lobby claims – and it has been accepted within legislation – that transsexual people are uniquely vulnerable, especially to violence once “outed” or exposed, and has provided some examples. It says such people traduced in the press are not interested in winning PCC adjudications, since that would come too late to undo the damage in terms of exposure and accompanying violence or abuse. Press For Change argues that only inclusion in the Discrimination clause would have a deterrent effect by protecting individuals from pejorative or prejudicial reference, or from having details of their gender status published, unless genuinely relevant to the story.

5.5 **Option 1 - No change:** If the Committee wishes to maintain its current position, then it could re-examine the reasons offered – or decide just to tough it out. I have already put the downside of an amendment to Press For Change: that they might in effect be establishing trans people as a separate caste, which is the opposite of what they want. They felt that a small price to pay. I also suggested that inclusion within the Discrimination clause would not automatically achieve what they sought: it would not necessarily affect the tone of hostile stories about trans people as a group, nor prevent publication of gender details about individual trans people which could be justified as genuinely relevant to the story.

5.6 **Option 2 – amend the Clause:** If the Committee is prepared to change the clause, two additions might suit:

- Clause 12(i) read: *The press must avoid prejudicial or pejorative reference to an individual's race, colour, religion, sex (including gender transition), sexual orientation or to any physical or mental illness or disability.*
- Clause 12(ii): *Details of an individual's race, colour, religion, sexual orientation, gender status, physical or mental illness or disability must be avoided unless genuinely relevant to the story.*

5.7 In reality, such amendments would be unlikely to significantly affect the current situation, as far as the press is concerned. 1. The changes would not apply to stories about transsexual people as a group. 2. They would be unlikely to increase the number of individual complaints, since the PCC has never refused to accept a case from a transsexual complainant (although few complain because they contend it makes matters worse). 3. They would not prevent publication of stories on trans-gender people, unless they were gratuitously prejudicial, pejorative or mentioned the gender issue when it was not relevant. *(In fact, that is already covered by existing privacy clauses, since it involves medical history).*

5.8 **Conclusion:** Clearly, this would have limited real value for the trans community. What they really seek (and they have previously asked the PCC to publish a Guidance Note) is more positive coverage. However, they believe recognition is a first step forward. They asked for precisely these changes (the wording is theirs) and if the amendments were made it would be seen as a positive move by the Code Committee, whereas the current clause leaves us seriously exposed to charges of inconsistency, when compared with our treatment of other vulnerable groups.

6. Other representations from the public

6.1 [redacted] Via the PCC, November 2004

[redacted] Director of Government Relations for Heinz, complained that, after *The Sun* claimed a dead mouse had been found in a can of Heinz Cream of Tomato soup, the company was denied the opportunity to clear its name. Heinz asked for the carcass to be sent to an independent laboratory for analysis. However the newspaper did not produce the body until it was in such an advanced state of decay that it was impossible to conduct scientific tests, which might have established that the mouse could not have been in the soup. [redacted] said the Code should be changed to cover such an eventuality.

- **Suggestion:** *The Code should require that in such cases the evidence is released for independent analysis as swiftly as possible to ensure that the factual accuracy of allegations can be determined.*

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6.2 [] October 2004

[] a member of Ofcom's Advisory Committee on Older and Disabled People (ACOD), objected to a *Sunday Times* story in which sick children involved in right-to-live legal battles were described as *handicapped*. [] said the term was offensive and derogatory. The preferred, more positive, phraseology should have been *disabled children with learning disabilities*.

- **Suggestion:** *The Code committee considers introducing full guidance on the correct usage of disability-related language, with a possible view to promoting it across the whole of the media, through informal co-operation with Ofcom and others.*

6.3 [] via the PCC, January 2005

[] complained that a Page One lead headline in *The Times* – Doubts Over The Effects Of The Pill - was misleading and irresponsible. The headline was referring to doubts over its reputed secondary benefits in controlling heart disease and cancer, rather than its primary role as a contraceptive.

She suggested this was a further example of irresponsible coverage of women's health issues and that there should be a Health reporting Code of Practice. The PCC rejected the complaint, because the story had made clear what the doubts were, but said the matter should be referred to the Code Committee.

- **Suggestion:** *That the Code should give specific rules on the coverage of health issues.*

6.4 [] Director of OBJECT, and [] Nov 2004

[] and [] complained separately about the sexual nature of the covers of men's lifestyle magazines such as *FHM* and *Nuts*, suggesting they were demeaning to women, created dangerous stereotypes and should not be openly displayed.

[] organisation, *Object*, had conducted a survey comparing the content of *FHM* and *Playboy*. She claimed that while *Playboy* was a pornographic magazine restricted to the top shelf in most main outlets, the content of both magazines was similar, and *FHM*'s covers were far more sexual. She suggested the Editors' Code was out of step with other regulatory bodies by not allowing complaints about taste and decency.

- **Suggestions:** *That the Code should cover taste and decency; that pornography should be sold only covered and on the top shelf; and that there should be an end to gratuitous sexual imagery of women in newspapers.*

7. Annual Code Review

The Secretary has conducted a preliminary review of the Code. However, no substantive issues beyond those mentioned above have emerged, since the last review in June 2004. If members have any suggestions for change, which they feel should be included in the annual review, could they please let the Secretary know and they will be put on a late agenda. Otherwise, they can be raised at the meeting.

8. Any other business

9. Date of next meeting

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DRAFT Embargo: For release at 6-00pm, Thursday, February 10, 2005

PRESS INFORMATION

Now, a handbook to the Editors' Code of Practice

An official handbook to enhance and reinforce Britain's system of self-regulation of the Press is published today by the newspaper and magazine industry.

*The Editors' Codebook**, a 104-page paperback aimed at journalists, students and the public, is believed to be the most comprehensive guidance of its kind available to any major press self-regulation system, worldwide.

It brings together the Editors' Code of Practice – which sets out the ethical rules followed by the British press – and the case-law of the independent Press Complaints Commission, which since 1991 has adjudicated upon alleged breaches of the Code.

The handbook is the industry's response to a proposal from PCC chairman Sir Christopher Meyer in an eight-point plan announced in 2003 for "permanent evolution" of press self-regulation.

The Codebook was commissioned by the Editors' Code of Practice Committee – the standing body of national and regional newspaper and magazine editors which reviews and revises the Code – and published jointly by the industry's trade associations: the Newspaper Publishers Association, representing the national press, The Newspaper Society, representing the regional press, the Periodical Publishers Association, The Scottish Daily Newspaper Society and Scottish Newspaper Publishers Association.

Les Hinton, chairman of the Editors' Code of Practice Committee, and Executive Chairman of News International, said: "It is not always understood how much decisions of the PCC, with its clear majority of lay members, have helped shape British journalism over the years.

"Together, the Code's rules and the PCC's adjudications form the basis for self-regulation in Britain. The purpose of the book is to set them in context. It is a users' guide to show how the Code works in practice. It also demonstrates that, in practice, the Code works."

Philip Graf, chairman of the Press Standards Board of Finance Ltd, representing the publishers who co-ordinate and fund the newspaper and magazine industry's actions on self-regulation, said: "The publishers are totally committed to the self-regulatory system and felt strongly that we should respond positively to Sir Christopher Meyer's suggestion. *The Editors' Codebook* is the clearest proof of that commitment.

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"I believe it is genuinely a 'first' for the UK industry – I don't know of anything as advanced anywhere else in the world - and expect it will become a hugely useful tool in newsrooms all over Britain, and also help make the self-regulatory system better understood both inside the industry and out. We are deliberately keeping the price down to make it as widely accessible as possible." *

Sir Christopher Meyer, PCC chairman, welcomed the publication: "*The Editors' Codebook* brings together the Code and the case-law developed through years of PCC adjudications upon it – matching the cases to the rules so that journalists can draw on what is a unique bank of experience. It will be of great benefit in making a good system even better.

"That is why I hope the handbook will attract a wider readership beyond working journalists. It will be indispensable for anyone interested in self-regulation, journalism and the great debates that swirl around issues of press freedom and responsibility – and not just in Britain. It should also help and inform those who use our services to seek redress from a newspaper, by explaining how the Code has been interpreted over the years."

The Editors' Codebook is written by **Ian Beales**, a former regional newspaper editor and founder-member of the Editors' Code Committee, who is now its Secretary. He said: "The Code of Practice remains as the definitive rulebook for the industry – a sort of ethical compass for journalists. The Codebook's role is as a supporting map, which warns where the hidden rocks are and how to avoid them."

*Copies of *The Editors' Codebook* are available at £5, including postage and packing (£4 for bulk orders of more than 25 copies) from:

PressBoF, 48 Palmerston Place, Edinburgh, EH12 5DE.

Cheques should be made payable to PressBoF.

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Note for Editors:

- The Editors' Code committee members are: Leslie Hinton, chairman; Perry Austin-Clarke, Bradford Telegraph and Argus; Neil Benson, Editorial Director of Trinity Mirror's regional newspapers; Mike Gilson, The News, Portsmouth; Douglas Melloy, Rotherham and South Yorkshire Advertiser; Ian Murray, Southern Evening Echo; Lindsay Nicholson, Good Housekeeping magazine; Paul Potts, Press Association; Alan Rusbridger, The Guardian; Derek Tucker, Press and Journal, Aberdeen; Neil Wallis, News of the World; Harriet Wilson, Conde Nast magazines; John Witherow, Sunday Times; and Peter Wright, The Mail On Sunday.

For further media information contact: Code Committee secretary Ian Beales:

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