

THE PRESS STANDARDS BOARD OF FINANCE LIMITED

Editors' Code of Practice Committee

Agenda

Editors' Code of Practice Committee meeting

Newspaper Society offices, 8th Floor, St Andrew's House,
18-20 St Andrew's Street London EC4 3AY
10.30 a.m., Thursday, October 11, 2007

1. Apologies
2. Minutes of March 14, 2007 (circulated).
3. Business arising:
 - Code Review proposals ratified by PCC
 - Information Commissioner - industry guidance note
 - Payments to criminals
 - Defamation reporting
4. Select Committee report on self-regulation
5. Fowler Committee inquiry into self-regulation
6. PCC Report on Subterfuge and Newsgathering
7. PCC 'quality stamp.'
8. Code Committee website
9. Suggestions for changes to the Code
10. 2008 Code review
11. Other business
12. Next meeting

4. Select Committee Report

4.1 The Select Committee's Report, as members will have seen, was broadly supportive of self-regulation, and while making suggestions to improve the application of the Code, via the PCC, it made no recommendations for Code changes. Indeed, the report said it was significant that the Select Committee had received no proposals for significant changes. Although the NUJ had asked for a "conscience clause" in the Code, the Select Committee appeared to support the inclusion in staff contracts of a clause requiring adherence to the Code.

5. Fowler Committee inquiry

5.1 Lord Fowler's Committee has been taking evidence from individuals, amid speculation that it intends to be much more rigorous in its approach than the Select Committee. It may be that during the second stage of the Fowler inquiry, the Code Committee might be invited to

EDITORS' CODE OF PRACTICE COMMITTEE

attend to give evidence - or find it necessary to make a submission.

6. PCC Report on Subterfuge and Newsgathering

6.1 The PCC's inquiry into the Clive Goodman case and data protection issues raised no queries about the adequacy of the Code of Practice. However, the PCC suggested several matters of good practice that might be followed by the industry.

6.2 These included:

- Contracts with external contributors should contain an explicit requirement to abide by the Code of Practice;
- A similar reference to the Data Protection Act should be included in contracts of employment;
- Publications should review internal practice to ensure that they have an effective and fully understood "subterfuge protocol" for staff journalists, which includes who should be consulted for advice about whether the public interest is sufficient to justify subterfuge;
- Although contractual compliance with the Code for staff journalists is widespread, it should without delay become universal across the industry (the PCC will be pursuing this further);
- There should be regular internal training and briefing on developments on privacy cases and compliance with the law;
- There should be rigorous audit controls for cash payments, where these are unavoidable.

6.3 *The Code Committee might need to consider whether this best practice should be enshrined in a Guidance Note, and whether it should be sourced by the PCC, the Code Committee, or jointly.*

7. PCC online "quality stamp"

7.1 Sir Christopher Meyer, in a speech in Scotland, said he was hopeful that 'the day is not far off when a small PCC logo will be visible in a corner of the screen on every electronic page of every British newspaper and magazine'.

7.2 Such a 'quality stamp' would be a visible indication that the publication conformed to the Code of Practice, and would address 'head-on the fundamental issue of trust'. This is principally an area for PressBof and is reported for the Code Committee's information.

8. Code Committee Website

8.1 The design of the Code Committee website is now well advanced. Current draft pages under construction may be accessed at <http://www.codesign.it/editorscode/>

8.2 The key elements are:

- Welcome box with Introduction to the Code and the Committee.
- About Us - explaining the role and membership of the Code Committee, with link to an updated History of the Code, detailing most of the changes since 1991.
- The Code in full - the latest version, which can be downloaded.
- FAQs - a sample list of frequently asked questions, which is infinitely expandable.
- The Editors' Codebook, updated with latest Code changes, which can

EDITORS' CODE OF PRACTICE COMMITTEE

be downloaded.

- Guidance Notes
- Press releases on Code changes and Code Committee submissions to Government etc.
- Code Committee Chairman's annual reports.

8.3 Drafts of the Welcome, About Us, FAQs, History, and Guidance Notes are attached. The Press releases, submissions and Chairman's annual reports will be added to the site direct.

8.4 The Codebook has been updated to include Code changes. A draft of the alterations is also attached, *but it would probably be easier for committee members to view the finished work online.* The Codebook has not been revised to add new case-law. This will form a second phase, as any major revisions would probably require converting the online book to a format other than Quark, to allow for easier updating in the future.

8.5 The secretary would welcome the Code Committee's suggestions for changes or refinements to the website. Suggestions for additional FAQs would be particularly appreciated.

8.6 *Arrangements for the launch of the site should be considered.*

9. Suggestions for changes to the Code

9.1 **Reporting of judges:** Lord Holme, Chairman of the Select Committee on the Constitution, wrote to Sir Christopher Meyer, seeking a change to the Code, following the publication of the committee's Report on *Relations between the Executive, Judiciary and Parliament.* The report accused the media - especially "the popular tabloid press" - of offering distorted and irresponsible coverage of the judiciary and treating judges as fair game, often by blaming them for their interpretation of legislation promulgated by politicians. It said a responsible press should concentrate its focus on persuading government to rectify the legal and policy framework, and recommended that the Code be updated to reflect these principles.

9.2 **Defamation reporting:** The secretary will report on latest discussions with lawyers on changes to clause liv.

9.3 **Public interest: Over-riding rights of children:** Newsquest lawyers suggested that the Public Interest protection for children - requiring editors to *demonstrate an exceptional public interest to over-ride the normally paramount interests of the child* - is out of date and conflicts with the established concept of the need to balance all relevant Convention rights by virtue of the Human Rights Act 1998 {such as Article 8 (privacy) and Article 10 (freedom of expression)}.

9.4 They cite the House of Lords as ruling that it is wrong and potentially confusing to suggest there is an automatic presumption in favour of a child, though in practice a child's interest will tend to bear more weight. Newsquest were involved in a PCC case with Cornwall County Council, which used a 15 year old boy to carry out 'stings' against shopkeepers suspected of selling alcohol to under age customers. The PCC upheld Newsquest in that case.

9.5 **Suggestion:** the Public interest note 5 should be amended to say: "*In cases involving children under 16, editors must demonstrate a public interest that over-rides the interest of the child.*"

9.6 While the PCC has rarely found in favour of a case where the public interest over-rides the interest of a child, it can do so - and, effectively, did do so in the Cornish case. The Committee has suggested that the Code is often more protective than the law. If Newsquest's amendment were carried, that claim might be undermined.

EDITORS' CODE OF PRACTICE COMMITTEE

9.7 *The Committee would need to decide whether the gain outweighed the loss of kudos in having a Code that was demonstrably stronger in this area than the law.*

9.8 **Privacy:** Trinity Mirror amendment: The Secretary to report on developments.

9.9 **Discrimination:**

- **Irish Traveller Movement in Britain** reminds the Committee that the Equalities Review Panel recently stated that the PCC should review its complaints mechanisms to consider complaints about stereotyping, discrimination or prejudice against groups as well as individuals.
- **Lesbian, Gay, Bisexual and Transgender Youth Scotland** makes the same point in a lengthy letter questioning recent PCC decisions on transgender cases.
- **The NUJ** has not actually made a suggestion but, in a meeting with the secretary, has said it is working with other groups on possible amendments.

9.10 *The essential question is whether the Committee sees any reason to change its long-held view that extending the clause to cover groups would bring a consequential threat to freedom of expression.*

9.11 **Suicide Reporting:** The Samaritans have suggested that the spirit of the Code is not being applied - in that a report in the Sun gave excessive detail of an attempted suicide.

9.12 **Suggestion:** *That Code Clause 5ii is changed to embrace attempted suicide.*

9.13 It could be argued that this was within the spirit of the Code. Otherwise, for the avoidance of doubt, the words *or attempted suicide* might be added, if the Committee wished.

9.14 **Court reporting:** [] has suggested that it is unfair and stressful that innocent defendants in court cases should be named until or unless they are convicted. He would like the Code to be amended to prevent this.

9.15 **Headlines:** [] suggests the Code should curb over-dramatic headlines, unsupported by facts in the story. He cites a fictional example where claims of an increased risk of cancer might not be borne out in the story, or that the risk would not be proven, or might be minute. He suggests the Code should insist on a reasonable comparison to give readers a measure of the risk.

10. Code Review 2008

10.1 The Code review will be announced in November and final date for suggestions will be at the end of January. The Secretary would welcome any suggestions from Code Committee members

11. Other Business:

12. Date of next meeting:

Ian Beales
Code Committee Secretary

EDITORS' CODE OF PRACTICE COMMITTEE