

Stephen Abell

From: Stephen Abell
Sent: 21 March 2011 17:56
To: PCC
Subject: Editors' Code of Practice Committee; PRIVATE AND CONFIDENTIAL
Attachments: 20110321174536668.pdf

Dear Commissioners

I attach the agenda for the Editors' Code Committee meeting for this Thursday morning.

In accordance with the view of the Governance Review (and the Commission), I would like to give the opportunity for Commissioners to make any comment on this agenda. This will help inform what I say at the meeting.

I will offer a few notes on the relevant items below:

The Code Committee remains concerned about the issue of phone hacking, and wishes to consider whether there is any proactive move it can currently take. We would recommend that our own current Review Committee on phone hacking liaise at a later date (towards the end of the review process) with the Code Committee about how the Code might change in future. As it stands, one might argue that the Code is clear about phone hacking (in that it is covered by Clauses 3 and 10), and that there is little scope for profitable amendment now. The position may change should further information become available.

6. Commissioners may recall that there is currently a consultation being undertaken by the Scottish government into the possibility of expanding the current libel law to include either the dead in general or homicide victims in particular. The PCC liaised with the relevant civil servants in advance of the consultation, which is why it refers clearly to the existing regulatory regime covering this area already. The Code Committee may decide to respond to the consultation, objecting to the proposal. The Scottish NS is also making a response. In the current climate of libel reform, it is hard to see a government endorsing the idea of libel expansion.

7. The Code Committee is set to welcome our guidance note on online corrections. It will also discuss the industry consultation on the extension of the PCC's remit to cover certain journalistic Twitter accounts.

8. The Code Committee will discuss – as the Commission has done – the developments by which ATVOD is claiming jurisdiction over parts of various newspaper and magazine websites.

9. The Committee has received suggestions in the following areas:

- That the Code set a higher standard for the accuracy of those writing for newspapers who are professionals (lawyers, doctors, even referees). This would seem to be unlikely in practice.
- That Clause 5 (ii), on suicide reporting, be amended to contain the disclaimer: "this should not restrict the right to report legal proceedings such as inquests". It has been suggested by a newspaper group, which does not feel that reporting of such proceedings should be curtailed in any way. This is potentially very significant, as the reporting of suicide methods will generally only occur in inquest reports. I would intend to make the point to the meeting that the improvement in suicide reporting – by which editors are encouraged to remove "excessive detail" – has been one of the signal achievements of the PCC in recent years, and has been recognised as such. The industry accepted the danger of contagion in including too much detail (in whatever context) when it changed the Code in 2006, and it could be argued to be something of a retrograde step to resile from this recognition now.

- That Clause 12 be amended to explicitly² cover pejorative descriptions of people suffering from drug addiction. This comes from the UK Drug Policy Commission. It is arguable that Clause 12 already covers any addiction that is clinically recognised as such, when it refers to "physical or mental illness or disability". It may be for the PCC to make a ruling on this matter, should a specific complaint be made at some point, and for the PCC and Society of Editors to work with the UKDPC in order to help them frame a proper case.
- That the Code be amended to prevent the stereotypical use of emaciated bodies to illustrate stories about eating disorders. It is hard to see how this might be a Code issue. It rather seems to rest on editorial selection for each story.
- That the Code be amended to prevent Islamophobia. This comes from ENGAGE, whose concerns fall into three areas: that misleading images are used to illustrate stories involving Muslims; that front-page stories are not prominently corrected; and that Clause 12 should cover groups. The first two issues are covered by the Code already; the last is a common complaint for the Committee to consider.
- That the Code on financial journalism should be extended to those who own property portfolios. This is on the basis that such journalists have an interest in talking the market up or down. Clause 13 (Financial journalism), as it stands, deals solely with the technical issue of share tipping. A clause that required all interests of journalists to be declared might be rather hard to police.

Should any Commission wish to comment on any of these points, do please let me know by first thing Thursday morning. I am happy, as ever, to discuss on the phone.

Very best

Stig

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PRESS COMPLAINTS COMMISSION

The PCC is an independent self-regulatory body which deals with complaints about the editorial content of newspapers and magazines (and their websites). We keep industry standards high by training journalists and editors, and work pro-actively behind the scenes to prevent harassment and media intrusion. We can also provide pre-publication advice to journalists and the public.

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THE PRESS STANDARDS BOARD OF FINANCE LIMITED

Editors' Code of Practice Committee

Agenda

Editors' Code of Practice Committee meeting

NS/NPA offices, 8th Floor, St Andrew's House,
18-20 St Andrew Street London EC4 3AY
10.30 a.m., Thursday, 24 March 2011

1. Apologies: June Smith-Sheppard (resignation); Neil Benson
2. Minutes of Thursday, 21 October 2010 (circulated).
3. Matters arising (if not dealt with below):
4. Code Committee website update
5. Phone hacking
6. Defamation of the dead - Scotland
7. Online journalism developments
8. ATVOD
9. 2011 Code Review (Appendices A and B)
10. Other business
11. Next meeting

Appendix A (incorporated) Code Review suggestions

Appendix B (separate folder): Code Review background documents

Appendix C (separate pdf): Online working party's Twitter proposals

Appendix D (separate pdf): The Code in A4 format for easy reference.

PRIVATE AND CONFIDENTIAL

PCC Paper No. 5067

Editors' Code Committee Meeting

The Director of the PCC attended the recent Code Committee Meeting. Commissioners will recall that the agenda of the meeting was circulated to them in advance for comment. Another copy is attached.

Here is a brief report of the issues that were raised.

1. Phone Hacking

The Committee was keen to be on the front foot. It was proposed that consideration be given to setting up a special sub-committee, which would examine the Code issues relating to phone hacking. This might be made up of editors and ex-editors alongside lay members (including former lay members of the PCC). It was not clear specifically what the remit of this body would be other than to assess any impact on the current wording of the Code.

Another proposal was to amend the Code to make clear the need for journalists to abide by the law. There was some discussion about whether this would place the PCC in the position of having to rule upon whether illegal acts had been committed.

Further consideration is to be given to next steps, but it was agreed that the industry needs to be in a position to respond to whatever evidence emerges from the police inquiry, the civil actions and the PCC's own review committee.

2. Defamation of the dead

There was little industry awareness of the consultation in Scotland over the extension of libel law to cover the deceased (or just homicide victims). It was agreed that the Code Committee should formally respond to the consultation, making clear that the Code already offers redress to families in regard to inaccurate and intrusive reporting about death.

3. Online journalism

The Code Committee welcomed the guidance note issued by the PCC on online prominence. It also endorsed the view of the PCC's online working group that certain journalistic Twitter accounts should be covered by the PCC. It will respond to the current PressBof consultation to that effect.

4. ATVOD

There was little industry awareness of the recent moves by ATVOD to extend its jurisdiction over TV-like content on newspaper and magazine websites. It was made clear that OFCOM is currently listening to appeals by various publishers to the effect that newspaper and magazine sites as a whole should be exempt.

It was also recognised that changing the Code to cover the two areas enforced by ATVOD (broadly, harm to children and incitement to racial hatred) would not solve the problem, as OFCOM would then be legally required to provide a backstop function to self-regulation and therefore the independence of the PCC would be compromised.

5. 2011 Code Review

It was agreed that there should be consultation over proposed changes to Clause 1 (Accuracy) that would require editors to agree on the prominence of adjudications with the PCC in advance of publication. It is likely – as the amendment follows on from the recent change requiring agreement on the prominence of corrections – that this will be agreed. The Commission will be part of the consultation.

No other substantive changes to the Code were agreed. There was the suggestion that Clause 13 (Financial journalism) might be extended to cover the property market. The argument is that property journalists with particular portfolios might be using their coverage to manipulate the market in their own favour. The Committee agreed that this would be a serious ethical concern, and requested further work to develop specific wordings for any amendment.

6. Chris Jefferies

It was recognised that concern existed over the press coverage of the murder of Jo Yeates. The PCC made clear that it had received complaints on the subject. There was also the contempt issue flagged by the Attorney General (and the Justice Minister), together with the possibility of libel action by Mr Jefferies (who was recently released from bail without charge).

It was agreed that this area might be something considered in broad terms by the Commission, which could lead to it commenting on the efficacy of the current Code in this area.

Any comments by Commissioners are welcomed.

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- (vi) The Commission formally approved (subject to individual queries on specific complaints raised with the office) the following PCC Papers, which had contained draft adjudications for Commissioners' ratification or otherwise: 5042, 5043, 5044, 5045, 5046, 5047, 5048, 5049, 5050, 5051, 5052, 5053, 5054, 5055, 5056, 5057, 5058, 5059, 5060, 5061, 5063, 5064, 5065, 5066, 5068, 5069, 5070, 5071. All papers had been circulated since the previous Commission meeting.

5. Nominations Committee Report

The Chairman presented a report to Commissioners about the nomination of new public Commission members. She noted that there had been almost 3,000 applicants and that, with the assistance of Lucinda Bolton, the independent assessor, the Nominations Committee (Baroness Buscombe, Ian Nichol and Prof Ian Walden) was now in a position to put forward its preferred candidates for the Commission's ratification.

After discussion, the following candidates were approved for membership of the Press Complaints Commission:

Lord Grade of Yarmouth CBE
Michael ~~Smyth~~ CBE
His Hon Judge Jeremy Roberts QC

It was agreed that two further candidates would be approved to fill vacancies in the next twelve months. It was suggested that a further candidate should be approached to sit on the newly-formed Review Committee, charged with conducting an annual audit for the PCC's work.

6. Editors' Code Committee Meeting Report

The Director reported on the latest meeting of the Editors' Code of Practice Committee, which he had attended.

7. Chairman and Director's meetings

Commissioners received an update on appointments undertaken by the Chairman and Director.