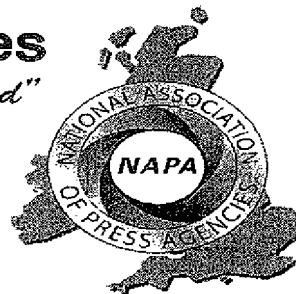


# National Association of Press Agencies

*"We've Got Britain Covered"*



## NATIONAL ASSOCIATION OF PRESS AGENCIES (NAPA) SUBMISSION TO THE LEVESON INQUIRY

### **1. About NAPA**

The National Association of Press Agencies was founded in 1982 and is the professional body of freelance press agencies.

Among its 60+ members NAPA numbers some of the most prolific and professional agencies in the UK. Most NAPA members cover a geographic area or specialist field of interest, others act as international syndication agencies.

It is a self-help body, administered on a largely voluntary basis by its own members. Its objectives are to further the interests of its members, to facilitate their operations and to assist them in maintaining professional standards of conduct.

Members pay an annual subscription and among other functions NAPA acts as a gatekeeper for the UK Press Cards Authority.

NAPA members are small to medium enterprises, employing staff and sub-contractors, operating offices of journalists and photographers in UK towns and cities. NAPA also has some members in the EU and USA. NAPA members play a leading role in the operation of national newspapers in particular. They also supply services to magazines and broadcasters.

NAPA has long adopted its own Code of Conduct, which is modelled on and embodies the PCC Code. The PCC Code is regarded as the basic model and guideline for conduct.

### **2. NAPA Agencies and The Leveson Inquiry**

The Inquiry is examining the "culture, practices and ethics" of the media.

NAPA members' staff and other freelance journalists and photographers are often the "footsoldiers" of the media. They are engaged in day-to-day research and news-gathering operations across the UK and elsewhere.

A full explanation of the culture, practices and ethics adopted by NAPA members is outlined below in Sections 3 and 4.

The Inquiry is also charged with making "recommendations on the future of press regulation and governance consistent with maintaining freedom of the press and ensuring the highest ethical and professional standards".

NAPA submits that the recommendations to be made by The Inquiry should take into consideration the freelance sector since the "footsoldiers" must be empowered to continue to adopt the highest ethical and professional standards.

Lord Justice Leveson has posed the question "Who guards the guardians?".

NAPA respectfully submits that Lord Justice Leveson should also ask "Who is safeguarding the footsoldiers?"

### **3. Role of Freelance Press Agencies in the UK**

No inquiry of the the UK media would be complete without careful consideration of the role of freelance press agencies and their interaction with newspaper and media clients.

For historical reasons freelances agencies have, for many decades, been better organised and more prominent in the UK compared to other countries. In recent years the UK freelance agency model has been successfully adopted elsewhere.

Prior to changes in the media, including de-manning, over the last two decades, UK national newspapers contained large amounts of "provincial news", much of it supplied by NAPA members.

Significant changes can be traced back to the late 80s and early 90s. Newspapers' interest in provincial news has systematically been down-graded and replaced by an insatiable appetite for celebrity, show business and royal stories and pictures.

The explosion in TV and radio broadcasting has seen a major proliferation of "celebrities" who are regarded as being of interest to newspapers.

Responding to commercial pressures, NAPA members, and other freelances, have followed the market, serving clients with the type of material that "makes the paper" and, more recently adding to that material that "makes on-line" (often not in both forms).

This is not to say that NAPA members no longer supply any provincial news. They do, but 'news values' appear to be set continually 'higher' and to be skewed towards celebrity, show business and royal content. NAPA members supply a stream of content to clients every day. Some of the content is executed on an "ordered" or "commissioned" basis for clients, but much of it is "submitted" in that it is supplied speculatively and the originator is paid if it is used, according to the size and prominence of the publication.

Some sought-after material is supplied on an "exclusive" basis when the fee to be paid is subject to negotiation and agreement, usually before, but sometimes after publication.

### **4. Operation of Freelance Press Agencies in the UK**

Many NAPA proprietors and senior staff are journalists who have previously worked as staff on national newspapers, including some who reached senior editorial positions on those publications.

NAPA newsrooms are located in London and it towns and cities all over the UK, with a few operating in Europe and the USA.

Newsrooms are frequently organised with members of staff or sub-contractors reporting to an Editor, News Editor and Picture Editor.

When NAPA reporters or photographers are working on the basis that they or ordered or commissioned to supply material by a client they may describe themselves as representing that client by name; e.g. "I am here for the News of the World", or "I am here for The Guardian".

Indeed, in the past the same member of staff could have been representing those two organisations, simultaneously. This holds true today, though clearly not for the N.O.W.

As outlined, NAPA members frequently send stories and/or pictures 'on spec' to newspapers and broadcasters.

The prospective clients have the option to use or reject the material. When material is used "on spec" most publishers pay on a "self-billing" basis. This means that the publisher is in control when it comes to deciding the appropriate rate. When "spec" material is unused, no fee is payable.

This gives rise to a competitive "market" amongst freelances in order to obtain material that is worthy of publication.

It is also a market in which the "goods" are supplied to the client, free-of-charge, leaving it to their discretion whether it is used and what they should pay if it is used.

#### **5. Fee Rates and relationships with publishers/broadcasters**

For more than 30 years the operation of this "self-billing" system for ordered, commissioned and spec material has been a bone of contention between publishers, broadcasters and freelances.

The best yardstick to evaluate rates appears to be to examine what is paid for a "page lead" i.e.: the story with the biggest headline and greatest prominence on any page.

Taking rates paid in 1982 as the starting point, and factoring-in the effects of inflation, it has been calculated that a page lead in a national newspaper should today attract a fee of around £350, in order to maintain the same value for the work to the supplier.

In fact a page lead in a national newspaper today pays between £75-£100 (Times and Telegraph, Guardian) and £100 - £150 (tabloids).

This reduction in the real reward for the work done has had a detrimental effect on the ability of agencies and freelances to deploy staff to time-consuming stories like court reporting.

Also, it should be noted that the "news value" (rarity) of a page lead tends to be set higher, year on year, and therefore the pressure on freelances to compete is growing continually.

This process is widely regarded in the industry as an example of how newspaper publishers exploit their dominant positions to use control the market and to depress the fees that they pay to the suppliers of news and pictures.

Other stories national newspapers pay between £20 and £100, depending on how much is used and prominence in paper.

Some of these publication rates – for page leads and smaller material - have remained static for many years. Notably, in February 2009, News International reduced the the rates it pays by around 25% when newsroom budgets were arbitrarily cut. We were told at the time that payments for exclusives would increase, but in fact that did not happen.

In fact the rates paid by newspapers have not been increased for a decade or more – that is in real terms, let alone taking into account the effects of inflation.

This means that profit margins have been eroded to paper-thin, or non-existent levels, putting enormous pressure on many NAPA agencies and clearly on other freelances.

Rates of pay among agency staff have also been eroded and many agencies find that they are able to pay new recruits only the National Minimum Wage during their period of training-up to the job.

The abuse of dominant positions by publishers exceeded only by broadcasters, including the BBC and ITV. The BBC's rates for news copy and pictures are effectively locked in the 1970s. A reporter sitting on court all day to produce a story that is broadcast on BBC local radio to 10s of thousands of listeners can expect to receive less than £10.

That same story might be broadcast to millions, regionally or nationally with a little enhanced payment.

Another way in which freelances sell material to newspapers, magazines and broadcasters is when we grant exclusive rights to a single client, to the exclusion of others.

In these circumstances we normally negotiate a fee in advance.

A fee for an exclusive front page story in a national newspaper is likely to be between £500 and £5,000 or more - the greater levels, these days being rare.

Some on the 'outside' have formed the notion that agencies are regularly given incentives to produce sensational and intrusive stories and pictures - that we respond to a 'wish list' for stories - but for most, this is rarely the case.

Newspapers or magazines sometimes message agencies seeking "case studies", such as a family willing to talk about their finances for a Budget Special report.

But NAPA members report that they are only rarely given the name of a celebrity or celebrities and encouraged to carry-out research in order to unearth unpublished revelations about them.

The notable exceptions to this in recent years in when a celebrity is 'already in the news', e.g.: by virtue of appearing in a court case, or competing in Come Dancing or X Factor.

In reality similar tactics are also adopted when "ordinary" members of the public find themselves thrust into the public eye as a result of events like them being the victim of a serious crime.

Many NAPA agencies come into contact with celebrities only occasionally. However, a number of members specialise in marketing red carpet and "paparazzi" pictures.

However, much of the evidence given by celebrities at the Leveson Inquiry is completely alien to the everyday practices and experiences of most, if not all NAPA members.

If a celebrity, or any other member of the public, makes a complaint about the conduct of a NAPA member, our executive investigates and seeks to find a remedy. NAPA may admonish or expel a member for breaches of its Code and/or the PCC Code.

Agencies are also frequently ordered or commissioned by a newspaper or magazine to work on a particular assignment for them. This is similar to a building contractor (a newspaper) sub-contracting a trader (an agency) to do a job on their behalf.

This means the agency is paid for the time and work expended, regardless of whether or not the newspaper or magazine prints any of the material.

The agency will normally know in advance roughly how much they will be paid for the sub-contracted job. It generally depends on the number of hours spent on the job and basic expenses for mileage may be claimed. Some newspapers - in recent years, notably News International, Trinity Mirror and The Telegraph Group - have been reluctant to re-reimburse expenses.

When a newspaper or magazine sub-contracts a job one to an agency a brief is issued on the details of the job, including specifying what type of information is sought.

Occasionally, news and features desk personnel may remind the agency of the need to follow the PCC Code of Conduct, depending on the nature of the job.

For example, if the agency is being asked to go to the home of a family who have suffered a bereavement, to seek a comment or an interview with them, it is highly likely the agency will be told NOT to persist if the family makes it clear they do not wish to comment.

As part of our drive to maintain professional standards of conduct, NAPA also acts as a 'gatekeeper' for journalists and photographers applying for a UKPCA press card.

It has recently been suggested that there should be greater positive vetting of applicants for UKPCA accreditation and NAPA is promoting and supporting moves to tighten-up these procedures.

## **6. Libel and Contempt of Court**

We're also subject to the same legal constraints as newspapers and magazines, being to ensure stories are balanced and accurate and that we do not run the risk of being sued for libel or held in Contempt of Court. In the past newspapers adopted a policy of underwriting and backing agencies in any libel action, providing their was some "honest mistake" and an absence of malice.

In recent years this readiness of publishers to back agencies has diminished and NAPA members report that they are sometimes pressed to indemnify or compensate publishers against actions for defamation.

This can give rise to a situation in which an agency may expect to receive less than £150 for a story, yet in the event that it were to prove to contain a defamation, they might be expected to pay damages running to thousands of pounds.

Few if any agencies today can afford the premium for libel insurance, so agency proprietors do their utmost to avoid risk and err on the side of caution.

## **7. Encouraging excellence**

NAPA takes great pride in organising annual awards in which we recognise journalistic excellent on the part of agency staff writing stories and shooting pictures, many of the highest quality.

An annual awards ceremony is attended by staff from national newspapers and magazines, some of whom judge the entries.

There is a widespread sentiment within NAPA that our members, our staff journalists and photographers and sub-contractors are being tarred with the wrong brush.

We often find ourselves in very difficult and sensitive situations, such as talking to bereaved families, and our staff can find it very distressing, which is why we resent being portrayed as unfeeling and irresponsible.

Many of our members have become trusted friends and confidants of those whom they have met through very tragic circumstances in their role as journalists.

Many NAPA agencies take on the role of representing and defending the interests of those who have been thrown into the spotlight through no choice of their own.

For example NAPA Treasurer Chris Johnson, one of our longest-serving members, has struck-up a close working relationship with Denise Fergus, the mother of murder victim James Bulger. He acts as her press spokesman and represents her interests. Many other NAPA members have similar relationships with clients.

## **8. Conclusion**

NAPA believes that the role of freelance agencies is significant in UK publishing and broadcasting. NAPA and its employees are often "at the bottom of the pile". NAPA members are, or provide, many of the footsoldiers of the UK media.

We contend that the question is rarely if ever asked "Who is safeguarding the footsoldiers?"

We believe that NAPA and its members do their best to do this. But we would welcome the opportunity to expand on these themes by making a full input to the Leveson Inquiry, giving evidence in person.