

## Editors' Code of Practice Committee

### **Private and confidential**

*Minutes of the Editors' Code of Practice Committee meeting held at the offices of the Newspaper Society, 18-20 St Andrew's Street, London, on 11 October 2007.*

### **Present:**

*Chairman:* Leslie Hinton (NPA)

Jonathan Grun (NPA)	Doug Melloy (NS)	Harriet Wilson (PPA)
Neil Wallis (NPA)	Ian Murray (NS)	
John Witherow (NPA)		
Peter Wright (NPA)		

### **Attending:**

Sir Christopher Meyer (Chairman, PCC); Tim Toulmin (Director, PCC); Ian Beales (*Secretary*).

### **Apologies:**

Apologies were received from Neil Benson (NS); Adrian Faber (NS); Mike Gilson (NS); David Pollington (SDNS); Lindsay Nicholson (PPA).

**Minutes** of the meeting held on 14 March 2007 were approved and signed.

### **Business arising:**

- *PCC ratification:* The secretary reported that the PCC had ratified the changes to the Code agreed during the annual review, and these had taken effect from 1 August 2007.
- *Data Protection:* Following the Code Review, in which the committee rejected the Information Commissioner's suggested amendment in favour of changes of its own, the IC, Mr Richard Thomas, expressed concern that the changes would be 'buried' in the Code. The secretary had responded that the changes would be announced in a press release, and incorporated in the Editors' Codebook online. He said the industry had outstanding issues with the ICO over the wording of proposed guidance on the workings of the Data Protection Act. If and when these were resolved, the new guidance could be incorporated into the online Codebook, which would again give an opportunity to publicise the issue, if necessary.
- *Payments to criminals:* The secretary said there had been no developments following the Home Office consultation on a proposal to legislate on payments to criminals.

**Select Committee Report:** The Culture, Media and Sport Select Committee's report was noted, as were the responses from Government and the PCC, which were officially released during the meeting and appeared not to raise any further issues. Tim Toulmin said the Government's reaction had confirmed its earlier view, which was generally supportive of self-regulation.

**Fowler Committee:** The secretary reported that Lord Fowler's Committee had been taking evidence from the industry in the first stage of its two-part inquiry into the regulation of the industry. It appeared unlikely that it was concerned with ethical regulation, in a way that might affect the Code Committee, although that could change. Peter Wright, who had given evidence the previous day, said the committee did not appear unfriendly, and seemed mostly concerned with the uncertain future of the newspaper industry in the face of Internet developments and challenges.

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**PCC Chairman's Letter:** A letter from Sir Christopher Meyer to industry executives setting out the PCC's position on undercover newsgathering methods and on publicity for the Commission in printed and online versions of publications was discussed.

*On undercover newsgathering,* Sir Christopher told the committee that, following the PCC's report on subterfuge, the object of the letter was to inquire what action was being taken. It was an exercise in damage limitation and anticipating events. The PCC's proposals were recommendations, not requirements. Different publications would have different ways of dealing with it, but the PCC would inevitably be asked what had happened to the recommendations, and would need to have a proper response.

*On publicity for the PCC,* Sir Christopher said the PCC needed to be at the front of the debate on media convergence. It was important that newspapers and magazines made it plain that there is a remedy to readers' complaints. He said that there had been suggestions that somehow the PCC was seeking to give pre-approval of editorial content on websites, which was definitely not the case.

Les Hinton said some online editors welcomed a kitemark-type declaration on websites. Sir Christopher said the PCC was seeking not a kitemark (which was copyrighted) but a form of branding, and cited as an example the website of the News and Star, Carlisle. He said that ideally he would like it on every page of the site, but that would be a matter for editors. Mr Hinton suggested it would be best placed on that part of the site where it gained most credibility. Sir Christopher said he also favoured greater publicity in the print media. He would like to see in every edition a reference to how the publication subscribed to the Code.

**Code Committee website:** The secretary gave an online presentation of the Code Committee's website, currently under construction. Apart from a downloadable version of the Editors' Codebook, it would include information on the Code Committee's role and membership, frequently asked questions on the Code, guidance notes, press releases, chairman's annual reports and a history of the Code itself. Problems in reformatting the Codebook in Quark meant the online version would initially contain only updates to cover code changes. A complete revision to embrace changes in the case-law would form a second phase. Arrangements for the launch of the website – as [www.editorscode.org.uk](http://www.editorscode.org.uk) – would be announced in due course.

The committee approved the general approach of the site, suggesting additional refinements should include a Key-word Search capability, and maximise accessibility, so that it was not necessary to log in or subscribe to download information.

### **SUGGESTED CHANGES TO THE CODE**

**Criticism of judges:** Lord Holme, chairman of the Select Committee on the Constitution, via the PCC chairman, suggested the Code should be changed to avoid distorted and irresponsible reporting of the judiciary, including blaming judges for their interpretation of legislation introduced by politicians. The committee agreed this would be an inappropriate interference with press freedom. *Decision: no change.*

**Defamation reporting:** The secretary reported that attempts to find alternative wording to Clause 1iv to prevent it being misapplied in legal settlements had so far not found universal agreement among lawyers. The aim was to restrict the clause to cover only contested court actions, so that a defending newspaper that lost its case should have to report the outcome.

However, some lawyers use the Code as an additional device to supplement agreed settlements. The secretary said Alastair Brett of The Times legal department, had agreed to make an informal approach to in-house lawyers to establish whether there was any consensus on this. The committee agreed, but expressed reservations on the need for change. Neil Wallis said good lawyers would include publication issues in any settlement. Sir Christopher Meyer said the burden should be on lawyers to decide on legal agreements, and the PCC should not be involved.

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**Public interest: over-riding rights of children:** Newsquest lawyers suggested the requirement to demonstrate an exceptional public interest if the paramount interests of the child were to be overridden was out of date and conflicted with current law. However, the committee felt the Code did not replicate the law and that the extra protection provided had not caused problems and should remain. *Decision: No change.*

**Privacy: Trinity Mirror amendment:** The secretary reported that there had been no immediate developments and suggested that, in the absence of Neil Benson, discussion should be deferred.

**Discrimination: inclusion of groups:** The Irish Traveller Movement in Britain and the Lesbian, Gay, Bisexual and Transgender Youth Scotland movement suggested separately that the Code's discrimination rules should be amended to allow complaints from groups, rather than from individuals. The secretary said this was recently suggested by the Equalities Review Panel. The NUJ had indicated that it intended to propose an amendment.

At the Chairman's request, the secretary reminded the committee that previous policy on this had been that while freedom of the individual required protection against prejudicial or pejorative references unless relevant to the story, the same protection for groups would interfere with freedom of speech. Suggestions that Germans were warlike, for example, might breach the Code. Sir Christopher Meyer said it would be very difficult to administer and complainants could already use the existing rules on Accuracy. *Decision: no change.*

**Reporting attempted suicide:** Following the introduction of Code rules on suicide reporting, requiring editors to avoid excessive detail of the method used, the Samaritans complained that excessive detail had been given of an attempted suicide, which should be covered by the Code. If it was not, then the Code should be changed to include attempted suicides specifically. The Committee, supported by Tim Toulmin and Sir Christopher Meyer, felt that under the spirit of the Code, attempted suicides could be covered by the existing clause. It would be up to the PCC to decide, according to the circumstances. *Decision: no change.*

**Court reporting of innocent defendants:** [redacted] who had been cleared of fire-bombing his former mistress, complained that newspaper reports of the case had identified him, causing undeserved distress. He suggested the Code should prevent defendants being named until or unless convicted. The committee felt this would interfere with open justice. *Decision: no change.*

**Over-dramatic headlines:** [redacted] complained, without specific examples, of over-dramatic headlines to stories, unsupported by facts. He suggested the Code should require reasonable comparisons or yardsticks to be published setting the claims in context. *Decision: no action.*

**Telephone polls:** Former Deputy Prime Minister John Prescott complained, via the PCC, that the Daily Express had run a telephone poll about him, based on a story that was entirely wrong. Even when the newspaper had admitted the error, the poll had continued, thus profiting from an untrue allegation. He said the Code of Practice should be reviewed to cover telephone polls and to require apologies proportionate to the original error.

The committee heard that the newspaper had agreed to publish a Page 2 apology, and also to pay a sum equivalent to the profit made on the poll to a charity of Mr Prescott's choice. It felt that this was a proper remedy and that changing the Code to would breach the remit on fines and compensation. *Decision: No change.*

**Annual Code Review:** The secretary said the annual Code review would be announced in December, with a closure date for suggestions at the end of January.

**NEXT MEETING:** It was left to the Chairman and secretary to call the next meeting, probably in February or March.