



fighting for media freedom

## Leveson Inquiry Module 3

### A statement on behalf of the Society of Editors

#### Questions from the Inquiry

1. The Inquiry is interested in the extent of public knowledge and understanding of the relationship between the media and the politicians. Where does that knowledge come from? How is it tested? What use is made of publicly available information (for example about meetings between senior politicians and leading media figures)? Has the change to the Ministerial Code in July 2011 made a difference? (The Code now states: “the Government will be open about its links with the media. All meetings with newspaper and other media proprietors, editors and senior executives will be published quarterly, regardless of the purpose of the meeting”.)

**While the public may not know the precise details of meetings between politicians and the media it is highly unlikely that they thought media and politicians kept themselves to their own “clubs”. Generally speaking, public knowledge of anything is an accumulation of snippets from a bewildering range of different sources, themselves of varying quality and accuracy - school and university education; books; parental views; newspapers, magazines and broadcast media; firsthand experience. The bald truth is that the public probably has no clue about how things work in practice, and they don't care over much unless cases of abuse, corruption or incompetence come to light - and that, of course, is normally via the media.**

**Indeed close relationships between politicians and media figures have been well documented through history. Close working relationships between politicians and media figures should not automatically be viewed as sinister/dangerous/negative/corrupt. The media speaks for the people, and discussions with opinion-formers in the press and broadcast media is a good way of oiling the wheels of communication, helping to ensure accuracy and a proper understanding of the reasoning behind policies etc.**

**The change to the Ministerial Code is unlikely to have captured the attention of the wider public at all. Transparency in government is always welcome. A balance needs to be struck between sensible transparency and over-bureaucratic record keeping. The inquiry has recognised that personal and family friendships between politicians and people in the media may have been in existence for a long time. The recording of all contacts in such circumstances might be questionable but they would presumably be covered by traditional rules regarding declarations of interest where appropriate. Above all it would be wrong if the requirements of transparency led to a reduction in meetings.**

2. The Inquiry would like to hear views on the specific benefits and risks to the public interest arising from relationships between senior politicians, at a national level, and the media. What does the public

stand to gain from this relationship? What does it stand to lose? How can the gains be maximised and the risks minimised? Are there specific considerations the Inquiry should be aware of in the run up to general elections and other national polls?

**Politicians should have relationships with the public they represent, including people at the top of major organisations that provide employment and affect national affairs in other ways. Those relationships should be transparent. It can also be argued that there are times when it is entirely appropriate for politicians to be influenced by the opinions and information they glean from those to whom they speak. Listening is, of course, supposed to be a political virtue... Clearly it is a matter for politicians to take care to avoid being influenced inappropriately.**

3. The Inquiry is interested in hearing views on the conditions that are necessary for a free press in a democracy to fulfill its role in holding politicians and the powerful to account. What is the nature of that role? What is the public entitled to expect of the press in fulfilling it? How can the public see for itself that the press is taking this role seriously and going about it responsibly? Are there some good examples?

**The press must be free to report on the activities of politicians as it sees fit. In a free society a free press must be allowed to report as it sees fit and to comment as it sees fit. Readers are quite capable of understanding how and why each publication reports and comments as it does. The understanding and common sense of the public should not be underestimated. Readers can judge for themselves if a paper is behaving responsibly. This is an area where the commercial realities facing news media come to the fore. One only has to look at the example of The Sun being punished by the people of Liverpool following its coverage of the Hillsborough disaster as a powerful illustration of what happens to a newspaper which misjudges an important news story.**

**There are hundreds of examples every year of regional newspapers publishing stories that hold the powerful to account. One recent example is the Teesside Evening Gazette's detailed investigation into the performance of local MP Sir Stuart Bell, which involved many months of painstaking research and which, when published, attracted nationwide attention.**

**The national press coverage of the budget showed many examples of the role of the media – encouraging several U-turns on issues such as the Pasty tax, Granny Tax, child benefit etc, none of which would have been achieved by the Opposition in Parliament. All had enthusiastic public backing. Showing the benefit of a free and unfettered press not in thrall to the Government.**

4. Is there a perception that political journalism generally has moved from reporting, to seeking to make or influence political events? How far is there evidence for that, and should it be a matter of public concern or not? Does the press have a legitimate function in fulfilling a political Opposition role?

**As no less than the current editor of the Guardian once pointed out, the Heisenberg principle applies to reporting i.e. anything that is observed is changed. That would suggest that reporting of political events has always influenced political events. Over time the precise space given over to reporting at all levels of the media, national and local, print and broadcast, has changed from verbatim reporting to explanation, analysis and comment. The need for verbatim reporting has been reduced by the easier availability of full reporting on the internet. That availability in itself provides a valuable**

**incentive for accurate and responsible reporting. This is also evidence of the ever-growing demand for information from a public now well-used to mining a variety of sources during any given day. Mere coverage is no longer enough - depth of analysis and an insider's understanding is what is now expected, hence the importance of the politician/journalist relationships referred to earlier. That depth and authority is what sets the traditional media apart from the 'wild west' world of the internet and blogosphere, and is one of the brighter hopes for the future of the media. It's what it does well.**

**The Trinity Mirror Regional's editorial policy, which guides all its journalists, states specifically: "Editors and their staff must avoid political bias driven by personal preferences. As a general rule, our newspapers and web sites are expected to follow an issue-led agenda, not a party-political one. It is recognised that, in the interests of local democracy, the application of this policy may result in a title consistently challenging the party in power." That is a policy that is typical across the regional press which is less inclined to partisan policies because regional papers have to appeal across the political spectrum in their communities for commercial as well as ethical reasons.**

5. The Inquiry is interested in the nature of media influence on public policy in general (for example in areas such as criminal justice, immigration or European policy). Do you have views, or any specific examples, about how that influence is exercised and with what effect? How transparent is the process? Is the public well served by it?

**The media has always influenced public policy. That influence is transparent because media campaigns are by their nature available to the public. The media's output also includes giving ordinary people a platform through letters pages and online forums, and this should not be forgotten when the focus so often falls on high profile columnists.**

6. The Inquiry is particularly interested in the influence of the media in the content and timing of a party's media policies, and in a Government decision-making on policy or operational issues directly affecting the media. Do you have any personal examples of how this works in practice? Are the media effective lobbyists in their own causes? Do any risks arise from the Government's role in the determination of takeovers and/or mergers of media organisations? Is there a need for additional safeguards or limits on such involvement?

**There is a difference between lobbying and campaigning on general matters of public policy and on policies with regard to corporate media identities. It is normal practice for newspapers to declare an interest when reporting about the activities of parent companies etc. Generally company law for instance on monopolies and takeovers should provide sufficient safeguards, although here have been examples where such law has been detrimental to the public interest.**

7. Is there a need for plurality of voice in news providers within the press, in providers of other types of news media or across the media as a whole? How does access to news information through the internet affect the need for plurality? What level of plurality is required? Is plurality of ownership a sufficient proxy for plurality of voice?

**A free media requires plurality of voice. That is not the same as plurality of ownership. There can be plurality of voice within one company's ownership. Independence of editorial control is the vital factor. Plurality of voice under cross media ownership is provided by broadcasting regulation.**

8. Is there evidence of media influence on public and political appointments (including the tenure and termination of those appointments)? The Inquiry is interested in examples, including of cases where the public interest was, and was not, well served by such influence.

**There is evidence of media influence on public and political appointments through reporting, analysis, comment and campaigning carried out in public in the columns of a newspaper. Readers are capable of judging whether that serves the public interest or not in the same way that a campaign to influence appointments by Opposition parties may or may not serve the public interest.**

9. How far do you think politicians feel inhibited from acting in the public interest to ensure that the media's conduct, practices and ethics are themselves in the public interest? Why might that be? What would make a difference?

**If politicians felt inhibited by media reporting it was most likely based on judgments concerning political advantage or otherwise. Whether it was that or whether they were inhibited by personal concerns, it was surely a matter for them. As some politicians have made clear in evidence it is perfectly possible to take a "publish-and-be-damned" approach to political or personal criticism.**

## **Further comments**

**It was interesting to hear evidence from politicians, in effect, accepting the error in handing over control of government information to political appointees. In the early 1990s a new system for government information was set up under the control of a civil servant which was effective and indeed enhanced relationships between the media and government. This was particularly effective with regard to emergency planning and the reporting of emergencies where that new system of professional and responsible government media relations encouraged accurate and responsible reporting at times when it was most needed. The lessons from that period of openness and honesty remain a model for all government media relations.**

**More generally it would be wrong to suggest that newspapers should not lobby politicians about policies. It would follow that a publisher could decline to support a political party in an election if he or she did not agree with the party's policies.**

**The role of newspapers is the voice of the public. Apart from General Elections the members of the public make their voices heard through local, regional and national newspapers. If newspapers in print and online do not largely reflect the views of their readers they will decline in circulation. For the sake of democracy national newspapers that the millions read are as vital as those a few hundred thousand read. Success is as important as "responsibility" and that is where broadcasters cannot replace a vibrant and sometimes partisan free press.**

**Just as news and current affairs are only a small part of broadcasting output, newspapers are much more than about politics alone. Their ability and desire to inform, inspire and indeed entertain over a wide agenda must not be undermined. It has been suggested that television is by far the most important medium for informing the public. That is legitimate but it should be remembered that while national and regional broadcast news bulletins contain only about half-a-dozen stories each**

day, newspapers at national regional and local level carry as many as 100 news items in each edition. It is important for democracy to have diversity across the media. Impartial reporting by the BBC and other broadcasters is complemented by the work of newspapers that in this country display a wide variety of styles and opinion providing the public with vitality, variety and choice that is arguably not seen elsewhere.

## **The DPA – custodial sentences and the public interest defence**

With regard to evidence given by former Prime Minister Gordon Brown regarding the public interest defence under the Data Protection Act, the Society of Editors was closely involved in discussions with ministers and senior officials . The debate was about balancing the then Information Commissioners' request for a change in the law to provide custodial sentences under parts of the Act and legitimate journalistic inquiry. The general point was that editors preferred to ask for no special privileges but expected no special laws in return. In face of European directives we had accepted the special protection for journalistic work.

In resisting the introduction of custodial sentences we are argued in detail about wealth of other law that was already available and pointed out that the courts had not used their powers to the full under existing DP legislation.

In addition we pointed to the Information Commissioner's acceptance that he simply did not know how many apparent offences revealed in his reports about breaches in DPA by media organisations. Some of them may not have been criminal and some may have been subject to a public interest defence. They had not been investigated. The then Information Commissioner also refused to provide details of media organisations' staff involved in allegations so that they could be investigated. This was not changed until the summer of 2011. The discussions with government took place against a background of action within the industry to deal with possible breaches of the DPA – action with which the current commissioner says he is entirely satisfied.

It was finally reluctantly accepted by all concerned that the custodial sentences would be included in legislation but would not be implemented unless the Information Commissioner was able to provide detailed further evidence in the future that such penalties were needed.

In addition an enhanced public interest defence would be introduced with immediate effect. This was agreed with ministers including the then Justice Secretary Jack Straw with whom we continued to discuss a range of issues including especially the reform of CFAs. Mr Straw accepted the need for urgent reform but it was blocked during the wash-up of legislation immediately before the 2010 General Election. We were given to understand that this much needed reform , and the unfilled promise of an enhanced public interest defence in the DPA, were not acceptable to "Number 10".

*Bob Satchwell*

*Executive Director*

*June 2012*

*On behalf of the Society of Editors*

*The Society of Editors has more than 400 members in national, regional and local newspapers, magazines, broadcasting, digital media, and media law and journalism education.*

Statement of Truth

I believe that the statements are true.

Signed

Date *July 2001*