



Leveson Inquiry into the culture, practices and ethics of the press

NUJ Submission October 2011

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In response to Lord Leveson's request, using section 21(2) of the Inquiries Act 2005, the NUJ has provided the below information as part of the witness statement as requested.

We have also attached a range of documentation, listed at the end of this statement, that relate to the Terms of Reference of the Leveson Inquiry.

Michelle Stanistreet is the elected General Secretary of the National Union of Journalists (NUJ). Michelle worked as a journalist for ten years at the Sunday Express newspaper as feature writer and books editor. Michelle was NUJ mother of the chapel at Express Newspapers, as well as the national representative for newspapers and agencies on the NUJ's ruling NEC. Michelle became the first woman in the NUJ's history to be elected as General Secretary in April 2011 and the first woman Deputy General Secretary elected in 2008. Michelle is also a member of the TUC General Council. The General Secretary is responsible for the day-to-day running of the union and directing its staff.

The National Union of Journalists is the voice for journalism and for journalists across the UK and Ireland. It was founded in 1907 and has 38,000 members. We are an affiliate of both the European Federation of Journalists and the International Federation of Journalists (IFJ). The NUJ represents 38,000 members working in all sectors of the media, including staff, students and freelances - writers, reporters, editors, sub-editors, photographers, illustrators and people who work in public relations.

Journalistic Practices and Ethics

The NUJ Code of Conduct (attached) was first developed in 1936 and is at the heart of what we stand for as a union. The union has always stood for high journalistic standards based on the Code and has consistently backed members who are willing to take a stand for ethical journalism.

The NUJ has campaigned for a Conscience Clause for many years – having such a clause in a contract of employment would allow journalists to stand up on a point of journalistic ethics without fear of being dismissed. It would give journalists the right and the confidence to ensure the code becomes an everyday part of journalistic decision making.

Central to the development of an ethical environment for modern journalism must be a guarantee that journalists who uphold professional standards will be protected against management pressure to chase circulation by behaving unethically. No journalist should be threatened with the sack for standing up for quality journalism.

Every member of the NUJ is obliged to work and conduct themselves according to the principles set out within the Code. Central to the Code is the clause stating that *“A journalist shall obtain information, photographs, illustrations only by straightforward means. The use of other means can be justified only by over-riding considerations of the public interest.”*

The NUJ would vigorously defend members using “other means” if it is in the pursuit of a story that is clearly in the public interest. The reality is that too many newspapers have resorted to private detectives and the “dark arts” referred to in our submission in 2006, as a shortcut to gaining information by traditional (and therefore often labour-intensive and expensive) journalistic means with a focus on celebrity tittle tattle and gossip.

The responsibility of a journalist is to ensure that serious questions are posed and considered before engaging in surveillance such as bugging, going undercover or hiring a private detective. A journalist must be absolutely satisfied that the story is in the over-riding public interest, and also that all legitimate means of getting the information has been exhausted.

However, savage cost cutting within the industry has also massively increased the pressure on journalists to deliver stories, without the time and resources to do a job well and professionally. We have also seen an increase of casualisation as staff jobs have been dispensed with during successive rounds of redundancies. This is an issue across national and local newspapers. Specialist correspondents, once the mainstay of newsrooms both nationally and regionally, have become something of an endangered species. In this context investigative journalism has been hit hard, as costs have been cut and investment massively scaled back in the newspaper industry.

Clearly, cultivating contacts, meeting and supporting potential whistleblowers and engaging in developing and initiating research takes time, it takes up staff hours and it costs money.

Newsroom culture is vital when considering the pressures that journalists come under to deliver on stories. We have dealt with cases where journalists have been pressured to write stories that are inaccurate, that refer to “investigations” that did not take place, that contain unethical material, that – in essence – serve to mislead the reading public. These practices do not exist within a vacuum. In some cases NUJ chapters have taken collective steps to challenge this pressure, even referring complaints to the Press Complaints Commission as in the case of two complaints made by journalists at Express Newspapers.

It is in this context that the NUJ has been campaigning for the introduction of a Conscience Clause in law, in order that journalists who take a stand against their employer on an ethical issue have protection against being dismissed. It is our experience that journalists in workplace chapters where the NUJ is recognised feel more confident about raising such issues collectively. Putting your head above the parapet as an individual journalist can be incredibly difficult, particularly when the consequences could put your job at risk.

Phone Hacking Scandal

It is significant that the unfolding scandal at News International happened in a workplace where the NUJ has been effectively blocked by Rupert Murdoch. Journalists working across the titles have been denied the collective representation of an independent trade union for a generation.

We strongly believe that the union-busting that has taken place at News International and the barrier that exists for NUJ representation at the titles is linked to the moral vacuum that has been allowed to proliferate at the News of the World. Collective representation by a trade union is a moral and human right and it is wrong that the cynical imposition of a staff association by an anti-union management should be allowed to block members’ right to be properly represented by the union of their choice. This action has directly in our view impacted upon the approach to journalistic ethics and standards in the broader newspaper industry.

It is also linked to a culture of bullying, where journalists are sometimes put under enormous personal pressure to “deliver”, where typically bullying tactics (public humiliation, aggressive directives, piling on work, isolating, ignoring ideas/spiking stories to name just a few examples) and where they are clinically despatched if they are perceived to have failed to do so. There has been little internal recourse for people in this position, and most have felt unable to raise issues/grievances for fear of exacerbating the situation and/or losing their job.

We have been contacted in confidence by members who came under pressure from senior editorial staff for celebrity stories, whose efforts to query the level of use and expenditure on a private detective – even when it applied to budgets they had some authority over – was rejected and dismissed as being beyond their jurisdiction and none of their business. Whilst some payments were made “through the books” in the normal way of processing payments for freelance workers we are also aware of significant

amounts of cash being used for payments, cash that could only be accessed by the most senior of staff on the title.

A case has also come to light where a private detective was instructed by the News of the World management in the wake of the arrest of royal reporter Clive Goodman to “stop” being a private detective and to instead “become a journalist”. In this instance, the person was even instructed by the News of the World to join the NUJ and acquire a union press card – a breathtakingly cynical move which is particularly ironic given News International’s stance towards the union. Yet the work being carried out remained unchanged – surveillance on celebrity “targets”, some of whom have since emerged as victims of phone hacking.

It is clear to the NUJ that the culture within the News of the World contributed towards the scale of the hacking problem – a practice that was industrialised to clearly unacceptable levels and used in ways that could not be justified under the “over-riding public interest” test.

The approach taken by the company since the scandal broke has also been illustrative of the way they first dealt with the crisis – by pinning the blame on an individual journalist and claiming this was the work of a single “rogue reporter”. Quite clearly this was not the case. Yet the tactic of blaming individuals accompanied by a failure of senior executives to take responsibility has continued in the treatment of those staff who have been summarily dismissed since the scandal broke – without even being told the nature of their offence – and, in several instances, been wilfully misled and misinformed by the company about the nature of their involvement in police inquiries. This has put enormous pressure on individual journalists, both emotionally and financially, and the reputational damage and their ability to work as journalists in the future remains unquantifiable at this stage.

Press Regulation

It is vital that any changes in press regulation have at their heart the protection of press freedom in the UK – the ability of journalists to do their job freely and without interference is a vital part of any democratic society. The clamour for regulatory change in the wake of the hacking scandal should not be allowed to jeopardise this fundamental role.

The NUJ has been raising concerns and campaigning for change and reform in the Press Complaints Commission for many years (see attached policy documents). Since our delegate meeting in April 2011 our policy position has been that it is beyond repair and should be abolished. This lack of faith in the PCC was not about self-regulation – however, it is our view that it is the employer-led model of self-regulation that has resulted in the PCC being toothless and unwilling to act in the real interests of the public and of journalists and journalism.

The union believes that the PCC has failed to investigate or take action about the allegations of disreputable editorial practices at the News of the World. The union believes that the practice of phone-hacking by the News of the World, without public interest justification, has been compounded by the lack of action from the PCC. The

NUJ has previously suggested a series of reforms of the regulatory framework including stricter penalties, a wider membership for the commission, including NUJ representatives and a conscience clause for journalists. However our suggestions have not been adopted and we believe the PCC is incapable of performing its function of regulating newspapers and magazines. It is on this basis that the NUJ called for its abolition.

It is interesting to note that in Ireland – where the NUJ is also the independent trade union representing journalists – the model of self-regulation is one where the NUJ plays a key role in a broad structure, working alongside employers and civic society representatives.

Any change within the regulatory framework needs to address the key changes that have developed since the PCC was established – for example, the issue of where online journalism fits in to a new regulatory successor? This is an ideal opportunity to ensure a cross-media approach, where newspapers and magazines and their audio visual websites are incorporated.

Improving standards must be a driving force of any replacement to the PCC. That means robust measures to ensure that media owners cannot simply opt out, as has been the case with, for example, Northern & Shell's Express Newspapers since they left the PCC.

The NUJ believes that any new body must be proactive, not reactive. It needs to monitor, to investigate standards and report back with a robust annual report that squarely focuses on the protection of media freedom and standards. Ethical issues must be examined more rigorously in future. This also means monitoring and reporting back on issues connected with ownership, control and distribution of the media, and public interest tests.

This new body must also have investigatory powers, including the power to call witnesses. It needs to be able to impose penalties, for example fines, and act as a genuine recourse for members of the public making complaints. The structure needs to stand the test of time and should include owners, journalists, and the public. A key part of its remit must be to ensure the statutory Right of Reply (with due prominence) to factual inaccuracies. This is key to giving the public confidence in the regulation of the work of journalists and the practices within the newspaper industry.

Many journalists and members of the wider public have real concerns about the use of statutory regulation and the form that might take. Anything akin to the licencing of journalism would be a dangerous and unacceptable move. Press freedom must be at the heart of any successor to the PCC.

During the Labour Party Conference, Ivan Lewis suggested that journalists found guilty of 'gross malpractice' should be struck off. The NUJ does not support this proposal and we have consistently argued that there is a connection between the anti-trade union culture at News International and the moral vacuum that's been allowed to proliferate. The culture stems from the top of the organisation yet it is ordinary working journalists who are being sacrificed and whose livelihoods have been destroyed whilst those at the top of News International enjoy impunity.

Over the last 20 years a wave of deregulatory legislation has swept over the media, and attempts to limit media power have been dismissed. Emphasis and action have been concentrated on opening up media markets, promoting light touch regulation and stimulating growth and competition. Public interest concerns have largely been ignored.

The NUJ has substantial concerns around the concentration and monopolistic tendencies of media ownership in the UK. The crisis in the Murdoch media has had the positive effect of bringing media policy into the spotlight and the NUJ strongly believes that the public interest test should be applied whenever proposed media mergers or market concentration are considered and there needs to be clear limits on the share of media markets that companies can be allowed to hold. Firms could be required to protect editorial standards and independence and the level of staff employed. There should also be more transparency and genuine consultation in decision-making. The NUJ believes that an effective regulator has to be representative of the workforce and the public.