

**Trinity Mirror opening submission.**

**Trinity Mirror welcomes the opportunity to contribute to the important work of the Inquiry and submits this short written statement as its opening submission.**

Trinity Mirror believes that freedom of the press is only and should only be an extension of the individual's right to free speech and the citizen's right to know. It's primarily there for the benefit of ordinary citizens. It is their right freely to receive reliable and timely information about their society. A free press is part of a larger right of free expression. It should be treasured, preserved and guarded.

There is a lot of talk about "responsible journalism", safe journalism. On the whole that sounds right. But actually what a democratic society often needs is fearless journalism - anything but safe.

Journalists are one of the very few bulwarks of freedom in a democratic society. We need our journalists to be unafraid, challenging of authority, challenging of institutions, cynical and prepared to take risks.

Good journalism isn't always safe journalism.

In a sophisticated society it is recognised that bodies that embody the press grow into significant institutions themselves and then those institutions rely on the individual's rights to freedom of expression. It is however only right that they do so as they stand as a counterbalance to the institutions of the state and other powerful bodies.

We need a press which responds to the demands of everyone who buys newspapers - both nationally and locally - so all those who choose to buy and read newspapers can enjoy freedom of expression.

Totalitarian governments never allow a free press. British press freedom (limited as it is by onerous libel and growing privacy laws) has been hard fought for but is not secure. It should never be taken for granted and our guard never lowered. The licensing of newspapers or journalists should remain in the 16<sup>th</sup> century or Zimbabwe. Regulation of the press is in effect regulation of free speech and, prima facie, anathema to democracy.

The only acceptable form of regulation of the press that recognises these challenges and conflicts is a system of self regulation. By the industry and for the industry. A system and set of rules that the press themselves agree that they will live by. Their own set of willingly agreed restraints, and standards.

A system that they can trust not to lead to control or censorship.

It must be independent. Independent of Government, Parliament or the Judiciary (or anyone else for that matter).

Trinity Mirror has been a supporter of the Press Complaints Commission. It is not an uncritical supporter and is sometimes disappointed and critical of its adjudications. But in reality our occasional strong criticism is a sign that the PCC is not supine and "in the pockets of the industry" as is sometimes alleged.

Trinity Mirror has done more than pay lip-service to the system of self-regulation. We ensure that senior people contribute to the working of the system. A very senior editor serves as a Commission member, our most senior Nationals editor and our most senior Regionals journalist are members of the Editors' Code Committee and an Executive Director from our plc board sits on the Press Standards Board of Finance ("PressBof").

We believe that on the whole, over its twenty year history, the Press Complaints Commission has worked well. Its complaints handling system is highly regarded and is a success.

It operates an effective early warning system to prevent people being contacted when they don't want to be.

It has become skilled at conciliation and mediation which by definition often goes unseen.

In recent times, though, it has made one serious mistake. Its "investigation" into phone hacking. Its biggest mistake was at the outset. Phone hacking is a criminal offence. Criminal offences are a matter for the police - and only the police. In a mistaken belief that it had to be "tough" the PCC waded into waters that were far too deep for it and that it had neither the skills or powers to navigate.

It had no powers of compulsion and no power to investigate.

Its first and only action when confronted with the hacking allegations should have been to make a phone call itself - to Scotland Yard. And then left the police to it.

Having made its first mistake it compounded it time and again to defend its increasingly difficult position. But one mistake, however big, is not reason enough to destroy a system that has worked well for the great majority of people for a great majority of the time.

We believe that the overall structure and shape of the system can and should be preserved. But there are parts of the system that can be improved.

We do believe that the "rules" should be written by journalists. The Editors' code as a set of standards is rightly respected and would be hard to improve upon.

We believe that there must be an editorial voice on the Commission. We do not say that the exact number of current editorial commissioners must be retained but do see the sense in having a presence of currently practising editors. There could be former editors or other senior journalists on the Commission.

There should be an industry standard for the placing of adjudications from the Commission. We agree that the page 2 concept has value. It should be used for all apologies and corrections whether through the PCC or not and Trinity Mirror will introduce such a system across all its titles during the week of 14<sup>th</sup> November 2011.

There should be a clearer tariff of punishment or sanction.

We can also see that there may need to be some form of financial penalty for breach - although there remain significant questions as to whether that would simply serve to delay the process and introduce an unwelcome layer of legal process into the

system. There are also questions as to whether these are "fines" or "damages". Does the money go to fund the system, or charity or to the "injured" party?

There has been much talk of the so-called "Desmond problem". How can anyone trust a system of self-regulation if a key player cannot be compelled to join? We recognise the difficulty of that problem. However we see the solution not as one of compulsion, more of a need to create a system that all players want to join to join as membership sends a signal of trusted journalism. In effect a "kite mark" that shows that the outlet is one that you can trust above other sources. Such a badge will become increasingly important as the internet continues to expand with ever more sites publishing unreliable information.

However, for the system to be fully accepted by the industry, any changes need to be from the industry - led by journalists and not imposed. Trinity Mirror has agreed to play its full part working with the Code Committee, PressBof and the new PCC chairman to design the new system. It would be wrong to commit ourselves to any new design before those discussions have properly taken place.

Moreover, it is fundamental to any system of self-regulation that standards and ethics start with individual journalists and individual companies. They cannot simply be handed over to someone else to decide and then oversee.

As Sly Bailey made clear in her speech to the third Leveson Seminar, unlike many newspaper companies Trinity Mirror is a plc, a public limited company. It therefore has expectations that are placed on it and expectations that it in turn has of its staff.

The directors are obliged to follow a well-established set of principles. These are a very clear set of common sense guidelines that have been codified into the UK Corporate Governance Code. In practice that code helps the directors of the company run the business by a series of clear and codified systems and controls. It also sets the tone for the way in which the company is run. Corporate governance is key to all that we do.

However, what are really important are the ways in which the systems are actually implemented and put into practice and Trinity Mirror has a clear set of controls and procedures as set out by Mrs Bailey.

These are extensive and run from very clear guidance and authority levels for payments, fast tracking of any allegations of fraud, a very extensive system of risk management and a detailed and frequently updated risk map.

We have a clear Code of Business Conduct issued to all new staff with rules on gifts, bribery and conflicts of interest.

However, a significant part of what we all do relies on judgement. And this of course is a key factor in the running of our business, and specifically the editing of our newspapers.

We're not in the business of producing identikit products, identical cars for instance, that are mass-produced to detailed and standard specifications.

Every day our editors produce a different, unique version of their product. A frankly miraculous feat of skill, expertise and good old fashioned gut instinct of what will make a great story, a great paper.

What makes it into the paper and what doesn't, is entirely a matter for the editor.

So working within the framework of all of the systems of corporate governance as described, a huge amount of what we do relies on the good, well-informed, expertly-applied judgement of our editors.

Our culture that results from a clear and codified way of doing things, one of strong corporate governance that works hand in glove with good editorial judgment, is one of honesty and integrity, and is a healthy and effective way to run newspapers.

In short proper processes lead to proper behaviours, and need not limit creativity.

### **Summary**

Trinity Mirror firmly believes that the press can and should only be subject to self regulation. The risks to democracy are too great from any other system. It is clear that much of the work of the PCC is highly valued and should be preserved. There are, however, areas that can be strengthened. The solution can, however, only work if it is unanimously agreed by the industry. Trinity Mirror is committed to playing a full part in the industry's discussions over the next few months.