



fighting for media freedom

Leveson Inquiry Module 4

A submission 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, media law and journalism education.

It is the single largest organisation for editors and senior editorial executives. Its members are as different as the publications, programmes and websites and other platforms for the delivery of news that they create and the communities they serve. But they share the values that matter:

- *The universal right to freedom of expression.*
- *The importance of the vitality of the news media in a democratic society.*
- *The promotion of press and broadcasting freedom and the public's right to know.*
- *The commitment to high editorial standards.*

1. The SoE broadly supports the proposals put forward by Lord Black and Lord Hunt as they maintain the vital principle of the freedom of the press combined with sensible pragmatic and dynamic measures to alleviate public concern, now and in the future.

2. The society has been consulted informally and formally at various stages of the proposals' formulation.

3. Individual editors and other members of the society have provided written and in some cases oral evidence to the inquiry.

4. Editors are, and should be, responsible for maintaining standards in any newspaper and as a consequence protecting the image of the newspaper, its websites and corporate brands. That responsibility and their relationship with their journalists should not be compromised by any new system.

5. Editors should be responsible for obligations to maintain standards and be expected to join in internal systems to meet any audit of corporate governance. This is consistent with the fact that, as things stand, they have full legal responsibility for every word printed in their titles. This is often overlooked in discussions about accountability.

6. Many organisations have already reviewed their procedures and how they maintain awareness of the Editors' Code of Practice and deal with complaints. It is now common for the observance of the code to be written into all journalists' contracts, which provides the potential sanction of disciplinary action in the event of a breach. These cases are of course covered by employment law.

7. Editors already maintain systems for speedy investigation of complaints and most make strenuous efforts to satisfy complainants without resort to the PCC. There has been abundant evidence of respect for existing processes for the resolution of complaints.

8. The strengthened system of dealing with public concerns outlined by Lord Black and others would build on the valuable work of the PCC in dealing with complaints. That had already changed practices

and ethics in the press and the proposed enhanced system would provide added incentives that would improve practices further. While questions have been raised overall regarding elements of the PCC's role and performance, the volume of complaints – well in excess of 7,000 per year – is an indication that people still have sufficient confidence in the process to make contact with the organization. The transitional PCC is still receiving and handling complaints and it is very much 'business as usual' in terms of the volume of those complaints.

9. The Black/Hunt proposals combine protection for the vital principle of press freedom with pragmatic measures to toughen the regulatory system to satisfy public and political concern.

10. The proposals would be efficient, provide speedy reaction to complaints with sensible, manageable costs, the minimum necessary bureaucracy and one system for all parts of the press without statutory controls. They represent a significant toughening of the regulatory system, and as such will address the need to rebuild public confidence.

11. Other proposals such as those from The Media Standards trust, for example, over-complicate the issues and provide for different treatment for big media organisations and others. Apart from flawed principle this would be confusing for the public in that there would appear to be one set of rules for major operators and possibly none for small operations.

12. It would be far better, and far more likely to succeed, if media organisations joined the system and stayed in it because of enhanced public respect and possibly other incentives.

13. A compulsory regulatory system for organisations or individuals would be unacceptable interference with freedom of expression.

14. In our view, a sense of proportion is vitally important while the future of press regulation is being considered in such depth. We would certainly not wish to see the Press as a whole penalised, weakened and limited as a result of failings in one very specific part of the industry, or some parts of the police or some politicians.

15. National, regional daily and weekly newspapers produce millions of stories every year, most of which do not cause any complaint or problem at all. Inevitably, the inquiry has had to delve deeply into examples of wrongdoing but it would be wrong to allow this to be interpreted as evidence of widespread failures across the entire industry.

16. When problems do occur, the extent of the problem, and in some cases outrage, also creates a false impression of the overall performance of the press.

17. As regional editors' evidence to the inquiry particularly suggested, the PCC worked well both for complainants and papers. Most people with practical experience of using it, as opposed to looking on from the outside, thought it worked well. That is not to say improvements were not needed. It should also be remembered that complaints are not limited to the PCC. A huge number are already satisfactorily resolved directly between publications and complainants. There is an iceberg in terms of good professional standards that has had little consideration during the inquiry or by the PCC's detractors.

18. Celebrities have taken a valuable part in the inquiry, and the worth of their input is recognised by the SoE. They are entitled to private lives but it is a fact that many enjoy a symbiotic relationship with the press. The public is fully aware of this, which is why opinion is divided on how much weight can be

given to their view of that relationship. Many famous people manage to lead perfectly happy lives without undue attention from the media and this silent majority should not be overlooked.

19. Some politicians and others from the Westminster/Whitehall establishment have been totally open, while others appear to have been a little reluctant to accept their own part in some of the problems discussed by the inquiry.

20. The stage is now set for a new era of tougher regulation, with harsh practical lessons learned. The experiences of the McCanns and the Dowlers, ordinary people who found themselves suddenly at the centre of extraordinary stories and media attention, have provided strong foundations for an improved system - and one which works for everyone.

21. Bad practices must be condemned but most are already covered by criminal law, contempt, libel or privacy, including Jefferies. Stricter application of existing law and of the Editors' Code could and should deal with most issues

22. In essence, an over-reaction to extreme cases has a history of leading to bad law or bad regulation.

23. The proposals are for a robust tightening in some areas, an enhanced system for reviewing the Editors' Code and a back up investigatory arm that will become available for those rare occasions when we believe it might actually be needed - rather than sitting expensively in place assuming that it will be needed to be in permanent session, for which there is no evidence. In addition the proposals provide for external audits of internal governance and compliance arrangements.

24. Proposals for a direct link between the regulation system and libel law reform would require legislation so would inevitably delay progress on both the introduction of new regulation and libel reform and CFAs.

25. Most of the events and practices examined by the inquiry happened several years ago, and led to two individuals being convicted and imprisoned. The industry reacted positively to deal with issues such as phone hacking and possible breaches of the Data Protection Act at the time issues first arose. The PCC played a fundamental role in that reaction. On Data Protection issues, the Information Commissioner confirmed his satisfaction with press reaction.

26. That said, editors across the industry reacted with similar concern to the public and politicians as events have unfolded and the inquiry has done its work. Internal governance issues are being addressed and editors believe that the industry can deal with the crisis through the establishment of a new more robust, independent and transparent system of regulation. They also recognise the need for enhanced training for journalists particularly throughout their careers and the society welcomes initiatives being taken by the NCTJ in this regard.

27. All in all editors hope that the conclusions of the inquiry and remedies recommended will be proportionate to the problems revealed. They recognise that in a public-facing industry particularly, perceptions are as important to reputation as reality.

28. The key concern is that public acceptance of the importance of a free and independent press will not be enhanced by emasculating regulation or control or by a retreat from its vital role. Its reputation depends on it continuing to demonstrate its ability to continue holding government, other institutions and the rich and powerful to account.

29. The UK press is diverse and highly competitive. While the latter has been suggested as one of the causes of the problems revealed, it has also been the source of remedy. That diversity and competitiveness must be maintained and despite so many differences the broad consensus within the industry about future regulation must be nurtured.

30. Further work is required on the fine detail of areas such as funding, proposed contracts and incentives to join the new regulatory arrangements, but they have far more chance of success than systems imposed from without by politicians, lawyers, former journalists or academics, many of whom have little practical experience of the effectiveness of self regulation by the PCC. The industry recognises the issues identified as requiring change. It is clearly committed to make those changes that will work for the public and newspapers without hindering the vital role of the press in the public interest, and without depriving the public of the papers that they respect and enjoy.

Bob Satchwell

Executive Director

For and on behalf of the Society of Editors, July 2012.

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Statement of Truth

I believe that the statements are true.

Signed

[Redacted Signature]

Date *2 July 2001*