



From the Director

7 October 2011

Lord Justice Leveson
The Royal Courts of Justice
The Strand
London WC2A 2LL

Many thanks for inviting me to yesterday's seminar which was a useful exercise. I look forward to next week's and any further seminars.

I am enclosing the Society's first submission to you outlining the issues that we believe are central to your inquiry. We would of course be glad to expand on this and on any specific matters that you might identify.

At yesterday's seminar there was brief but important discussion regarding conditional fee arrangements in publishing cases and the changing effect on journalism. I thought it might help you and your team to see various letters written to Jack Straw when he was Secretary of State for Justice. These contained evidence that helped to persuade him, and the current justice secretary, of the need for reform. While these referred especially to the problems of regional newspapers we also worked closely with the Media Lawyers Association on their evidence regarding national newspapers. For further information in this matter I am also enclosing a copy of my contribution in response to LJ Jackson's request to speak at one of his seminars during his review of civil costs. Finally, I enclose a copy of an aide memoire for members of the House of Lords when the previous government attempted to deal with the problem just before the last General Election. Sadly that failed at the last minute in the parliamentary wash-up of urgent business.

Journalism training was also mentioned yesterday. The Society's training committee has already taken the initiative on this and has put forward recommendations regarding ethics training and on-going professional development to the industry. As a non executive director of the National Council for the Training of Journalists I am also aware that the NCTJ and the Broadcasting Journalism Training Council are also urgently reviewing these matters.

I hope this is helpful.

Yours sincerely,

Bob Satchwell
Executive Director



fighting for media freedom

Submission to the Leveson inquiry into the culture, practices and ethics of the press:

The Society of Editors has more than 400 members in national regional and local newspapers, magazines, broadcasting , digital media, media law and journalism education. We respectfully ask Lord Justice Leveson to ensure that discussions under his authority have total validity with regard to all sections of the press, local, regional and national, and that the principle of freedom of the media is upheld. Initially the Society wishes to make the following specific comments.

1. Millions of people read and enjoy the British media which is one of the liveliest and most diverse in the world, offering a wide choice of taste and opinion. They do so for many reasons but the main ones are to enjoy being informed and entertained by the media they trust. Every journalist must strive to maintain that trust and credibility that is vital to any media organisation's success.
2. Journalists, like all other citizens, are subject to the law and the hacking of mobile telephones in the past such as that uncovered at the News of the World was a failure of the law - not of self regulation. The police have investigatory powers which go far beyond anything which could be granted to a self-regulatory body and the courts have powers (the "teeth" which critics often say the PCC lacks) which are all embracing. The press should not be held responsible for any shortcomings in police inquiries.
3. No-one has suggested that phone hacking was either ethically acceptable or permitted under industry codes of practice. Nevertheless, it is clear that self-regulation has to be reexamined and, indeed strengthened. This requires an informed debate with suggestions which come from experienced people with a knowledge of the financial state of the media industry, an understanding of the way news-gathering organisations work, a grasp of the seismic changes the internet is bringing to the dissemination of knowledge - and not from a pantomime cast of people who have cheated the public and whose moral lapses have been exposed by the media or self-appointed pundits and lawyers who have their own agendas.
4. Independence from Government and from the industry itself is an essential requirement - but it does raise the all-important question: Who pays for it? If it is the Government then that is State control. If it is the media owners the system clearly must satisfy them and their editors and journalists and thus may never be seen as "independent".
5. Unfortunately there has been a tendency over the last decade or so to enact laws which make investigative journalism more and more difficult and there appears to be a distinct possibility that journalists will be hauled before the courts for doing their job. Acts such as the Data Protection Act and the Bribery Act threaten the media, despite assurances they are not aimed at journalism. Such assurances are not supported by sufficient public interest defences and should be treated with caution as the recent threat by the Metropolitan Police to use the Official Secrets Act to force a reporter from the Guardian to reveal her sources has shown. Relationships between journalists and others are a matter for those involved. Any attempt to undermine the duty of journalists to protect their sources must be resisted.

6. We are assured that stories "in the public interest" would be exempt from any prosecution. But how is a reporter or an editor expected to know if a story is "in the public interest" until it has been at least partly researched, in the course of which the reporter may sail very close to the legal wind.
7. While journalists would prefer to ask for no special privileges, they expect no special laws that limit their freedom. Sadly, there is nothing in law which guarantees that the media should remain free. In face of new laws that impact on journalism, that democratic principle should be set out clearly and specifically in law - echoing the US First amendment – rather than merely relying on the more general right to freedom of expression.
8. The case for a forensic examination of self-regulation is clear. The industry recognises this, the politicians want it and the public is probably in favour. The Society of editors is determined to help shape any changes that are necessary. However it should not be forgotten in the current fevered atmosphere that the Prime Minister, with all the power and panoply available to him, both formal and informal, also took the Metropolitan Police and News International at their word when assured that criminal activity was confined to one reporter and one private investigator. With that in mind the Society is equally determined to protect the freedom of journalists and the media generally.
9. A suggestion has been made that self-regulation should recognise a division between solving complaints from the public in a fast and free way and the imposition of standards and ethics to which all media practitioners can sign up. This could be a positive way forward. However, the concept of a register of journalists or of newspapers would be a form of licensing and therefore inappropriate as it would infringe the right to freedom of expression.
10. The Press Complaints Commission system was established in response to questions about the behaviour of the press 30 years ago. It has changed the behaviour of journalists and the media as a whole. It has also served the public well in many instances. Those achievements should not be lightly dismissed nor their benefits lost under a new enhanced system.
11. Clearly the visibility of the self regulatory system needs to be improved. The Editors' Code of Practice is part of nearly all journalists' contracts of employment, be they trainee reporters, news editors or the most senior editors. The Society intends to lead from the front in redefining ethics training. The Society's training committee has already outlined recommendations for greater emphasis on ethics in the training of journalists and for continuous professional development.
12. However the system is improved it must be appropriate and equitable for all kinds of publication from the smallest local newspaper or magazine to the largest national newspaper. Unnecessary delays and expense must be avoided.
13. Compulsory membership of any system even without statutory power would require definitions of a newspaper and of a journalist. It would require a measure of licensing which is not acceptable in a free and democratic society. There should be incentives to encourage membership.
14. Regulation needs to recognise media convergence and an understanding what is common and what is different between press, broadcast and web-only journalism.
15. Above all, assumptions must continue to be generally in favour of publication, with consequential sanctions only if failings are proved.

16. The media industry is diverse, competitive and argumentative. Our members all have their own ideas for the way forward. On one thing, we believe, they are agreed. A valuable debate, in a calm and unhysterical atmosphere, is what is needed now. The Society's planned discussion of these issues in November will be a first important step to achieving this.

The Society would be pleased to expand on these comments and to provide any detailed evidence requested by the inquiry.

**7 October 2011
Bob Satchwell
Executive director
Society of Editors**