



fighting for media freedom

SoE evidence to the Leveson Inquiry 29.11.11
Response to Module one key questions
(partially revised 30.01.12)

The Inquiry is currently looking at the relationship between the press and the public. We're interested in hearing from professionals and the public with information and examples in response to the specific questions below. Your answers may be considered as potential evidence to the inquiry.

Culture, practices and ethics:

1 The Inquiry needs to understand how newsrooms operate, particularly in the tabloid and mid-market sectors. Can you provide a personal account of culture, practices and ethics in any part of the press and media?

My evidence would be of changes in the behaviour of the press since the creation of the PCC system and the benefits that has brought. As the inquiry has heard, the PCC, the Editors' Code, the Human Rights Act, Conditional Fee Arrangements, as well as technological and market changes have had dramatic effects on culture and practice over the past two decades.

2 Seminar debates have suggested that commercial pressures were not new, were not unique to the press, and did not impact adversely on standards of journalism or ethical behaviour. The Inquiry would be interested in submissions on this, with examples where possible.

There have always been commercial pressures. Rivalries between news organisations and individual journalists provide still greater pressures. None should be used as excuses for unethical behaviour. My personal experiences as a senior editorial executive and then an editor for more than 20 years was that journalists were always ready to raise their concerns if they felt under any unacceptable pressure. I also find it hard to believe some of the assertions about Rupert Murdoch's personal role in the matters under inquiry.

3 Some seminar attendees suggest reader loyalty limits competition between titles. Professional competition to be first or best with a story, though, could be a powerful force. Other participants suggested some papers put journalists under significant pressure to produce a story within a tight timeframe. The Inquiry would be interested in experiences of the competitive dynamics in journalism and how that impacts on the way in which journalists operate, with examples where possible.

See my response above. Journalists are certainly extremely competitive both in print and increasingly online.

4 With the advent of the internet and 24 hour news as well as declines in revenue and circulation, we have heard that fewer journalists are having to do more work. The seminars also raised the issue of the casualisation of the workforce. The inquiry would be interested in experiences of how this may have changed the culture in newsrooms and what it might mean in terms of journalistic practice, with examples where possible.

5 The issue of stories that attract a high degree of press attention but subsequently turn out to be false was raised at the seminars. The Inquiry would be interested in submissions from editors, reporters and subjects of such stories - why they occur (what are the pressures that drive press interest), and how they occur (what checks and balances are or should be in place to stop this happening and why do they sometimes not operate)?

The most powerful of checks and balances now is the 24-hour global news agenda that means inaccuracies are more quickly exposed. Editors' perceptions of readers' interest drives press attention. The news business is fast moving. Stories may indeed on rare occasions turn out to be inaccurate. When they do happen they can be high profile and can cause reaction that is out of proportion to the "offence".

6 One seminar attendee suggested that the National Council for the Training of Journalists does not teach ethics. The Inquiry would be interested in experience of how ethics are taught and promulgated amongst journalists.

As a non executive director of the NCTJ I am aware that ethics and behaviour appear and should be taught at various points in the syllabus. I hope that you will have heard from the NCTJ itself but I can say that both the NCTJ and the Society of Editors are recommending changes to enhance awareness of ethical issues. Ethics should not simply be part of legal training. There should also be greater emphasis on continued professional development.

Standards:

7 Attendees proposed that the general law, as it applies to everyone, should be the only constraint on the press. The inquiry would welcome submissions on whether, and if so why, the press should be subject to any additional constraints in relation to behaviour and standards, for example relating to accuracy, treatment of vulnerable individuals, intrusion, financial reporting or reporting on crime, other than those imposed by existing laws.

I agree with the first statement. The media in the UK is indeed heavily regulated. Regulation of the press is by definition an infringement of freedom of expression but it is accepted in the UK in some instances - to protect the legal system and children, for example. The journalist's legal Bible 'Essential Law for Journalists' has increased in size from fewer than 200 pages to more than 700 pages since the 1970s. In 1974, distinguished Sunday Times Editor Harold Evans said the UK had a half-free press. In 2010 in a Society of Editors report he argued that it was now only 45 per cent free. Any further constraints should only be developed with extreme care and proper concern for media freedom.

8 Editors at the seminars argued that the Editors' Code was a good set of standards to work to. The Inquiry would be interested in submissions from all parties on the coverage and substance of the Editors' code including accuracy and redress for those who are affected by breaches of the code.

As a former member of the Code committee, I believe the code is valuable and dynamic. It should be better promoted and comments and suggestions for change should be encouraged. The inquiry has heard evidence of the effectiveness of the code. Too little credit has been given for the changes that have been applied including those most recently made.

9 It has been argued that the statutory regulation and impartiality requirements that apply to broadcasting do not chill investigative reporting on television. Broadcasters are able to rely on the printed press to break controversial stories and then follow on behind. The inquiry would be interested in submissions on the extent to which the regulatory regime for broadcasting casts a chill on broadcast reporting and the

relationship between the printed press and broadcast media as a result of the different regulatory environments.

The only justification for control of broadcasting was band width restrictions on entry into the industry. That argument is increasingly flawed.

Public interest:

10 The Inquiry has heard strong arguments for the importance of a free press in a democratic society. The Inquiry would be interested in submissions on the special role to be played by the press in a democracy, what 'freedom' requirements need to be in place for that role to be played and the whether this role places any obligations or responsibilities on the press.

Yes. The press should do more, not less. The inquiry has recognised the importance of the press in a democratic society. Newspapers process millions of stories each year most of which are of benefit to the public. Comparatively few of those published lead to complaints. Even if those that might have involved illegal or unacceptable practices were taken into account, they would still be only a small proportion of the total.

11 We've heard arguments that sometimes it will be in the public interest for journalists and media organisations to do things that would otherwise be ethically or legally questionable. The inquiry would be interested in submissions on the extent to which, if at all, should acting in the public interest be a complete or partial defence in relation to unlawful or unethical activity in pursuit of journalism; and, if so, subject to what conditions.

There should be a clear public interest defence in law as well as within the regulatory system. Where such a defence exists in law, for example in the Data Protection Act it should be strengthened as agreed but never implemented by the previous Labour government.

12 In practice any public interest argument would need to be considered in the context of specific cases. The Inquiry would be interested in submissions on who should be responsible for reaching decisions on whether something is in the public interest, and on what basis. Illustrative examples would be helpful.

The public interest can only really be properly judged on a case by case basis. It is not difficult to see where the public interest lies.

Finally, in evidence already given to the inquiry there appears to have been very little appreciation of changes over the past 20 years. There have also been assumptions about the flow of information and condemnation of the press when questionable behaviour is sometimes a matter for freelance photographers who find markets abroad as they shrink in the UK.

There has been too little appreciation of changes in working practices and governance as a result of the Information Commissioner's reports on alleged breaches of the Data Protection Act as a result of the jailing of two people for phone hacking.

Much of the evidence heard of malpractice has been old, some of it almost pre-dating the establishment of the PCC system. Evidence from former editors that contrasted significantly with that from current editors demonstrated just how much the culture of the press has changed and is continuing to change. On matters of privacy there has been evidence given to the inquiry that reflects changes since the Human Rights Act was introduced.

The press already has a powerful code of practice. That and the PCC have suffered from disinformation and sadly a lack of profile. The code for example is similar in language and tone to those covering broadcasting. The PCC can be more effective, particularly in advance and can certainly work more quickly and cheaply than other regulators. But that is not to say the code and the system cannot be improved.

Bob Satchwell
Executive director
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Statement of Truth

I believe the facts stated in this witness statement are true.

Signed

Date