

~~DRAFT v1 06.07.2012~~

THE LEVESON INQUIRY

Statement of Jonathan Russell

1) *Who are you and what is your current job title?*

I am Jonathan Russell. I have been Editor of The Herald newspaper in Glasgow and Editor in Chief of Herald and Times Group, which comprises The Herald, Sunday Herald and Evening Times newspapers, since July 2010. Immediately before this I spent approximately four years as an Assistant Editor at the Daily Record and Sunday Mail. Previous jobs have included Scottish Correspondent, then Scottish News Editor and then Scottish Editor of the Daily Mirror, Editor of the Paisley Daily Express and Scottish Bureau Chief of the Mail on Sunday. I have also worked for news agencies and began my career on the Evening Express, in Aberdeen.

2) *To what extent were you personally involved in drawing up this proposal for a new system of self-regulation based on contractual obligations, as now set out by Lord Black?*

I have had no direct personal involvement in the drawing up of the proposal to replace the Press Complaints Commission with a new Regulator. However, I am aware that Newsquest Media Group, the publishing group of which Herald & Times is a subsidiary, was consulted earlier this year and submitted its comments on the detail of Lord Black's proposal. The CEO of Newsquest, Paul Davidson, and the Regional Managing Director of Herald & Times, Tim Blott, have both been involved in discussions between the Newspaper Society and Lord Black. Newsquest also gave a number of senior editors, including myself, the opportunity to raise any concerns or comments of their own as part of that process. I took advantage of that opportunity. While broadly supporting the proposal as a necessary means of restoring public confidence in the principle of media self-regulation, I was concerned about the elements of the proposal that appeared to be uncertain or open-ended. In particular, early in March this year I made the following comments on an early draft:

- i) I thought it was odd that the draft Regulations referred to the possible future extension of jurisdiction to adjudicate on defamation and privacy. That seemed to be more of a policy aspiration than a regulation. Whether that particular extension is desirable or not is another issue. It could be useful if it were to take resolution of such issues out of the courts and save the enormous legal costs of correcting simple errors. Whatever the answer to that question, I do appreciate that the new PCC framework is not meant to be a fully evolved creature. In particular, its eventual form will still have to absorb the conclusions of the Leveson Inquiry. And once the new regime is up and running, practical experience will dictate what further developments the Regulator may find necessary in the future.
- ii) I did not agree with the provision in the draft I saw that all mediated resolutions (that is, matters resolved without reference to the Complaints Committee) should result in a compulsory publication of the outcome. Very often those resolutions were the result of gestures on the part of the press without acceptance of any breach of the Editor's Code, whereas publication always suggests some degree of fault, which would act as a discouragement to generosity and increase referrals to the Complaints Committee. These referrals take up valuable time and resources that we do not have and we would prefer a reduction in bureaucracy. I am disappointed to see that Lord Black's proposals have not changed in this regard, although I cannot say that this is a significant objection and it does not affect my overall view that that the proposals are essentially a good and necessary answer to the crisis of public confidence in the UK media.
- iii) I thought it was unclear just how much information and detail the annual complaints audit would require, which was worrying, especially bearing in mind our limited manpower. This may be something else that will only become clearer in practice. I also pointed out that one paragraph said the audit would be 'confidential', while the very next paragraph said contrarily that it might be published. Now I understand that the latest draft says publication would be at the Regulator's discretion.
- iv) In many ways the most dramatic feature of Lord Black's proposal is the contractual lock-in. While I think it's safe to say that no regional publisher

has ever seriously considered bailing out of the PCC, the possibility at least was always there. Now it is proposed that publishers will be locked into a contract from which release is only possible upon termination by the Regulator or a majority vote. The original draft suggested a 75% majority was required, which I thought was too high. Now I understand it's been reduced to a simple majority. Nevertheless, the fact remains that a publisher has to make an effectively irreversible decision when joining the new system of media self-regulation. I can recognise that this is the kind of evidence of commitment that the public rightly demands in the present circumstances – a degree of compulsion as opposed to purely voluntary self-regulation. There is some justice in the objection from the Scottish and regional press that they have done nothing to deserve the opprobrium that has fallen on them. The PCC has worked well for the regional press and their readers in the past and there was previously no call for change from us or from our readers. But the distinctions between segments within the media industry have been lost in the understandable outrage at the discovery of the disreputable behaviour of certain elements of the national press. We have to accept that the scandal taints the industry as a whole and that, blameless as they may be, members of the Scottish and regional press must join in the solution. Once we are over that psychological hurdle, it seems to me that the question is largely one of cost and practicalities.

3) *How far would you personally, in your capacity as editor, expect to be involved in the final decision as to whether your publication signed up to the contractual obligations envisaged by this system? Please explain in full how that decision would be taken.*

On reading the definition of a 'regulated entity' in the contractual frame work, it appears to me that the parties who will sign up to the contract will be the publishing companies, not the editors of individual newspaper titles. Newsquest Media Group encompasses some 200 weekly titles and 17 regional dailies, as well as about 180 websites and various specialist business and lifestyle publications. Within the Group, the publishers will be the various regional subsidiary companies, from Falmouth to Glasgow, including Newsquest (Herald & Times) Ltd, which publishes my titles. For all those 'regulated entities' the decision to enter

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into the regulatory contracts would be taken by the board of directors of the ultimate UK Group parent company, Gannet U.K. Limited. It will be the duty of Group CEO Paul Davidson and his fellow directors to take any final decision in the interests of the Group. It is my expectation that there will be one decision for all the Group companies one way or another. There would be no question of some joining while others did not.

- 4) In so far as you are able to do so, please indicate whether your publication is at present fully ready and committed to enter into these contractual obligations. If it is not at present fully ready and committed, please explain why and detail any changes that would need to be made to the proposal, any further development to the proposal required or any preparatory steps that would need to be taken at your publication in order to put it in the position of being fully ready and committed to enter into these obligations. If there are no circumstances in which it would be prepared to enter into obligations of this nature, please explain why not.***

As an editor, I believe the publications for which I have responsibility are ready and committed in principle to entering into these contractual obligations, subject to clarification of certain detail and any conclusions the Leveson Inquiry itself may reach. I also believe my view broadly reflects the attitude of Newsquest Media Group as a whole. Notably, we have not been told about the proposed costs of membership, though I understand that all parties to the discussions acknowledge that the fees must be proportionate and take account of the differences between titles in terms of size, resources and kind. I do not foresee any significant practical difficulties in moving quickly to the new regime because Lord Black's proposals are built on existing foundations and familiar ideas. The new regime certainly involves more formality and codification, but I do not see that as being unacceptably onerous provided that the system aims for a high level of bureaucratic efficiency. Most daily titles would already have an individual charged with dealing with reader complaints – typically a senior member of the editorial staff. However, I do not see the system as fully developed in Lord Black's proposals and I do think there will be the need for some mechanical adjustments here and there. On my reading of it, the framework leaves the Regulator to decide whether and what changes should be made, and then the Industry Funding Body has to approve them. It puts the publishers, locked into the endless contract, at the Regulator's mercy if the system does not work smoothly from day one. In reality, I

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expect the Regulator will be sensitive to concerns of this kind and will listen to us. But I have to note the lack of an express provision for the members themselves to propose changes without actually having to terminate or threaten to terminate the contract: a safety-valve, if you like. There is also a concern over the extra workload which may be placed on the senior member of staff tasked with dealing with PCC issues. This cannot become more onerous than it currently is. On the other hand, I appreciate that the public need to see a strong Regulator in place, serving a set of established principles and who is not at the beck and call of the members. I think editors like myself have to accept that this is a leap of faith we have to make in order to win back the trust of the public.

5) *What specific differences would membership of a system of the kind set out by Lord Black, underpinned by contractual obligations, make to the culture, practices and ethics of your publication?*

From the point of view of the press in Scotland and the regions, it would be tempting to say that it will not make too much difference, simply because we believe we already operate to a good standard of ethical compliance, both with regard to our internal company standards and the standards set by the Editors Code. This may be because we are close to our readers and we know what their expectations are. They are certainly quick to remind us if we ever forget. If we go wrong occasionally, it is much more likely to be the consequence of error rather than mischief. Our internal processes and the PCC have worked satisfactorily in the past to help us correct those errors. We have always done our best to comply with the Editors Code and believe that it is wrong to assume the regional and national Scottish press acts in the same way as some recently-publicised excesses within the UK national press. But we cannot be complacent and pretend this has nothing to do with us. In reality we are all in this together. I think Lord Black's proposals are likely to contribute strongly to a rehabilitation of the media industry as a whole in the wake of the crisis. I believe the new regime, and particularly its new powers of investigation, will revive faith in the authority and enforceability of the Code and a newspaper's credibility will be founded on it. The Regulator's 'kite-mark' will be worn with pride and the commercial interests of a newspaper will become even more obviously aligned with compliance rather than subversion.

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6) *Is there any other comment you wish to make on the proposals put forward by Lord Black, or on the proposals put forward by others, that are now published on the Inquiry website?*

No.

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

Signature



Jonathan Russell

Date

9/7/13