

CITY AND COUNTY OF CARDIFF DINAS A SIR CAERDYDD

STANDARDS AND ETHICS COMMITTEE: 26 JANUARY 2010

REPORT OF THE MONITORING OFFICER AGENDA ITEM: 6

NEWSPAPER EDITORS' CODE OF PRACTICE

Reason for this Report

1. To provide the Committee with information on the annual review of the Editors' Code of Practice; and enable the Committee to consider any suggestions it wishes to put forward for consideration as part of this review.

Background

2. The Commission on the Governance of Cardiff Council report (April 2004) highlighted the importance of the role of the media in supporting standards in public life. This Committee considered this issue at its meetings in July and September 2007.
3. At its meeting in September 2007 the Committee received a report from the Head of Communications on media protocols, including the Editors' Code of Practice which is overseen by the Press Complaints Commission. The Committee noted the information presented; resolved to take no further action at that point; and agreed to review this matter in due course.

Issues

4. The Council has received notification that the Editors' Code of Practice Committee, which writes and revises the voluntary code of standards overseen by the Press Complaints Commission, is undertaking its annual review of the Code. To this end, that Committee is inviting suggestions from the public, civil society and the industry on how the Code might be revised to improve the system of self-regulation of the press, of which the Code is considered to be an essential component. Suggestions must be submitted no later than 31st January 2010.
5. A copy of the current Editors' Code of Practice is appended as **Appendix A** to this report. This Committee is invited to make any comments it may wish to put forward in respect of the Editors' Code of Practice for consideration as part of the annual review of the same.

ADVICE

This report has been prepared by the Monitoring and City and County Solicitor. It contains all the information necessary to allow Members to arrive at a reasonable view, taking into account the advice contained in this section.

Legal Implications

There are no legal implications arising from this report.

Financial Implications

There are no financial implications arising from this report.

RECOMMENDATION

The Committee is recommended to:

Consider and make any comments it may wish to put forward in respect of the Editors' Code of Practice for consideration as part of the annual review of the same.

Kate Berry
Monitoring Officer and City and County Solicitor
18 January 2010

Appendices

A Editors' Code of Practice

Background papers

Minutes of Standards & Ethics Committee, Media (S101), 17th July 2007
Report of Head of Function (Communications), Media Protocols Operating within the Council, 18th September 2007; and minutes in respect thereof
Press Complaints Commission email to Cardiff Council Media Manager, dated 07/12/09, 'Editors' Committee reviews the Code'

NEWSPAPER AND MAGAZINE PUBLISHING IN THE U.K.

Editors' Code of Practice

This is the newspaper and periodical industry's Code of Practice. It is framed and revised by the Editors' Code Committee made up of independent editors of national, regional and local newspapers and magazines. The Press Complaints Commission, which has a majority of lay members, is charged with enforcing the Code, using it to adjudicate complaints. It was ratified by the PCC in September 2009. Clauses marked* are covered by exceptions relating to the public interest.

The Code

All members of the press have a duty to maintain the highest professional standards. The Code, which includes this preamble and the public interest exceptions below, sets the benchmark for those ethical standards, protecting both the rights of the individual and the public's right to know. It is the cornerstone of the system of self regulation to which the industry has made a binding commitment.

It is essential that an agreed code be honoured not only to the letter but in the full spirit. It should not be interpreted so narrowly as to compromise its commitment to respect the rights of the individual, nor so broadly that it constitutes an unnecessary interference with freedom of expression or prevents publication in the public interest.

It is the responsibility of editors and publishers to apply the Code to editorial material in both printed and online versions of publications. They should take care to ensure it is observed rigorously by all editorial staff and external contributors, including non-journalists. Editors should co-operate swiftly with the PCC in the resolution of complaints. Any publication judged to have breached the Code must print the adjudication in full and with due prominence, including headline reference to the PCC.

1 Accuracy

- i) The press must take care not to publish inaccurate, misleading or distorted information, including pictures.
- ii) A significant inaccuracy, misleading statement or distortion once recognised must be corrected, promptly and with due prominence, and - where appropriate - an apology published.
- iii) The press, whilst free to be partisan, must distinguish clearly between comment, conjecture and fact.

iv) A publication must report fairly and accurately the outcome of an action for defamation to which it has been a party, unless an agreed settlement states otherwise, or an agreed statement is published.

2 Opportunity to reply

A fair opportunity for reply to inaccuracies must be given when reasonably called for.

3 * Privacy

- i) Everyone is entitled to respect for his or her private and family life, home, health and correspondence, including digital communications.
- ii) Editors will be expected to justify intrusions into any individual's private life without consent. Account will be taken of the complainant's own public disclosures of information.
- iii) It is unacceptable to photograph individuals in private places without their consent.

Note - Private places are public or private property where there is a reasonable expectation of privacy.

4 * Harassment

- i) Journalists must not engage in intimidation, harassment or persistent pursuit.
- ii) They must not persist in questioning, telephoning, pursuing or photographing individuals once asked to desist; nor remain on their property when asked to leave and must not follow them. If requested, they must identify themselves and whom they represent.
- iii) Editors must ensure these principles are observed by those working for them and take care not to use non-compliant material from other sources.

5 Intrusion into grief or shock

- i) In cases involving personal grief or shock, enquiries and approaches must be made with sympathy and discretion and publication handled sensitively. This should not restrict the right to report legal proceedings, such as inquests.
- * ii) When reporting suicide, care should be taken to avoid excessive detail about the method used.

6 * Children

- i) Young people should be free to complete their time at school without unnecessary intrusion.

- ii) A child under 16 must not be interviewed or photographed on issues involving their own or another child's welfare unless a custodial parent or similarly responsible adult consents.
- iii) Pupils must not be approached or photographed at school without the permission of the school authorities.
- iv) Minors must not be paid for material involving children's welfare, nor parents or guardians for material about their children or wards, unless it is clearly in the child's interest.
- v) Editors must not use the fame, notoriety or position of a parent or guardian as sole justification for publishing details of a child's private life.

7 * Children in sex cases

1. The press must not, even if legally free to do so, identify children under 16 who are victims or witnesses in cases involving sex offences.

2. In any press report of a case involving a sexual offence against a child -
 - i) The child must not be identified.
 - ii) The adult may be identified.
 - iii) The word "incest" must not be used where a child victim might be identified.
 - iv) Care must be taken that nothing in the report implies the relationship between the accused and the child.

8 * Hospitals

- i) Journalists must identify themselves and obtain permission from a responsible executive before entering non-public areas of hospitals or similar institutions to pursue enquiries.
- ii) The restrictions on intruding into privacy are particularly relevant to enquiries about individuals in hospitals or similar institutions.

9 * Reporting of Crime

- i) Relatives or friends of persons convicted or accused of crime should not generally be identified without their consent, unless they are genuinely relevant to the story.
- ii) Particular regard should be paid to the potentially vulnerable position of children who witness, or are victims of, crime. This should not restrict the right to report legal proceedings.

10 * Clandestine devices and subterfuge

- i) The press must not seek to obtain or publish material acquired by using hidden cameras or clandestine listening devices; or by intercepting private or mobile telephone calls, messages or emails; or by the unauthorised removal of documents, or photographs; or by accessing digitally-held private information without consent.
- ii) Engaging in misrepresentation or subterfuge, including by agents or intermediaries, can generally be justified only in the public interest and then only when the material cannot be obtained by other means.

11 Victims of sexual assault

The press must not identify victims of sexual assault or publish material likely to contribute to such identification unless there is adequate justification and they are legally free to do so.

12 Discrimination

- i) The press must avoid prejudicial or pejorative reference to an individual's race, colour, religion, gender, sexual orientation or to any physical or mental illness or disability.
- ii) Details of an individual's race, colour, religion, sexual orientation, physical or mental illness or disability must be avoided unless genuinely relevant to the story.

13 Financial journalism

- i) Even where the law does not prohibit it, journalists must not use for their own profit financial information they receive in advance of its general publication, nor should they pass such information to others.
- ii) They must not write about shares or securities in whose performance they know that they or their close families have a significant financial interest without disclosing the interest to the editor or financial editor.
- iii) They must not buy or sell, either directly or through nominees or agents, shares or securities about which they have written recently or about which they intend to write in the near future.

14 Confidential sources

Journalists have a moral obligation to protect confidential sources of information.

15 Witness payments in criminal trials

- i) No payment or offer of payment to a witness - or any person who may reasonably be expected to be called as a witness - should be made in any case once proceedings are active as defined by the Contempt of Court Act 1981.

This prohibition lasts until the suspect has been freed unconditionally by police without charge or bail or the proceedings are otherwise discontinued; or has entered a guilty plea to the court; or, in the event of a not guilty plea, the court has announced its verdict.

* ii) Where proceedings are not yet active but are likely and foreseeable, editors must not make or offer payment to any person who may reasonably be expected to be called as a witness, unless the information concerned ought demonstrably to be published in the public interest and there is an over-riding need to make or promise payment for this to be done; and all reasonable steps have been taken to ensure no financial dealings influence the evidence those witnesses give. In no circumstances should such payment be conditional on the outcome of a trial.

* iii) Any payment or offer of payment made to a person later cited to give evidence in proceedings must be disclosed to the prosecution and defence. The witness must be advised of this requirement.

16 * Payment to criminals

i) Payment or offers of payment for stories, pictures or information, which seek to exploit a particular crime or to glorify or glamorise crime in general, must not be made directly or via agents to convicted or confessed criminals or to their associates – who may include family, friends and colleagues.

ii) Editors invoking the public interest to justify payment or offers would need to demonstrate that there was good reason to believe the public interest would be served. If, despite payment, no public interest emerged, then the material should not be published.

PCC Guidance Notes

Court Reporting (1994)

Reporting of international sporting events (1998)

Prince William and privacy (1999)

On the reporting of cases involving paedophiles (2000)

The Judiciary and harassment (2003)

Refugees and Asylum Seekers (2003)

Lottery Guidance Note (2004)

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Data Protection Act, Journalism and the PCC Code (2005)

Editorial co-operation (2005)

Financial Journalism: Best Practice Note (2005)

On the reporting of mental health issues (2006)

The extension of the PCC's remit to include editorial audio-visual material on websites (2007)

Copies of the above can be obtained online at www.pcc.org.uk

Press Complaints Commission

Halton House, 20/23 Holborn, London EC1N 2JD

Telephone: 020 7831 0022 **Fax:** 020 7831 0025

Textphone: 020 7831 0123 (for deaf or hard of hearing people)

Helpline: 0845 600 2757

The public interest

There may be exceptions to the clauses marked * where they can be demonstrated to be in the public interest.

1. The public interest includes, but is not confined to:
 - i) Detecting or exposing crime or serious impropriety.
 - ii) Protecting public health and safety.
 - iii) Preventing the public from being misled by an action or statement of an individual or organisation.
2. There is a public interest in freedom of expression itself.
3. Whenever the public interest is invoked, the PCC will require editors to demonstrate fully that they reasonably believed that publication, or journalistic activity undertaken with a view to publication, would be in the public interest.
4. The PCC will consider the extent to which material is already in the public domain, or will become so.
5. In cases involving children under 16, editors must demonstrate an exceptional public interest to over-ride the normally paramount interest of the child.

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