

D Neesom  
15 September 2011  
1<sup>st</sup>  
Exhibit: "DN1"

IN THE MATTER OF THE LEVESON INQUIRY

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EXHIBIT "DN1"

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This is the exhibit marked "DN1" referred to in the Witness Statement of  
Dawn Neesom  
dated this 16<sup>th</sup> day of September 2011

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8 August 2011

Dear Ms Neesom,

**Leveson Inquiry into the culture, practices and ethics of the press**

It may have come to your attention that an Inquiry has been set up under the Inquiries Act 2005, chaired by the Rt Hon Lord Justice Leveson, following the recent "phone hacking" public scandal. Under Part 1 the Inquiry will inquire into the culture, practices and ethics of the press. Its Terms of Reference are available on-line at <http://www.number10.gov.uk/news/leveson-inquiry-panel-terms-of-reference/>.

Lord Justice Leveson's expectation is that witnesses will be willing to assist his Inquiry by providing both a statement and documents voluntarily and in the public interest.

However, given the timescales within which he has been asked to operate and the desirability of ensuring, with limited exceptions, consistency of approach to potential witnesses, he has decided to proceed in a formal manner using the powers conferred upon him by statute. No discourtesy is of course intended by this.

**Notice under section 21(2) of the Inquiries Act 2005**

Under section 21(2) of the Inquiries Act 2005<sup>1</sup>, read in conjunction with the Inquiry Rules 2006 (S.I. 2006 No 1838)<sup>2</sup>, Lord Justice Leveson, as Chairman of the Inquiry, has power to require a person, within such period as appears to him to be reasonable, to provide evidence to the Inquiry panel in the form of a written statement, and/or to provide any documents in his custody or under his control that relate to a matter in question at the Inquiry.

Lord Justice Leveson has determined that it is appropriate, in view of his Terms of Reference and his investigatory obligations, that you should at this stage be required to provide evidence to the Inquiry Panel in the form of a witness statement and to provide any documents in your custody or under your control as more specified below.

The company which owns your newspaper has been asked to provide corporate governance documents, written policies dealing with various matters (including checking of sources, ethical conduct, editorial guidance, compliance, use of private investigators and remuneration/bonus payments) and documents relating to certain expenses, including

<sup>1</sup> <http://www.legislation.gov.uk/ukpga/2005/12/contents>

<sup>2</sup> <http://www.legislation.gov.uk/uksi/2006/1838/contents/made>

disbursements to private investigators. Your witness statement should cover at least the following matters or issues:-

- (1) Who you are and a brief summary of your career history in the media.
- (2) How you understand the system of corporate governance to work in practice at the newspaper where you are employed with particular emphasis on systems to ensure lawful, professional and ethical conduct;
- (3) What your role is in ensuring that the corporate governance documents and all relevant policies are adhered to in practice. If you do not consider yourself to have been/be responsible for this, please tell us who you consider to hold that responsibility;
- (4) Whether the documents and policies referred to above are adhered to in practice, to the best of your knowledge;
- (5) Whether these practices have changed, either recently as a result of the phone hacking media interest or prior to that point, and if so, what the reasons for the change were;
- (6) Where the responsibility for checking sources of information (including the method by which the information was obtained) lies: from reporter to news editor/showbiz editor/royal editor to editor, and how this is done in practice (with some representative examples to add clarity);
- (7) To what extent an editor is aware, and should be aware, of the sources of the information which make up the central stories featured in your newspaper each day (including the method by which the information was obtained);
- (8) The extent to which you consider that ethics can and should play a role in the print media, and what you consider 'ethics' to mean in this context;
- (9) The extent to which you, as an editor, felt any financial and/or commercial pressure from the proprietors of your newspaper or anyone else, and whether any such pressure affected any of the decisions you made as editor (such evidence to be limited to matters covered by the Terms of Reference);
- (10) The extent to which you, as an editor, had a financial incentive to print exclusive stories (NB. It is not necessary to state your precise earnings);
- (11) Whether, to the best of your knowledge, your newspaper used, paid or had any connection with private investigators in order to source stories or information and/or paid or received payments in kind for such information from the police, public officials, mobile phone companies or others with access to the same: if so, please provide details of the numbers of occasions on which such investigators or other external providers of information were used and of the amounts paid to them (NB. You are not required to identify individuals, either within your newspaper or otherwise);
- (12) What your role was in instructing, paying or having any other contact with such private investigators and/or other external providers of information;
- (13) If such investigators or other external providers of information were used, what policy/protocol, if any, was used to facilitate the use of such investigators or other

external providers of information (for example, in relation to how they were identified, how they were chosen, how they were paid, their remit, how they were told to check sources, what methods they were told to or permitted to employ in order to obtain the information and so on);

- (14) If there was such a policy/protocol, whether it was followed, and if not, what practice was followed in respect of all these matters;
- (15) Whether there are any situations in which neither the existing protocol/policy nor the practice were followed and what precisely happened/failed to happen in those situations. What factors were in play in deciding to depart from the protocol or practice?
- (16) The extent to which you are aware of protocols or policies operating at your newspaper in relation to expenses or remuneration paid to other external sources of information (whether actually commissioned by your newspaper or not). There is no need for you to cover 'official' sources, such as the Press Association;
- (17) The practice of your newspaper in relation to payment of expenses and/or remuneration paid to other external sources of information (whether actually commissioned by your newspaper or not). There is no need to cover 'official' sources such as the Press Association;
- (18) In respect of editorial decisions you have made to publish stories, the factors you have taken into account in balancing the private interests of individuals (including the fact that information may have been obtained from paid sources in the circumstances outlined under paragraph 11 above) against the public interest in a free Press. You should provide a number of examples of these, and explain how you have interpreted and applied the foregoing public interest;
- (19) Whether you, or your newspaper (to the best of your knowledge) ever used or commissioned anyone who used 'computer hacking' in order to source stories, or for any other reason.
- (20) If you cannot answer these questions, or take the view that they could be more fully answered by someone else, you must nonetheless provide answers to the extent that you can, and to the extent that you cannot you must provide the Inquiry as soon as possible with names of those who would be able to assist us further.

The documents you should provide to the Inquiry Panel should relate to the following matters or issues:

- (a) Any policies or protocols referred to above;
- (b) Any details or documents relating to expenses paid to private investigators and/or other external sources of information;

The terms of this formal notice should not necessarily delimit the evidence, including documentary evidence, which you provide to the Inquiry. It may well be that you can give important additional evidence beyond the four corners of the statutory requirements being imposed on you by this notice: if you can, you are encouraged to do so in line with the general invitation extended by Lord Justice Leveson during the course of his opening remarks on 28<sup>th</sup> July 2011.

Lord Justice Leveson is required under his Terms of Reference to complete his report on the matters or issues under Part 1 of the Inquiry within 12 months. With this in mind, and having regard also to the scale and scope of his foregoing requirements of you, he has determined for the purposes of section 21(2) of the Inquiries Act 2005 that you should comply with this notice by **4pm on Friday 16<sup>th</sup> September 2011.**

Lord Justice Leveson is also directed by law to explain to you the consequences of failing to comply with this notice. He therefore draws to your attention the provisions of section 35(1) of the Inquiries Act 2005 which make it a criminal offence to fail without reasonable excuse to do anything which is required by a notice under section 21. He wishes to make it clear that all recipients of section 21 notices are having their attention drawn to this provision, since it is a formal legal requirement.

He is also directed by law to indicate to you what you should do if you wish to make a claim under sub-section (4) of section 21, namely a claim that you are either unable to comply with this notice at all, or cannot reasonably comply with this notice within the period specified or otherwise. You are invited to consider the full text of section 21, including for these purposes sub-sections (3)-(5), if necessary with the benefit of legal advice. Lord Justice Leveson invites you to make any such claim in writing and as soon as possible, addressed to the Solicitor to the Leveson Inquiry into the Culture, Practices and Ethics of the Press, c/o Royal Courts of Justice, Strand, London, WC2A 2LL.

Furthermore, Lord Justice Leveson has power under section 19(2)(b) of the Act to impose restrictions in relation, amongst other things, to the disclosure or publication of any evidence of documents given, produced or provided to the Inquiry, including evidence produced under section 21. Lord Justice Leveson will be considering the exercise of his powers under section 19 in any event, but if you seek to invite him to exercise those powers in respect of your evidence, including documentary evidence, or any part of it, you should set out your position in writing as soon as possible.

Finally, Lord Justice Leveson draws to your attention the provisions of section 22 of the Act which state that you may not under section 21 be required to give, produce or provide any evidence or document if you could not be required to do so if the proceedings of the Inquiry were civil proceedings in a court in the relevant part of the United Kingdom, or the requirement would be incompatible with a Community obligation. No doubt you will take legal advice as to the effect of this provision, but, in the spirit of openness and with the wish to ensure that all possible aspects of his Terms of Reference are fully considered, he invites you nonetheless to waive privilege in relation to any such document or evidence. Please therefore state in your response to this notice whether you are prepared to do so.

For the avoidance of doubt, this notice only covers one aspect of the Terms of Reference and, as the Inquiry moves into other areas, it may well prove appropriate to serve further section 21 notices.

Yours sincerely,



**Kim Brudenell**  
**Solicitor to the Inquiry**

## Editors' Code of Practice

Effective from 1 January 2011

The Press Complaints Commission is charged with enforcing the following Code of Practice which was framed by the newspaper and periodical industry and was ratified by the PCC in October 2010 to take effect from 1 January 2011.

## 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, in printed and online versions of publications.

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. In cases involving the Commission, prominence should be agreed with the PCC in advance.
- 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

- ii) Journalists must not engage in intimidation, harassment or persistent pursuit.
- iii) 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.
















## 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.

EXPRESS NEWSPAPERS

# Factfile

- 1.0  Phonebook
- 2.0  About Express Newspapers
- 3.0  Recruitment
- 4.0  Employment
- 5.0  Leave
- 6.0  Absence from work
- 7.0  Benefits
- 8.0  Cars
- 9.0  Financial Information
- 10.0  Services
- 11.0  Training & Development
- 12.0  Health & Safety
- 13.0  Security
- 14.0  Company Policies & Procedures
- 15.0  Contractual

EXPRESS NEWSPAPERS • LUDGATE HOUSE • 245 BLACKFRIARS ROAD • LONDON • SE1 9UX

*Express Newspapers*

**FACTFILE**

**CONTRACTUAL SECTION**

*for*

**EMPLOYEES**

**ON**

**EDITORIAL CONTRACTS**

Employees should make themselves conversant with the contents of this section, which forms part of the contract of employment.

The contents of this section are subject to review from time to time at the absolute discretion of the Company.

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### **ALLOCATION OF DUTIES**

Editors have the absolute right to allocate duties and assignments and specific job titles do not, either expressly or by implication, restrict that right.

### **ATTENDANCE**

All members of staff are expected to attend for work in accordance with their contract.

Staff unable to present themselves for work are obliged to notify their head of department. This notification should be given as early as possible. Every effort should be made to do this before your normal starting time. If staff wish to be absent from work they must obtain approval in advance from their head of department.

There is no automatic right to take paid time off to deal with domestic problems such as doctors' or dentists' appointments, or allowing access to tradespeople. Clearance must be sought in advance from the head of department.

### **CARE OF COMPANY PROPERTY**

Journalists who are allocated Company equipment to assist them in carrying out their duties, such as mobile telephones, pagers, lap-top computers, as well as photographic equipment and Company cars, are responsible for the safety of the equipment and for ensuring that it is properly maintained.

If an item of equipment is stolen or damaged, staff may be required to contribute to the cost of repair or replacement if they are found to have been negligent or careless.

All company property should be returned on leaving the Company.

### **COMPANY POLICIES AND PROCEDURES**

You are expected to comply at all times with Company policies and procedures. These are subject to change from time to time at the discretion of the Company. Copies of the Company policies can be obtained from the Personnel & Development Department and/or the Group Managing Editor, and are in the Facfile.

### **CONFIDENTIALITY/ DISCLOSURE OF INFORMATION**

Members of staff may not disclose any information of a confidential nature relating to the Company or any of its associated companies to any other party unless authorised to do so during their employment (except in the proper course of their employment) or at any time after the termination of employment.

### **CONFLICT OF INTEREST**

Under no circumstances should journalists use their position with the Company in order to obtain goods or services for their personal benefit. Nor should they accept offers of goods or services which are made to them by virtue of their position as a journalist with the Company.

The Company's name and stationery must not be used for personal purposes.

### **DEDUCTIONS FROM SALARY**

Under current legislation, the Company reserves the right to make certain deductions from salary as well as those authorised by various acts of Parliament. These may include reimbursement of an over-payment of salary, sick pay or expenses, or a deduction resulting from disciplinary procedures.

Other deductions may also be made as long as you have given your prior written consent.

### **DRESS CODE**

Members of staff should dress appropriately for their duties at all times, particularly when representing the Company and dealing with clients and visitors.

### **FINANCIAL SERVICES**

All journalists who specialise in financial matters must comply with the provisions of the Financial Services Act 1986 or other relevant legislation.

As newspapers are not in business to provide financial advice, the provisions of the Act do not generally apply. Giving investment advice through financial or City pages is legitimate.

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However, giving specific advice to individual readers, either because they write to the paper or phone in, is outside the general exemption. In such cases it is essential that the journalist replies in terms that he or she is prevented by the Financial Services Act from providing individual investment advice, and therefore cannot do so.

Staff should also abide by the section of the Press Complaints Commission Code of Conduct which specifically refers to financial journalists.

## **GRIEVANCES**

The grievance procedure within Express Newspapers has three stages.

### **Stage I**

An employee with any grievance relating to his employment shall take up the matter with his immediate superior, verbally or in writing, who shall attempt to resolve the complaint as quickly as possible. An employee is entitled to be accompanied by a colleague at any meeting with the immediate superior.

### **Stage II**

Should the matter remain unresolved, the employee may take the matter up with the Group Managing Editor. The employee is entitled to be accompanied by a colleague.

### **Stage III**

Failing satisfactory settlement at Stage II, the grievance shall be referred to the Managing Director, or his nominee, who shall discuss the grievance with the employee concerned under the conditions applying at Stage I of this procedure, and shall give a final written decision to the employee within seven working days. The employee has the right to be accompanied by a colleague.

## **HOLIDAYS**

Annual holiday entitlement is specified in your Principal Statement of Terms.

The holiday year operates from 1 January to 31 December and all leave must be taken in the year it falls due. No entitlement can be carried forward without the written approval of the Group Managing Editor.

Any journalist called upon to work on Christmas Day will be entitled to two days off in lieu. A journalist who does not receive either 31 December or 1 January off will also be entitled to two days off in lieu. Lieu days should be taken within 30 days, or before the end of the calendar year.

Unless otherwise taken, the days in respect of Bank Holidays on which newspapers are published may, when staffing arrangements permit, be taken consecutively with other periods of annual leave or holidays.

New employees who commence their employment during the course of the holiday year, are entitled to one-twelfth of the annual holiday entitlement for each completed month of service.

Staff who terminate their employment during the course of the holiday year are entitled to one-twelfth of the annual holiday entitlement for each completed month of service, less any holiday already taken. Outstanding holiday should be taken during the notice period where circumstances permit.

Holiday entitlement does not accrue for cumulative absence of more than 14 weeks in any 12 month period. Holiday leave cannot be taken directly following sickness absence without the approval of the head of department.

### **HOURS OF WORK**

Hours of work are specified in your Principal Statement of Terms. You will be expected to be flexible in your approach to your duties and be prepared to work additional hours as may be reasonably required of you without contravening current legislation.

### **INSURANCE**

The Company has arranged accident cover with a substantial insurance company on a 24 hour basis, subject to certain exclusions (e.g. dangerous sports).

Cover for accidental death is additional to and entirely separate from the life cover arrangements under Pension arrangements. The accident cover is taken out in the name of the Company and no employee or dependant has any legal right to any claims thereunder. The practise of the Company is, however, that the proceeds of any claim arising from accidental death of or injury to an employee covered by this Agreement will normally be applied to the benefit of the employee or his/her dependants at the Company's discretion.

The insurance policy is subject to change from time to time at the discretion of the

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Company.

Members of staff travelling on Company business outside the UK, or travelling within the UK are covered under the Company's travel policy subject to the rules of the scheme in force at the time. Full details are available from the Finance Department.

### **LAY-OFFS**

The Company will make every effort to ensure full continuity of its business operations, but reserves the right temporarily to lay-off employees without pay, or to reduce hours of work with a consequent pro-rata reduction in pay, should circumstances arise in which normal working must be curtailed or stopped.

In the event of such circumstances arising, staff would normally be given the maximum possible notice of intended lay-off, and such notice would in no case be less than 48 hours.

### **LEGAL MATTERS**

It is the duty of every journalist to be familiar with the law as it affects newspapers, in particular libel and contempt, and to minimise the risk of expensive and damaging legal action.

These notes deal with the English legal system. Remember that Scottish law and Irish law are different. Journalists should ensure that legal advice is taken from either our English, Scottish or Irish lawyers. The company retains lawyers in Glasgow and Dublin to cover Scottish or Irish legal problems. On each of our newspapers the Night Editor has the telephone number of those to contact.

#### **Libel**

Every care must be taken with stories which may be libellous of a person or a company. The law protects the reputation of the individuals and companies from unjustified attack. The test applied by the court is whether the words tend to lower the plaintiff in the estimation of the public, or damage his business, trade, office, or profession. Such an attack is presumed, in law, to be untrue until proved otherwise, and the burden of proof in any defence lies with the defendant.

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There is a great difference between a journalist knowing that a story is true and being able to prove it is true to the satisfaction of a court. Hard evidence will always be required, so journalists should remember that sources of information who are not prepared to give evidence cannot be relied on when considering the legal strength of a story of a story before publication.

At all times journalists should make written notes or tape recordings of witnesses. It is the responsibility of the journalist to keep these for at least three years from the date of publication. This obligation remains even if the journalist ceases to work for the Express group.

In the event of complaint over a story, a journalist is expected to co-operate fully with the Legal Department in writing up and lodging his or her notes with that department.

Justification, the legal term for a defence based on truth, is the main defence relied on. While it is not necessary to prove the literal truth of every allegation, the defendant will be required to prove the truth of the "sting" of the libel.

Justification is not the only defence. Other defences are also available, in particular that of fair comment on a matter of public interest. This is of prime importance for columnists, but it protects comment and will not protect defamatory allegations of fact (which must be defended by justification) and legal advice should be taken if in doubt.

Fair and accurate reports of proceedings in open court are protected by privilege, absolute if published contemporaneously, and qualified if not. Journalists should take care to distinguish between allegations made by the prosecution or the defence, as opposed to findings of fact. Privilege does not extend to statements made by witnesses or parties to the action outside court, nor to proceedings not conducted in public.

When in doubt, take legal advice.

### **Court Reporting**

Most court cases are conducted in open court and no special reporting restrictions apply. However, journalists covering court cases should always check with the clerk of the court that no restriction or orders have been made in that case, e.g. in relations to child witnesses or delay of reporting under the Contempt of Court Act. Special restrictions on reporting include the following:

**(1) Committal Proceedings**

Reports of preliminary hearings - remands and committal hearings - are restricted to the following:

- (i) Name of court and examination justices.
- (ii) Names, addresses, ages and occupations of parties and witnesses.
- (iii) The offences, or a summary of them.
- (iv) Names of lawyers.
- (v) The court's decision to commit for trial.
- (vi) The charges on which the defendant is committed, or a summary, and to which court.
- (vii) Date and place of an adjourned hearing.
- (viii) Arrangements for bail, if made.
- (ix) Whether legal aid was granted.

**(2) Domestic Proceedings**

Court reports of domestic proceedings are restricted, as are reports of actions of divorce, nullity or judicial separation. Take legal advice.

**(3) Proceedings in Private**

Reports of hearings in private are not of themselves in contempt but contempt may occur in relation to proceedings over wardship, adoption of an infant, and guardianship of children. Particular care is required where a Ward of Court is involved. Legal advice should always be taken.

**(4) Sexual Offences**

Victims of rape and any other sexual offences cannot be identified unless they have given written consent or a Court Order made. The restriction applies the moment an allegation of a sexual offence is made. Note that industrial tribunals now have the power to impose temporary anonymity orders in issues involving sexual misconduct. Check.

**(5) Juveniles**

Reports of juvenile court cases are restricted in order to prevent identification of a child as witness or defendant. There is no automatic ban on identifying juveniles in adult courts although in many cases an order prohibiting identification will be made by the court. Restrictions may be lifted in certain circumstances. If in doubt, consult the Legal Department. Check.



## **Photographs**

Publication of photographs of an accused will not normally amount to contempt in England, unless identification is in issue. However, in all cases it is the responsibility of the journalist to check with the prosecution and, if in doubt, the defence to ensure that no prejudice will ensue. Note that the position in Scotland is different. Since identification is, as a matter of law, nearly always an issue, no photographs of an accused, however well known he or she may be, should be published until legal advice has been sought from our Scottish lawyers.

It is prohibited to take photographs or to make portraits or sketches in court or to take photographs of any person entering or leaving a court or its "precincts". "Precincts" has not been exactly defined but is generally taken to be inside a court building or at the entrance, but the court may deem it to extend to the immediate environs of the building, including the pavement.

## **Contempt**

Publication of articles or pictures which cause a substantial risk of serious prejudice to court proceedings will be in contempt of court and may result in criminal prosecution against the journalist, Editor and newspaper company concerned. Contempt is a crime of "strict liability" i.e. the intention of the publisher (innocent or not) is not relevant to liability. Legal advice should be taken over all reports once a person has been arrested or a warrant for arrest issued in relation to a crime.

Court reports can also be in contempt if they are not fair and accurate or if they contain details of proceedings in the absence of the jury. Particular care should be taken with headlines. Most crime stories will have libel implications as well as ones relating to contempt. Although most civil cases do not involve a jury and so are less likely to be influenced by newspaper reports, some still have juries, for example libel actions.

## **Copyright**

Copyright is important with regard to both the written word and photographs. There is no copyright in information or news in itself, but there is copyright in the way in which information or news is written or presented.

Care should be taken when using quotes from books or articles published by third parties. A defence of fair dealing does entitle reproduction of copyright works other than photographs for the purposes of news reporting or criticism or review. In each case a proper acknowledgement must be given to the copyright owner. Take legal advice when composing an acknowledgement, as the defence will be lost if it is incorrect. Take care when quoting lines from popular songs, etc.

It should be noted that the defence of fair dealing does not normally cover the use of photographs. In this case, the permission of the copyright holder must be sought.

Journalists should be aware that where particular interviews are obtained which may have syndication value to the company then an assignment of copyright may be required from the interviewee. A suitable contract will be provided by the Legal Department. For minor contracts a draft held at the News Desk can be used.

Freelance photographers and journalists own copyright in commissioned material after the newspaper's first use of it, unless agreed otherwise. To protect the company's rights, commissioning Editors and Picture Editors should in all cases offer commission only on the basis that the freelance assigns copyright to us. Care should be taken when accepting "collect" pictures of murder or accident victims, etc.

Copyright expires 70 years after the author's death, or in the case of a typographical arrangement, 25 years from the date of publication. Once copyright has expired, anyone is free to deal with the work as they choose.

### **Legal Position of Journalists**

The Company will normally indemnify journalists against awards of damages and costs incurred in defending actions for libel arising out of any matter published by the Company, subject to the Company's lawyers having control of the action and to the full co-operation at all times of the journalist concerned. The Company may also, in its complete discretion, pay fines and cost imposed on or incurred by a journalist in contempt of court cases arising out of any matter published by the Company, subject to the Company's lawyers having control of the action and to the full co-operation at all times of the journalist concerned.

### **LIEU DAYS**

Staff who are required to work on a rota day off or on a public or statutory bank holiday will receive a day off in lieu which should be taken within 30 days or in any case by the end of the year.

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## **MATERNITY**

At the earliest opportunity women should advise their Manager of their pregnancy and should consult the Personnel & Development Department regarding their rights under the Maternity Policy.

### **Maternity Leave**

All women who are pregnant, are entitled to a period of Statutory Maternity Leave, the length of which depends on their service with the Company.

The period of leave will be either:

- (i) a **Core Period** of 14 weeks maternity leave or
- (ii) an **Extended Period** of up to 11 weeks before the expected birth and 29 weeks after childbirth

**Staff with less than one year's employment** (at the 15<sup>th</sup> week before the expected week of childbirth)

are entitled to the **core period of maternity leave**. This can begin at any time from the 11th week before the expected week of birth, and is entirely at the woman's discretion, but it is compulsory to take two weeks of the leave after the birth.

**Staff with more than one year's continuous employment** (at the 15<sup>th</sup> week before the expected week of childbirth)

are entitled to the **extended period of maternity leave** which may commence up to 11 weeks before the birth (although it can begin later than this) and continue for up to 29 weeks after (including the actual week of childbirth). The extended period of leave includes the core period of leave.

If a woman is absent from work within six weeks of the expected birth, through sickness associated with her pregnancy, her maternity leave will be considered to have begun from the first date of absence.

### **Rights During Pregnancy**

Reasonable time off for ante-natal care is permitted, but it should be agreed with the head of department and taken at times convenient to the department.

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During the 14 weeks core period of maternity leave, women are legally entitled to be treated contractually as though they are at work. They retain all normal terms and conditions of employment, except for wages or salary.

### **Holidays**

During the 14 weeks' core period, 7 days holiday will accrue. This should be taken before leave begins, if possible. No further holidays accrue during the maternity leave.

### **Pension**

If the woman is a member of the Pension Fund, the pension contributions paid by herself and the Company have to be maintained during any period of paid maternity leave. This counts towards pensionable service.

For advice on this, and if she wishes to make up her pension contributions for any period of unpaid leave, she should contact the Personnel & Development Department for advice.

### **Health & Safety**

Under Health & Safety legislation, the workplace of a pregnant woman must be assessed to ensure that it does not contain any hazard which may endanger her, or the unborn baby. As soon as pregnancy is notified, her head of department should contact the Personnel & Development department who will carry out a risk assessment.

### **Before Leave Begins**

A woman who wishes to take maternity leave should advise her head of department of her pregnancy and her expected date of childbirth at the earliest opportunity.

She should also contact the Personnel & Development department, and formally apply for maternity leave in writing giving at least 21 days notice.

If she has more than one year's service (at the 15<sup>th</sup> week before the expected week of childbirth) and intends to exercise the right to extended maternity leave, she must state her intention in writing.

### **Maternity Pay & Benefits**

**Staff with less than 26 weeks' employment** (at the 15<sup>th</sup> week before the expected week of childbirth)

There may be an entitlement to Statutory Maternity Allowance, details of which can be obtained from the DSS.

**Staff with more than 26 weeks' employment, but less than one year** (at the 15<sup>th</sup> week before the expected week of childbirth)

There is an entitlement to Statutory Maternity Pay (SMP) as follows:

- \* 6 weeks at 90% of basic pay, followed by
- \* 12 weeks at Standard Rate of SMP

SMP is paid by the Company on behalf of the DSS

To avoid any misunderstanding, the statutory core period of leave is 14 weeks. If a woman decides not to return to work after the 14 weeks' leave, she is entitled to a further four weeks' pay at Standard Rate SMP.

**Staff with more than one year's employment** (at the 15<sup>th</sup> week before the expected week of childbirth)

(i) For women who indicate their intention to return to work the Company will enhance maternity pay as follows:

- \* 6 weeks at 100% basic pay followed by
- \* 12 weeks at 50% basic pay, plus Standard Rate of SMP followed by
- \* 6 weeks at 50% basic pay

NB 18 weeks half pay is subsequently repayable if she does not return, or leaves the Company within 6 months of returning.

(ii) Women who **do not intend to return to work** receive

- \* 6 weeks at 100% of basic pay followed by
- \* 12 weeks at the Standard Rate of SMP

Women who prefer to retain the option to return to work until after the baby is born should indicate this when applying for maternity leave. In such cases, 18 weeks half pay will be paid as a lump sum on return.

Women who return to work before the end of their maternity pay period will receive full salary in place of maternity pay.

The Company presents all pregnant women with a gift of £250 worth of store vouchers when they commence their maternity leave. The range of suppliers will be determined by the Personnel & Development department.

### **Return To Work**

#### **Notification**

A woman taking the core period of leave will have advised the Personnel & Development department and her head of department of her date of return to work before leave commenced. However, if she changes her mind and wishes to return to work before her advised date, she must give seven days' notice (in writing) of her earlier date of return. If she fails to do so, the Company may postpone her return to work until the necessary notice is given, subject to the proviso that it may not be postponed beyond the end of the maternity leave period.

If a woman is on extended maternity leave, the Personnel & Development department will contact her at the appropriate time after the baby's birth to establish whether she still intends to return to work. She must reply in writing within 14 days or she loses the right to return.

If she indicates that it is still her intention to return she must subsequently write to the Personnel & Development department giving at least 21 days notice of her date of return, which cannot be later than 29 weeks after the actual week of childbirth.

#### **Returning to the Job**

A woman on maternity leave, has the right to have her job held open. If this right is taken up, the same, or a comparable job, must be kept open, although it may be filled by a temporary person during the absence. On her return to work, if it is not reasonably practicable to offer the woman her old job back, a suitable alternative job must be offered. The terms and conditions of the alternative job, in respect of pay and status, must not be less favourable than those of the original job.

The Company reserves the right to vary or amend the rules and terms covering maternity entitlement according to legislation in force at the time.

### **MEAL BREAKS**

Breaks should be agreed with the head of department with due regard to health and safety considerations and the needs of the department.

### **MEDICAL INSURANCE**

On completion of three months' service, journalists are offered medical insurance provided at the Company's expense. Employees' dependants may be included in the Scheme at preferential rates. Any actual or prospective loss of entitlement to private medical insurance benefits shall not limit or prevent the Company from exercising its right to terminate your employment as set out in your Principal Statement of Terms.

### **NOTICE**

Staff who wish to terminate their employment with the Company are required to give the period of written notice specified in their Principal Statement of Terms.

The Company can require the employee to go on garden leave for all or any part of the contract period of notice.

If the Company wishes to terminate a person's employment the period of written notice specified in the Principal Statement of Terms will be given (subject to the Company's rights under the disciplinary procedure).

Notice periods should be worked in full, unless the employee is dismissed. Outstanding holidays should be taken during the notice period where circumstances permit.

If the employee asks to leave without serving the full notice period, salary in lieu of notice is not payable.

### **OUTSIDE WORK**

It is a requirement that the entire services of employees are to be devoted to the interests of the Company and United New and Media.

The written permission of the Editor or his/her nominee must be obtained on each occasion that a member of staff wishes to undertake outside work, whether paid or unpaid, which is of a journalistic nature or in any way connected with the media (including Press and Public Relations, the advertising or promotion of any company or product and the writing or publishing of books, newspapers, magazines or periodicals).

Permission given to write a book does not cover subsequent re-publication in newspapers or magazines by way of extracts or serialisation. To ensure that nothing is published elsewhere which could be of benefit to competitors or detrimental to the interests of our own titles, it is essential that such matters are agreed separately through the Group Managing Editor prior to the signing of any contract with a publisher.

Pseudonyms used for The Express or Daily Star may not be used for other companies without the permission of the Editor or his/her nominee.

Written permission must also be obtained for other forms of outside work. The Company does not normally object to employees undertaking other forms of outside work, provided that this does not use knowledge and experience gained in the Company's employment, and does not interfere with work for the Company.

Even when permission has been obtained staff must ensure that any outside work does not conflict with the Company's interests, or with other obligations to it, or render individuals unable to fulfil their duties.

### **OVERTIME**

The Company's policy is to keep overtime to the minimum level consistent with the needs of production, and as far as possible the wishes of individuals will be taken into account. Any journalist called upon to work overtime, or required to work on a day off, will be entitled to time off in lieu.

Any overtime worked should be entered in the departmental book provided, within 48 hours of it being worked, and authorised by the appropriate executive at the time of entry.

Time owing should not be carried over from one year to the next. Where possible, it should be taken in the year it is worked.



## **PAY**

Rates of pay are inclusive and no additional payment will be made for work carried out during normal work hours. Salaries include payments for work associated with Bank or Public Holidays.

Salaries will be reviewed annually on 1 January, or as stipulated in the Principal Statement of Terms or, where appropriate, in accordance with any collective agreement between the Company and a recognised union to which a journalist belongs.

Salaries are paid monthly, normally on the 15th day of the month, by credit transfer.

## **PENSIONS**

Employees who joined the Company after 1 October 1996 and are between 21 and 60 are invited to join the United Money Purchase scheme from the 1<sup>st</sup> of the month following the successful completion of their trial period.

Membership of the scheme is optional for all eligible employees.

Employees who joined the Company prior to the above date may be included in the Express Newspapers 1988 Pension Fund.

The pension handbooks fully describe the schemes and are available from the Group Managing Editor.

Under Company rules employment will cease no later than the individual's 65th birthday.

## **PRESS COMPLAINTS COMMISSION**

### **Code Of Practice**

The Press Complaints Commission is charged with enforcing the following Code of Practice which was framed by the newspaper and periodical industry and ratified by the Press Complaints Commission, 26 November 1997.

All members of the Press have a duty to maintain the highest professional and ethical standards. This Code sets the benchmarks for those standards. It both protects the rights of the individual and upholds the public's right to know. The Code is the cornerstone of the system of self-regulation to which the industry has made a binding commitment. Editors and publishers must ensure that the Code is observed rigorously not only by their staff but also by anyone who contributes to their publications. It is essential to the workings of an agreed code that it be honoured not only to the letter but in the full spirit. The Code should not be interpreted so narrowly as to compromise its commitment to respect the rights of the individual, nor so broadly that it prevents publication in the public interest. It is the responsibility of editors to co-operate with the PCC as swiftly as possible in the resolution of complaints. Any publication which is criticised by the PCC under one of the following clauses must print the adjudication which follows in full and with due prominence.

### **1. Accuracy**

- (i) Newspapers and periodicals should take care not to publish inaccurate, misleading or distorted material including pictures.
- (ii) Whenever it is recognised that a significant inaccuracy, misleading statement or distorted report has been published, it must be corrected promptly and with due prominence.
- (iii) An apology should be published whenever appropriate.
- (iv) Newspapers, whilst free to be partisan, must distinguish clearly between comment, conjecture and fact.
- (v) A newspaper or periodical must report fairly and accurately the outcome of an action for defamation to which it has been a party.

### **2. Opportunity to Reply**

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

### **3. Privacy\***

- (i) Everyone is entitled to respect for his or her private and family life, home, health and correspondence. A publication will be expected to justify intrusions into any individual's private life without consent.
- (ii) The use of long-lens photography to take pictures of people in private places without their consent is unacceptable.

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

**4. Harassment**

- (i) Journalists and photographers must neither obtain nor seek to obtain information or pictures through intimidation, harassment or persistent pursuit.
- (ii) They must not photograph individuals in private places (as identified in the note to Clause 3) without their consent; must not persist in telephoning, questioning, pursuing or photographing individuals after having been asked to desist; must not remain on their property after having been asked to leave and must not follow them.
- (iii) Editors must ensure that those working for them comply with these requirements and must not publish material from other sources which does not meet these requirements.

**5. Intrusion into grief or shock**

In cases involving personal grief or shock, enquiries must be carried out and approaches made with sympathy and discretion. Publication must be handled sensitively at such times, but this should not be interpreted as restricting the right to report judicial proceedings.

**6. Children\***

- (i) Young people should be free to complete their time at school without unnecessary intrusion.
- (ii) Journalists must not interview or photograph children under the age of 16 on subjects involving the welfare of the child or of any other child, in the absence of or without the consent of a parent or other adult who is responsible for the children.
- (iii) Pupils must not be approached or photographed while at school without the permission of the school authorities.

- (iv) There must be no payment to minors for material involving the welfare of children nor payment to parents or guardians for material about their children or wards unless it is demonstrably in the child's interest.
- (v) Where material about the private life of a child is published, there must be justification for publication other than the fame, notoriety or position of his or her parents or guardian.

**7. Children in sex cases**

1. The Press must not, even where the law does not prohibit it, identify children under the age of 16 who are involved in cases concerning sexual offences, whether as victims, or as witnesses.
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. Listening Devices\***

Journalists must not obtain or publish material obtained by using clandestine listening devices or by intercepting private telephone conversations.

**9. Hospitals\***

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

**10. Innocent relatives and friends\***

The Press must avoid identifying relatives or friends of persons convicted or accused of crime without their consent.

**11. Misrepresentation\***

- (i) Journalists must not generally obtain or seek to obtain information or pictures through misrepresentation or subterfuge.
- (ii) Documents or photographs should be removed only with the consent of the owner.
- (iii) Subterfuge can be justified only in the public interest and only when material cannot be obtained by any other means.

**12. 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, by law, they are free to do so.

**13. Discrimination**

- (i) The press must avoid prejudicial or pejorative reference to a person's race, colour, religion, sex or sexual orientation, or to any physical or mental illness or disability.
- (ii) It must avoid publishing details of a person's race, colour, religion, sexual orientation, physical or mental illness or disability unless these are directly relevant to the story.

**14. 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.

**15. Confidential sources**

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

**16. Payment for articles\***

- (i) Payment or offers for payment for stories or information must not be made directly or through agents to witnesses or potential witnesses in current criminal proceedings except where the material concerned ought to be published in the public interest and there is an overriding need to make or promise to make a payment for this to be done. Journalists must take every possible step to ensure that no financial dealings have influence on the evidence that those witnesses may give. (An editor authorising such a payment must be prepared to demonstrate that there is a legitimate public interest at stake involving matters that the public has a right to know. The payment or, where accepted, the offer of payment to any witness who is actually cited to give evidence must be disclosed to the prosecution and the defence and the witness should be advised of this.)
- (ii) Payment or offers of payment for stories, pictures or information, must not be made directly or through agents to convicted or confessed criminals or to their associates - who may include family, friends and colleagues - except where the material concerned ought to be published in the public interest and payment is necessary for this to be done.

**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:

- (i) Detecting or exposing crime or a serious misdemeanour.
- (ii) Protecting public health and safety.
- (iii) Preventing the public from being misled by some statement or action of an individual or organisation.

2. In any case where the public interest is invoked, the Press Complaints Commission will require a full explanation by the editor demonstrating how the public interest was served.

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3. In cases involving children editors must demonstrate an exceptional public interest to over-ride the normally paramount interests of the child.

### **PROFESSIONAL BEHAVIOUR**

Journalists should at all times maintain personal and professional standards which are consistent with their positions as representatives of the Company.

### **PUBLICATION**

The Company reserves the right to publish on any day of the year.

### **SERVICE INCREMENTS**

Journalists who commenced service with the Company prior to 1 January 1994 will receive an increase in salary of £579.12 on achieving 2, 5, 10, 15, 20, 25, 30, 35, 40 and 45 years' full-time service.

### **SHIFT PATTERNS AND ROTAS**

Shift patterns and rotas are subject to alteration to meet the needs of departments. Rotas may be posted in advance, subject to reasonable variation to meet the needs of the department.

### **SICKNESS ABSENCE & SICK PAY**

#### **Reporting Procedure**

Staff are expected to notify their Head of Department if they are unable to present themselves for work. This notification should be given as early as possible and staff must make every effort to do this before the beginning of normal working starting time, giving the reason for absence.

It is the responsibility of members of staff to maintain weekly contact with their head of department during sickness absence.

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On returning to work from sickness absence staff must report to their Head of Department.

Persistent unauthorised short-term absence may lead to the disciplinary procedure being invoked.

### **Company Sick Pay**

**Any payment made by the Company during sickness absence, is a benefit, and will only be paid to staff who meet the conditions set out below.**

Full salary will be paid to journalists absent on account of sickness for the following periods:

Up to one year's service - 13 weeks in the year

Between one and five years' service - 30 weeks in any twelve month period (at commencement of absence)

Over five years' service - 52 weeks in any eighteen month period (at commencement of absence)

Once an employee has used the full benefit to sick pay, there is no further entitlement to Sick Pay until he or she has returned to work for a continuous period of 26 weeks.

Holiday entitlement does not accrue for cumulative absence of more than 14 weeks in any 12 months.

Sick pay is subject to all normal deductions - tax, N.I. contributions, pension etc.

When an employee is sick his/her combined sick pay and other benefits must not amount to more than the salary when at work. Any overpayments will be recovered from the next salary payment.

It is recommended that employees avail themselves of the medical insurance facility to enable them to receive any necessary treatment as early as possible.

In the case of long-term sickness, employees will be advised in writing within a reasonable time of the date on which sick pay will cease.

In circumstances where absence is considered questionable the Company reserves the right to withdraw Company sick pay.

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The Company reserves the right not to pay Company sick pay to employees who become sick whilst they are taking industrial action. Company sick pay will continue as normal for those employees off sick before industrial action commences.

**Statutory Sick Pay** (subject to change in accordance with current legislation)

Statutory Sick Pay ( SSP) is paid by the Employer on behalf of the DSS. It is an amount which is determined by the State, and is reviewed annually. It is paid to employees who are sick for four days or more, and can continue for up to 28 weeks.

If sickness continues beyond 28 weeks, SSP becomes Incapacity Benefit (IB) which has to be claimed directly from the DSS.

When 100% Company Sick Pay is being paid, SSP/IB will be offset against it, but when Company sick pay is less than 100%, SSP/IB will be paid in addition.

Any overpayments of Company sick pay or SSP will be recovered from the next salary payment.

N.B. For SSP purposes Express Newspapers operates seven qualifying days per week. Sickness must, therefore, be recorded from the first day, even if this is not a working day.

**Notification and Evidence**

Employees absent through sickness are required to produce either a Self-Certificate, Medical Certificate or Hospital Note as evidence to support a claim for SSP and/or Company Sick Pay. No payment for sickness will be made in cases of unauthorised absence or where evidence is not produced.

If sickness lasts for seven days or less a Company self-certification form must be submitted to the Head of Department. For sickness lasting longer than seven days a medical certificate is required in addition to the self-certificate.

No one may self-certificate more than three times in any 12 month period. Subsequent absences must be supported by a medical certificate from the first day of sickness, otherwise Company sick pay will not be paid. (The cost of any private medical certificates must be borne by the employee).

**Company Doctor**

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In all cases of sickness, or if absence continues beyond three months, the Company Doctor will be consulted for regular progress reports. Should a report indicate that disability is so severe that a return to work is unlikely, an employee who is a member of the Express Newspapers 1988 Pension Fund may be a suitable applicant for an ill-health early retirement pension. In these circumstances, the Company will provide information to the Pension Fund trustees for their consideration. Upon receipt of such a pension, the employee's right to Company Sick pay will cease.

Employees who are not Express Newspapers 1988 Pension Fund members are not eligible for an ill-health pension.

Employees may be required to be examined by the Company Doctor at any time if the Company requests it. Any fee will be paid by the Company.

### **Accidents**

In case of accident (including an industrial accident) where a third party claim is or could be made, employees will not be entitled to Company sick pay. They should immediately advise the Personnel & Development Department and may receive, on loan, the amounts normally paid under the Company Sick Pay Scheme to reduce hardship pending settlement of the claim.

If compensation for loss of earnings is received, the Personnel & Development Department must be notified of the settlement at the time and a refund of the loan (including any interest awarded by The Court) should be made in full to the Company. Any refund will not exceed the amount of compensation received. If no compensation is received, the amount loaned will not be repayable to the Company.

If an employee has been prevented from taking annual holiday during the holiday year due to prolonged sickness such holiday may not be carried over into the next holiday year.

The Company reserves the right to vary or amend these terms.

### TRANSFERS

The Company reserves the right to transfer staff to other duties, provided that these are consistent with the skills and experience of the person concerned.

A person who objects to a permanent transfer to other duties is entitled to appeal against the decision under the grievance procedure.

Temporary transfers are covered by the general requirement for flexibility contained in individual contracts.

### TRAINING & DEVELOPMENT

The Company is fully committed to providing the highest standard of training to all employees to enable them to carry out their jobs effectively.

Members of staff should be prepared to undertake any training or development required by the Company.

### UNION MEMBERSHIP

The Company recognises the National Union of Journalists in respect of certain categories of editorial staff for matters other than pay. Employees in these categories are entitled to belong to the union, but membership is not a condition of employment.

Union members are expected to abide by the terms of agreements existing between the union and the Company.

Individuals who are union members should advise the Group Managing Editor accordingly; the terms of agreement can only be applied to employees if the Company is aware that they are members of the union. Payroll should also be advised if union membership ceases.