

## Editors' Code of Practice Committee

### Private and confidential

*Minutes of the Editors' Code Committee meeting held at the offices of The Press Association, Vauxhall Bridge Road, Victoria, London, on 10 February, at 4.30pm.*

### Present:

*Chairman:* Leslie Hinton (NPA)

Paul Potts (NPA)	Neil Benson (NS)	Lindsay Nicholson (PPA)
Neil Wallis (NPA)	Mike Gilson (NS)	Harriet Wilson (PPA)
John Witherow (NPA)	Ian Murray (NS)	
Peter Wright (NPA)		Derek Tucker (SDNS)

### Attending:

Sir Christopher Meyer (PCC Chairman); Tim Toulmin; (PCC Director); Jim Raeburn (Secretary/Treasurer, Pressbof); Ian Beales (*Secretary*).

**Apologies:** Perry Austin-Clarke (NS); Douglas Melloy (NS); Alan Rusbridger (NPA).

### Welcome:

The Chairman welcomed Lindsay Nicholson (PPA) as a new member.

### Minutes:

Minutes of the meeting held on 23 September 2004 were approved and signed.

### Matters arising:

**Tape-recording telephone conversations:** Following a discussion at the previous meeting, the secretary sought opinion on whether it was legal to record telephone conversations without consent. He said there had been slightly conflicting advice. Although interception was illegal, tape recording personal calls was regarded as lawful. However problems might arise if subsequent publication involved a breach of confidence or contravened Data Protection legislation.

### The Editors' Codebook

Copies of The Editors' Codebook were made available to Committee members. The Chairman congratulated the secretary on the book and thanked him for the extensive work he had put into producing it. *The Committee meeting was followed by a small reception to launch the book, which will sell for £5, including post and packing, or £4 per copy for orders of 25 copies or more.*

Editors' Code of Practice Committee

**Transgender discrimination**

The secretary reported that there had been a strong adverse reaction from members of the trans community, led by the group Press For Change, following the Committee's previous decision not to include the group in the list of categories specified in the Discrimination clauses. He said the passing of the Gender Recognition Act had given them special status as a vulnerable group and for that reason and others already circulated with the agenda, the Committee's previous stated reasons for non-inclusion might not be sustainable.

Peter Wright said the Committee should not take a course that would prompt a flood of other such applications. Many Committee members agreed. Neil Wallis said Press For Change was essentially a political pressure group and concessions to their campaign could set a precedent. Paul Potts thought some movement on the Committee's part was needed. Sir Christopher Meyer said it need not create a precedent and the advantage of making a small change in the wording exceeded the downside.

Derek Tucker and John Witherow suggested that since the Code covered trans people already, their vulnerability might be highlighted in a Guidance note or a letter, rather than by a change in the Code. Chairman Leslie Hinton asked if trans people were covered by the Code's reference to *sexual orientation*. The secretary said trans people disputed that they were covered. They could be lesbian or gay after gender reassignment, so sexual orientation was a separate issue. He quoted from their dossier, which said specific inclusion was necessary to send a signal that the trans community faced discrimination distinct from any other variety listed.

After a lengthy discussion, the Committee agreed that because of legislative change the Code should be altered, but rejected Press For Change's suggestion that the words *including gender transition* be added to sub-clause 12i and *gender status* to sub-clause 12ii. It decided to substitute the word **gender** for *sex* in Clause 12i, which would then read:

*12i) 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.*

Sub-clause 12ii was not changed. The Committee said details of gender transition or reassignment that were not genuinely relevant, would be covered by the sub-clause reference to *physical illness*, since gender dysphoria is a recognised illness. This applied both to people in a state of gender transition and also to people post-gender reassignment, since they would have previously suffered from gender dysphoria.

- It was agreed that, after ratification of the wording by Pressbox and the PCC, the Committee should issue an explanatory Press Release and make clear the change was made in the light of legislation on gender recognition.

**Representations on the Code** (summaries circulated)

**Release of evidence:**

- ❖ The Committee decided it was impractical for the Code to give specific guidance on every contingency, such as requiring the press to release samples for laboratory tests swiftly. However, the Code already required editors to co-operate swiftly with the PCC in the resolution of complaints and any failure to do so would be taken into account in considering a complaint.

**Discrimination:**

- ❖  suggestion that the Code should give specific advice on the correct or appropriate terminology used in disability-related coverage was not accepted. The Committee decided this was for individual editors to decide, and that such changes, where desirable, would be better brought about by education rather than imposition.

Editors' Code of Practice Committee

**Coverage of health issues:**

- ❖ The Committee decided no change in the Code was needed to give specific guidance on health coverage.

**Taste and decency:**

- ❖ The Committee rejected suggestions that the Code should be extended to cover taste and decency relating to illustrations on the cover of magazines. The display was a matter for retailers, who would be conscious of causing gratuitous offence to their customers when displaying such titles.

**Code review**

The secretary reported that he had reviewed the Code and found no urgent need for substantive changes, other than that relating to the transgender issue.

**Readers' rights under the Code:** However, the PCC's Charter Compliance Panel had made a recommendation, relating to editors advising complainants and readers about the PCC. It suggested that unlike many other regulatory schemes, a person whose complaint is rejected by the newspaper is not necessarily told about the PCC and its time limit for complaints. "We suggest that the Code Committee might seek the agreement of editors to making this a standard practice, together with regular slots in their newspapers giving basic information about contacting the PCC."

The Committee agreed that it was best practice for Editors to inform readers of their rights under the Code and many newspapers and magazines did this both in letters to complainants and via advertisements and editorial panels drawing attention to the PCC. However, it would be difficult to incorporate such a requirement into the Code itself, as it would be hard to police and could lead to frivolous or baseless complaints being upheld on a technicality. It was agreed this would be best tackled by the production of a PCC Best Practice Note, which would emphasise the role of the PCC in dealing with complaints and dispute resolution.

**Inaccurate or misleading headlines:** Sir Christopher Meyer said he encountered growing concern among ordinary people about misleading or unrepresentative headlines. While the PCC accepted that a headline should not be read in isolation but viewed in context with the accompanying copy, he was very anxious about headlines that simply did not reflect the facts, or where the balancing paragraph was buried remotely in the text. Some cases had stretched the spirit of the Code to the outer limits and he gave notice that the PCC intended to be far more rigorous in its approach on this.

Chairman Les Hinton said that if headlines were genuinely misleading, it was commercially damaging for publications to squander the readers' trust.

**Data Protection Guidance Note**

The secretary reported on a PCC Guidance Note, previously circulated, which had been drafted in conjunction with the Data Commissioner to clarify for journalists the workings of the Data Protection Act. Sir Christopher Meyer said the document was a response to concerns by the Data Commissioner on how journalists had acquired information. The contents were noted.

**Next meeting**

It was left to the Chairman and secretary to call the next meeting.