

Editors' Code of Practice Committee

Private and confidential

Minutes of the Editors' Code Committee meeting held at the offices of the Newspaper Society, 74-76 Great Russell Street, London, on 27 April 2006

Present:

Chairman: Leslie Hinton (NPA)

Alan Rusbridger (NPA)	Adrian Faber (NS)
Neil Wallis (NPA)	Ian Murray (NS)
John Witherow (NPA)	David Pollington (SDNS)
Peter Wright (NPA)	Harriet Wilson (PPA)

Attending:

Sir Christopher Meyer (Chairman, PCC); Tim Toulmin (Director, PCC); Ian Beales (*Secretary*).

Apologies:

Neil Benson (NS); Mike Gilson (NS); Douglas Melloy (NS); Lindsay Nicholson (PPA); Paul Potts (NPA).

Minutes of the meeting held on 29 September 2005 were approved.

New members:

The Chairman welcomed Adrian Faber and David Pollington as members of the committee.

Business arising: There were no matters arising.

Editors' Code website

The committee discussed the possibility of having a dedicated Editors' Code website that would increase transparency and could answer frequently asked questions about the Code. The secretary said there had been varying suggestions along parallel lines from the PCC, the Charter Compliance Panel and MediaWise, in its Code review submission. Such a website might carry a digital version of *The Editors' Codebook*, which could be updated online and carry further guidance as the Code Committee saw fit. The plan would need PressBoF approval, because of funding implications.

The Chairman said such a site seemed a logical extension of the Codebook principle. It would increase transparency and visibility and be a practical way of dealing with many repeated requests for changes, which were often based on a misunderstanding of the existing Code. The committee agreed in principle to the desirability of the website. Alan Rusbridger asked if the website might include Minutes of Code committee meetings. But on the Chairman's suggestion, it was agreed to defer decisions on possible content until PressBoF had considered the proposal.

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Annual Code Review (summaries circulated)

PROPOSALS ON POLICY AND REMIT: *The secretary reported that there had been a substantial number of submissions for the annual Code Review. However, many were either presentational, affected policy or remit, or were guidance on the existing Code. These would probably be better covered on a Code website. It was agreed to consider these at a later date in that context.*

PROPOSALS FOR SPECIFIC CODE CHANGES

Accuracy

(Some Accuracy issues related to minority groups were considered with allied suggestions to do with Discrimination: see below.)

Headlines: The committee considered proposals from the PCC, MediaWise and Campaign for Press and Broadcasting Freedom to include specific reference to headlines in Clause 1i. The committee agreed that headlines were implicitly covered by the clause – Neil Wallis cited the *Stan Collymore* adjudication and the secretary quoted a recent case involving *The Voice*. Sir Christopher Meyer said that while this was so, and a change of wording would not alter the PCC's fundamental approach, there might be a presentational advantage to be gained.

- ❖ Decision: It was agreed that **Clause 1i** should be changed to read: *The Press must take care not to publish inaccurate, misleading or distorted information, including pictures and headlines.*

A MediaWise suggestion that the Code committee should indicate what might constitute a 'significant' error was rejected. The committee felt that any attempt to define significance would put the PCC in a straitjacket, whereas it currently adjudicates on each case according to the circumstances.

Opportunity to Reply

Reasonable requests: MediaWise suggested the current wording requiring a fair opportunity to reply to be given when *reasonably called for* might rule out emotive complaints, and suggested the word *reasonably* should be dropped. The committee decided that *fair and reasonable* were valid requirements which would not preclude emotive complaints which were otherwise justifiable and *this could be made clear in guidance in the Codebook or on a website.*

- ❖ Decision: **No change**

Privacy

Tragic anniversaries: MediaWise asked that the Code should provide greater privacy for those in the public eye, with specific guidance to protect people visited for comments, for example, on anniversaries of tragedies. The secretary said such visits to relatives and friends on anniversaries would currently be covered by the Intrusion into Grief requirement for sensitivity and this could be further clarified in Codebook or website guidance. *Christopher Meyer said the Codebook was already useful on this and any additional guidance on a website would be helpful.*

- ❖ Decision: **No change**

Private places: MediaWise asked that the definition of *private places* be extended to include *...the immediate environs of a person's home*. The committee agreed that this had been tried previously – but would not work, as the environs of a home would apply equally to Buckingham Palace courtyard as to a suburban semi.

- ❖ Decision: **No change**

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Harassment

The committee considered a suggestion from PCC board member Eve Salomon, a lawyer, that the harassment clause did not make clear that it applied to newsgathering, and not to actual publication. If the intention was to cover only newsgathering, it should say so. Neil Wallis said traditionally this had been left to the good sense of the Commissioners. Peter Wright felt as currently written it gave the PCC discretion. David Pollington said the clause already made clear by its context that it covered newsgathering.

❖ Decision: **No change**

Intrusion into Grief and Shock

The committee considered submissions from the Samaritans, the PCC, MediaWise, and from [redacted] case, for a change in the Code to cover reporting of suicides. The suggestions included protection from insensitive publication, as in the [redacted] case, impact on the bereaved and the risk of copycat suicides. The secretary said that while taste and decency matters were not covered by the Code, issues of insensitive publication and impact on the bereaved were addressed in the general provisions of Clause 5, but no reference was made currently to the danger of imitative acts.

Alan Rusbridger said he favoured the secretary's draft amendment adding a sub-clause on suicide reporting and warning against the use of excessive detail. Peter Wright said the change would not prevent publication of the [redacted] pictures. However, John Witherow felt the suggested change might be a good reminder of the need for care. The Chairman said he felt the [redacted] pictures would probably not be published in the current climate. Neil Wallis had been against an amendment, until he read The Samaritans' submission citing a case where a newspaper published details of a suicide website. This proved guidance was needed. Christopher Meyer said currently the Code was behind the practice – it should be tuned to reflect what editors were doing, and demonstrate that they were sensitive to the issues.

❖ Decision: **It was agreed that the Code be changed to include a new sub-clause 5ii: **When reporting suicide, care should be taken to avoid excessive detail about the method used.***

**Public interest defence applies*

Children

MediaWise suggested the Code's protection for children should be further strengthened to make clear that children should not normally be interviewed on matters outside their direct experience and then only with the consent of an appropriate adult. The committee felt this would be unnecessarily restrictive in reporting non-controversial or sensitive areas, such as a vox pop of children's views on music, sport or hobbies.

❖ Decision: **No change**

Cambridgeshire Education Child Protection Service's suggestion that the Code should embrace DfES guidance on publication of school photographs was rejected after the secretary reported that the official guidance specifically did not cover press photographs, which were left to the discretion of editors and schools.

❖ Decision: **No change**

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Discrimination (including some suggested changes to Clause 1 Accuracy)

The committee considered a series of suggestions from the Muslim Action Committee, Equality and Diversity Forum, Commission for Racial Equality, MediaWise, Campaign for Press and Broadcasting Freedom, the NUJ and others, including 95 letters from members of a Christian group opposed to any change in the current Code's discrimination clauses.

Islamic cartoons: Following the Danish cartoons controversy, the Muslim Action Committee proposed three amendments:

- In Accuracy they suggested:
1iii: The Press must take care not to publish reckless and malicious expressions insulting or desecrating anyone's creed or conscience, including pictures.
- In Discrimination 12i:
The press must avoid prejudicial, insulting or pejorative reference to an individual's race, colour, religion etc... adding insulting.
- They proposed an additional Discrimination sub-clause:
- **12iii. The press must avoid any publication or reference leading to provocation, incitement to violence or hatred based upon an individual's religion.**

The Code Committee felt MAC's suggestions for both the Accuracy and Discrimination clauses were loose, subjective, unlikely to achieve their objective, and open to abuse. For example, it would be neither inaccurate to publish the Danish cartoons nor, necessarily, reckless and malicious. The PCC would be forced to decide whether the fact that Muslims felt insulted was a breach in itself. Also, outlawing reference to a creed or conscience would inhibit free speech: dictators claim to have creeds, and politicians to have consciences, yet they would be able to claim protection from pejorative comment under such a clause. The suggested addition of the word *insulting* was regarded as superfluous, as *pejorative* does a similar job better.

The requirement to avoid any publication or reference leading to *provocation, incitement to violence or hatred based upon an individual's religion* not only sets faith apart from other social issues but is also at the whim of a complainant's capacity to be provoked or incited. A report about BNP thugs trashing a mosque, however well balanced, might provoke violent retaliation. The committee felt it would be dangerous for freedom of expression and reporting in the public interest if such a report should breach the Code.

❖ Decision: **No change**

Community tension: The Equality and Diversity Forum sought to reduce the negative impact of reporting on community tensions. They wanted to curb *exaggerated* reporting, and to prevent damage to communities – such as Muslims, Gypsies or asylum seekers – caused by stories that reinforce negative stereotypes. However, the Forum accepted that the press must be free to comment negatively on ethnic and faith community issues and categories of migrants. They therefore proposed an additional sub-clause 12iii covering gratuitous ('unwarranted, without good reason') prejudicial or pejorative references. The Forum suggested two changes:

- Accuracy 1i should add... **inaccurate, misleading, distorted or exaggerated information** The Commission for Racial Equality, in a subsequent amendment, suggested this should be **grossly exaggerated**.

The Code Committee felt that if information was either significantly exaggerated, or grossly exaggerated, then it would amount to a distortion and would therefore already be a breach.

- Discrimination: 12iii: **The press must avoid gratuitous prejudicial or pejorative reference to an ethnic or faith community or other section of society, where that reference is likely to generate an atmosphere of fear and hostility not justified by the facts.**

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The CRE suggested a further amendment:

- **Clause 12iii: "the press must avoid gratuitous prejudicial or pejorative reference to a racial, ethnic or religious group, where that reference is likely to generate an atmosphere of fear and hostility not justified by the facts."**

The Code Committee felt that as the Equality Forum's call to minimise community tension by avoiding *prejudicial references... likely to generate a climate of fear and hostility not justified by the facts etc* covered all other sections of society, special mention of ethnic and faith group would be superfluous, if not discriminatory.

Additionally, both the Forum and the CRE's suggestions would bring groups within the scope of the Code, which would open the floodgates to a large numbers of complaints based on very subjective judgments, such as whether a climate of fear and hostility was justified by the facts. If the facts were indeed an issue, this could be addressed through the Accuracy clauses, and the guidance on that still stands.

❖ Decision: **No change**

Legal status: MediaWise suggested *Legal status* should be added to the Clause 12 list of discriminatory categories. However the committee felt this would be vague and meaningless.

❖ Decision: **No change**

Refugee status: The NUJ believed the current Code allows publications to scapegoat whole communities, particularly refugees, and suggested *refugee status* should be added to the discriminatory categories. The committee felt this would lead to an infinite increase in the number of special categories.

❖ Decision: **No change**

Third party and group complaints: MediaWise suggested specific instances of inaccurate or prejudicial coverage, which might have a deleterious effect on community relations, would be grounds for third party complaints. The Campaign for Press and Broadcasting Freedom suggested the Code should admit complaints on behalf of groups and proposed that in Clause 12 reference to *an individual's* race, colour etc.... be deleted. A similar suggestion came from [redacted] who said groups should be specifically added to the categories.

The committee confirmed that it wished the Code to continue to balance the freedom of the individual and the freedom of expression, which is why the discrimination categories are related to individuals rather than groups. Editors are free to exercise restraint according to their own judgment, and, demonstrably, do so: no mainstream UK newspaper had published the Danish cartoons. Sir Christopher Meyer said because there were so many proposals for coverage of groups, it would be helpful if the Code committee could take the opportunity to explain its reasons for restricting the protection to individuals.

❖ Decision: **No change**

Victims of sexual assault

A proposal for a change to the clause to prevent jigsaw identification of sex assault victims was not adopted. Peter Wright suggested this would be a major extension of the Code, based on a rare case where two separate reports of a court case would have identified a secretary raped by her boss on the London Eye. The committee agreed that this would be better covered by guidance such as on a website, or in the Editors' Codebook.

❖ Decision: **No change**

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Miscellaneous suggestions

Equality in reporting: The committee rejected as unworkable a suggestion by [] [] that the Code should oblige the press to include in any news story any individuals, groups or representatives of groups who were genuinely relevant to it.

Mental illness: A suggestion from [] that there should be sweeping prohibitions on reporting anything that could cause distress to mentally ill patients was rejected as impractical.

Public interest: [] suggestion that readers should be able to invoke the public interest to support their case for complaints about matters of wide social concern, such as global warming, was rejected.

Readers' letters: [] suggestion that regional editors should be obliged to print contributions from both sides in Readers' Letters debates was rejected as an unnecessary interference with the editors' discretion.

Frivolous complaints: A suggestion from [] that the PCC should limit the number of complaints any individual or organisations could make was rejected, as the committee did not believe there was evidence to support [] proposition that multiple complaints had a chilling effect on editors publishing in the public interest.

Other business

Soldier princes: The Chairman reported that he had been approached by Clarence House to discuss the possibility of drawing up a concordat on coverage of Princes William and Harry while they were on active military service. He had advised that in the first instance this was a matter for Clarence House to contact editors to sound out their views. He had heard nothing since, but felt that the general view was that this was essentially a matter for the military authorities and the press.

The committee agreed. Alan Rusbridger said any special agreement with the princes would lead to similar request for the Blair children and Neil Wallis said overtures would be made about Prince Andrew's daughters. Peter Wright said there should not be special provision for the royal princes.

Next meeting: It was left to the Chairman and Secretary to call the next meeting, probably in September.