

THE LEVESON INQUIRY INTO THE
CULTURE, PRACTICES AND ETHICS OF THE PRESS

WITNESS STATEMENT OF CHRISTOPHER CHARLES BLACKHURST

I, CHRISTOPHER CHARLES BLACKHURST of Independent Print Limited, 2 Derry Street, London W8 5HF, WILL SAY:

1. I am the Editor of The Independent, which is owned by Independent Print Limited. I confirm that the contents of this witness statement are true insofar as they are matters of my own knowledge, observation and impression. Insofar as this statement covers matters not within my own knowledge, I believe them to be true.
2. I make this witness statement in response to the letter to me dated 8 August 2011 from Kim Brudenell, Solicitor to the Leveson Inquiry into the culture, practices and ethics of the press. For ease, I have set out the questions in Ms Brudenell's letter below and respond to each question in turn.
3. Nothing in this witness statement amounts to, or shall be taken to amount to, a waiver of privilege in any legal advice given.

Summary

4. At the outset, I would like to emphasise two main points. First, it is neither the policy nor the intention of The Independent to publish stories where the types of issues envisaged by this Inquiry would arise – for example, the payment of public officials or other 'unofficial' sources for information, invasion of an individual's privacy, and computer hacking. As I explain below, The Independent prides itself on its taking a high ethical stance and our choice of, and approach to, stories reflects that. So far as I am aware, these sorts of issues simply do not come up.
5. Secondly, as I explain below, at the time of making this witness statement I have only been in the position of Editor of The Independent for 10 weeks. As such, I am drawing from a limited period of experience, but I have nevertheless endeavoured to answer all

the questions to the extent that I can. I cannot comment on the position under my predecessor.

Question (1): Who you are and a brief summary of your career history in the media.

6. I am the Editor of The Independent newspaper. I have worked in the media in total for 27 years. After reading law at Cambridge, I entered journalism and worked initially at a legal magazine and then at various business magazines. I then moved to the national newspapers and have since worked at 6 national titles. After a period at the Sunday Times in the late 1980s, I became City Editor at the Sunday Express in 1990, and in 1996 moved to the post of Deputy Editor at The Independent and then Independent on Sunday. In 1998, I became Deputy Editor at the Daily Express and Sunday Express. For the last nine years I was the City Editor of the Evening Standard, and was recently named Business Journalist of the Year at the 2011 London Press Club Awards.
7. I started in my current position as the Editor of The Independent on 4 July 2011. As such, at the time of making this witness statement, I have been in the role for 10 weeks. Given the limited period for which I have held this position I have answered them as best I can and to the best of my knowledge.

Question (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.

8. I refer to the witness statements of Andrew Mullins (Managing Director) and Manish Malhotra (Finance Director/Company Secretary), who are more appropriately placed to comment on the systems in place in relation to corporate governance.
9. As a general point, however, I am very aware as the Editor of The Independent that we are expected to operate according to the highest ethical standards. The Independent – I would say out of all the national newspapers – prides itself on taking a high ethical stance. It is at the core of the newspaper's brand. The reputation of The Independent is sacrosanct for us, and as a result there are certain sorts of stories that it is neither our policy nor intention to publish. For example, The Independent does not intend to publish exclusive celebrity kiss and tell stories, or intend to go deeply into lurid crime stories. We consider ourselves a serious newspaper at the top end of the market, and our choice of and approach to stories reflects that.
10. Lawful, professional and ethical conduct is central to our culture at The Independent. Should anyone fall below what is expected they would be dealt with under our

procedures. I have recently had cause to follow this course with one of our journalists, although not, I should emphasise, on a matter of anything covered by the Terms of Reference.

11. Evgeny Lebedev, the chairman of Independent Print Limited, gave a speech recently on 5 July 2011 at the Royal Institution in London as part of the Independent Voices 5x15 event. This was on the day after I started as Editor. In the speech, Mr Lebedev commented that, *"alongside the obvious advantages of press freedom we must surely also address its abuses. I say this because if we do not safeguard our own press freedom we risk losing it. [...] I expect my editors at the Evening Standard and the Independent to make the correct distinction between what is in the public interest and what interests in the public. [...] Back to the phone hacking: This theft of information, this illegal collusion between the press and the police, is not responsible journalism nor indeed journalism of which I, or my newspapers, want any part. All newspapers should embody the values of ethical journalism"*. I agree with the comments made by Mr Lebedev.
12. All the journalists at the newspaper (including me as Editor and the desk heads – see below) have the personal responsibility of making sure their conduct is lawful, professional and ethical. I am aware, for example, that IPL has just introduced a formal Code of Conduct which sets out a code of behaviour with which all employees must comply when performing their duties. Also, our employment contracts state that we are expected to observe and comply with the Press Complaints Commission's Editorial Code of Practice (the "PCC Code") as amended from time to time in the performance of our duties. These values are also reflected in the Staff Handbook for Independent Print Limited, which states that The Independent's brand vale is *"A modern newspaper with a mission to take the broader view"* and notes that *"Our values remain identical to those of the paper when it launched in 1986: beholden to no one political party, economically and socially liberal"*. I would agree that these remain its brand values today.

Question (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.

13. I would say that, as Editor, I consider it my responsibility to ensure that everyone who works on the newspaper acts in a lawful, professional and ethical manner. When I started in my role for example, I gave an unscripted address to the staff in which I

made reference to the high standards that The Independent has set in the past and how I expected these standards to be maintained in the future. The Independent has a relatively small editorial team compared to some other national newspapers, and this makes it easier for me as Editor to be aware of what the journalists are doing.

14. I consider that I share the responsibility for ensuring adherence to corporate governance policies with the Legal Department, the various desk heads, the Managing Editor and the Human Resources department.
15. For example, in my time as Editor, I have regularly received legal notices by email from the Legal Department, often several times a day, setting out warnings of superinjunctions and details of complaints. These are sent to all the journalists working on the newspaper. To my mind, they serve a dual purpose, firstly of notifying us of the specific issue concerned, and secondly of giving us all a salient reminder of the need to act in a responsible and ethical way. I think it is also relevant to mention that the lawyers are located very close in physical terms to the editorial team at The Independent. We are all in the same area on the same floor.
16. I would also expect training workshops and seminars to be organised, for example on the PCC Code, and for there to be regular and informal person to person dialogue on such matters between senior employees and journalists. It is difficult for me to comment personally on these matters due to the short period that I have been here, but I refer to the witness statement of Louise Hayman who gives more detail on the systems in place at The Independent, Independent on Sunday and i.

Question (4): Whether the documents and policies referred to above are adhered to in practice, to the best of your knowledge.

17. To the best of my knowledge, the values and standard of conduct referred to above are adhered to in practice. I believe that the journalists at The Independent comply with the sort of high ethical standards that I would expect. For example, I am aware that The Independent has a very good record in terms of PCC, libel and privacy complaints. In this regard, I refer to the witness statement of Louise Hayman.

Question (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.

18. I am not aware of any changes during the brief period for which I have been Editor.

Question (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).

19. As a preliminary comment, I would say that, from my experience, this is not an issue that arises very often at The Independent. Most of the stories we publish are relatively straightforward news reporting, comment and analysis, rather than investigative or in-depth feature pieces which might rely on a wider array of sources. For most of the stories that we publish, I would say that the source of the story is self-evident from the story itself – for example, the information might originate from a press conference, political party, think tank, football club, university study or PR representative or agent. As such, a detailed examination of the sources is not necessary in these cases. I think this is often an important factor for our readers: they generally want to know where the story has come from so that they know that it has not been made up and can take an informed view on it.
20. Questions over the source of information would only arise in those instances where it is not clear on the face of the story where it came from, and in particular if the nature of the story raises such questions. To put this in context, I cannot recall any instances so far, in my time as Editor, in which I have felt it necessary to ask questions about the source of information behind a story, because the source has been clear from the face of the story and/or because the nature of the story does not raise such questions.
21. Where it may be necessary to check the source of information behind a story, I would say that this is not the responsibility of any one particular individual. Rather, it is something that I would expect be raised, where necessary, at each level between the original reporter and the Editor. After the reporter concerned, the first level would be the News Editor or, in the case of a foreign story, the Foreign Editor. The second level would be the Deputy Editor. The News/Foreign Editor and Deputy Editor are very senior journalists and I would expect them to pick these things up if there is a possible issue. The final level would be me as Editor (see further my response to question 7 below). As such, there are at least three or four levels at which questions would be asked and sources of information checked if the nature of the story raises the issue. Legal advice would be available at all stages, of course.
22. My impression of the culture at The Independent is that journalists work closely together and they always raise any such issues through the various editorial levels,

rather than acting on their own accord without approval. This goes to the culture of the newspaper and the belief in high ethical standards which I have referred to above.

Question (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).

23. While I cannot comment on other newspapers, at The Independent I would say that the Editor should be, and actually is, totally aware of the sources of information which make up the central stories featured in the newspaper each day including the method by which the information was obtained. As I have explained above in my response to question 6, the source is often obvious from the story itself and, if it is not, there are various levels at which any concerns would be raised and addressed if they are relevant. If there were any potential issues over sources, I would expect this to be brought to my attention as early as possible while the article was being prepared.
24. Despite these checks and balances, if I saw a story which raised questions to me about the sources of information, I would still speak to the journalist myself in order to address any concerns I might have, even if questions had already been asked and sources checked at earlier stages.
25. I think it is important for the Editor to be aware of the sources (including the method by which the information was obtained) for two reasons. Firstly, I think readers expect that, as Editor, I should know the sources of information underlying the stories published in the newspaper so that I know they are reliable sources and that the information has been obtained in an ethical and lawful manner. Indeed, as I have touched on above, our readers usually want to know about the sources of information themselves. It goes to the core of the trust between newspaper and reader. Readers want to know that they can trust what the newspaper says. This leads to the second reason, which is the reputational damage that could be done to the newspaper if it is found to have published a story that has no basis in fact. It goes to the integrity and truthfulness of the newspaper's content. For these reasons, it is important for me, as Editor, to be aware of the sources underlying stories published in the newspaper (including the method by which the information was obtained).

Question (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.

26. Again, speaking for The Independent alone, ethics are important because, if The Independent does not adhere to an ethical stance, this will damage its reputation and

its relationship of trust with its readers. I think there is a direct relationship between ethics and reputation in this regard: the higher the ethical standards of the newspaper, the higher the newspaper's reputation.

27. By 'ethics', I mean behaving in a way which would generally be considered "the right side of the line". I would say that the PCC Code gives a good indication of the correct ethical standards, but it is also a matter of common sense. As a journalist or editor, you know when something is wrong and when your readers would consider that something is wrong. You want your readers to believe in you, and you are aware when something may jeopardise that.

Question (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).

28. As Editor, I would say I am under two main commercial and financial pressures: first, I am under a commercial pressure to produce a newspaper that people (ideally more each day) want to read, and secondly I am under a financial pressure to achieve that aim within an existing budget. These pressures have an influence on some decisions I make as Editor, but not in relation to the sorts of matters covered by the Terms of Reference, such as phone hacking or making payments to public officials for information.

Question (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).

29. I had and have no personal financial incentive as Editor of The Independent to print exclusive stories, whether in my employment contract or otherwise.

Question (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).

30. To the best of my knowledge, the newspaper has never, during my time as Editor, used, paid or had any connection with private investigators in order to source stories,

nor has it paid or received payments in kind for such information from the police, public officials, mobile phone companies or others with access to the same.

31. Generally speaking, the sorts of stories that we publish in The Independent are not the sort that would require a private investigator or payments to the types of third parties referred to in the question. If a journalist on the newspaper did intend to use a private investigator or pay such a third party for information, I would expect the journalist or their desk head to clear that with me in advance. So far, in my short time as Editor, that has never happened. Even if the journalist or desk head did not clear it with me, the journalist would presumably want reimbursing for any payment made. In this case, it would not be possible for the journalist to receive reimbursement without the nature of the payment coming to the attention of those responsible for authorising the payment. As such, it would not be possible for a journalist to seek reimbursement for such a payment without it becoming known to senior employees, and in that event I would expect to be told about it.
32. The question refers to "others with access to the same" and "other external providers of information". These are potentially very broad categories. Looking at the context of the question, I understand that it could be intended to include freelancers employed by the newspaper, who could potentially have had access to private investigators or paid the stated types of third parties for information.
33. The Independent does use freelancers to supply stories for the newspaper. During my time as Editor, the best of my knowledge, no such freelancers have ever used, paid or had any connection with private investigators in order to source stories, nor have they ever paid or received payments in kind for such information from the police, public officials, mobile phone companies or others with access to the same.
34. Freelancers are generally dealt with by the desk heads. These are the News Editor, Foreign News Editor, Business Editor, Sports Editor, Features Editor, Comment Editor and Picture Editor. They are responsible for their own departmental budgets. When they employ a freelancer, I believe that they generally agree a fee for the story upfront. If the freelancer was intending to pay a third party for information, I would expect that the freelancer would raise this payment in advance to be sure they would be reimbursed for it. As such, the desk head would be aware of and would need to approve the cost. Given its potentially unethical nature, I would expect that person to raise it with me or the Managing Editor. This has not happened during my time as Editor. Also, the same checks and balances on the authorisation of expenses

payments that I refer to above in paragraph 31 would also apply to expenses payments to freelancers.

Question (12): What your role was in instructing, paying or having any other contact with such private investigators and/or other external providers of information.

35. For the reasons given above in my response to question 11, this question is not relevant.

Question (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).

36. For the reasons given above in my response to question 11, this question is not relevant to the extent it relates to the conduct of our employees.

37. In respect of freelancer writers, I have explained above that they are generally dealt with by the Heads of Department, and a standard fee is usually agreed in advance. It is quite rare for an Editor to deal directly with an external freelancer unless the freelancer is working on a major story.

38. My understanding is that The Independent uses work by two different types of freelancer. The first type is the retained contributor, who is employed on a formal contract basis and provides a certain amount of content each month (for example, some columnists). The second type is the more ad hoc freelancer who generally provides stories on a one-off basis. We send each of these freelancers a copy of our standard "Terms for Freelance Contributions", which are also available for public access online. Both the standard contributor agreement and freelance terms state, amongst other things, that the contributor/freelancer must comply with the PCC Code.

Question (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.

39. For the reasons given in my responses to questions 11, 12 and 13, this question is not relevant.

Question (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?

40. For the reasons given in my responses to questions 11, 12 and 13, this question is not relevant.

Question (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.

41. Although it is not fully clear to me what "other external sources of information" is intended to include, assuming this includes freelancers, then I refer to my comments above in paragraphs 33 to 34 and 37 to 38 on this issue. The Independent has a diary page which publishes "out and about" and social event type stories. It does not aim to publish inherently private stories such as exclusive celebrity kiss and tells. I am aware that we do sometimes pay for tips for stories for the diary page. These payments would generally be handled by the desk heads rather than the Editor. The tips are usually for nominal amounts, and any requests for reimbursement would be subject to the usual strict financial controls and authorisation procedures.

Question (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.

42. Please refer to my answer to question 16 above.

Question (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.

43. I cannot recall any examples in my short time as Editor in which I have had to consider this sort of balance between private and public interests, for example because of a potential invasion of an individual's privacy. I do not expect this issue to arise in the future in any significant way either: that is, we consider such issues in relation to such things as whether the circumstances might warrant publishing a picture of a child who

for some reason was currently in the public eye, or identifying where famous people live, and other similar issues which are envisaged and referred to in the PCC Code. Its formulation on the public interest is key to us in making such balancing exercises.

Question (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.

44. During my time as Editor, I have never used or commissioned anyone who used 'computer hacking' in order to source stories or for any other reason and, to the best of my knowledge, nobody else at the newspaper has done either.

Question (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.

45. As I have explained above, I have only recently been appointed as Editor of The Independent, on 4 July 2011. I have therefore only been able to respond to these questions based on my experiences at the newspaper since that date.

STATEMENT OF TRUTH

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

Signed



CHRISTOPHER CHARLES BLACKHURST

Dated 15 September 2011

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