

The Chartered Institute of Journalists’ RESPONSE TO CONSULTATION ON EDITORS’ CODE

The Chartered Institute of Journalists welcomes the opportunity to contribute to the consultation on the Editors’ Code.

Before we detail our arguments on specific items, we would offer the following observations:

The CIOJ has long advocated that all journalists and publications should be bound by a single code of conduct. It is our view that this obligation would be a good starting point for change. We have already accepted that the Editors’ Code is best-placed to deliver that and the code is incorporated into the CIOJ’s own code of conduct for its members.

We feel that most clauses in the Editor’s Code work effectively and need little or no adjustment. The Code was praised by witnesses at the Leveson inquiry and in general it has served press and public well for many years.

However, the Code’s definition of public interest is narrow and contradicts the fundamental right to free speech. We also consider that the membership of the Editors’ Code of Conduct Committee should be changed.

PUBLIC INTEREST

The public interest definition is critically important, because it determines whether a publisher is entitled to breach the code in certain circumstances. The stricter the definition, the more restricted our free press becomes.

In 2010, the PCC’s definition of public interest was tightened with changes that obliged editors to justify the public interest in a story from the time an investigation starts. This means that if there is a complaint, an editor must provide a paper trail to demonstrate the public interest in the story.

Very often the early throes of an investigation will include a certain amount of fishing based on gut instinct and experience. This is not easily demonstrated neatly in a paper trail. Also, it should be recognised that such a paper trail may well lead to the identification of sources. It is paramount that sources should be protected from identification at all times.

It is our view that the definition should be widened in order to help journalists do their jobs. The Institute believes that the definition should read:

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'The Public interest includes (but is not limited to): any matter that affects people at large, in which they have a legitimate interest or concern about what is going on in society; or what has or may happen to them or others; provided investigation or publication is not motivated by malice.'

In addition to this, three extra changes should be made:

- Guidance, such as that offered in the DPP guide, for testing public interest should be added;
- A caveat regarding the burden of evidence required for demonstrating the public interest in the early stages of a story should be added;
- That the danger of disclosing a source should be recognised and measures taken to allow the redaction of any information that may reveal a source.

EDITORS' CODE OF CONDUCT COMMITTEE

The CIOJ has no quibble with the code committee's proposal to implement Lord Justice Leveson's recommendation to appoint lay members to the body. However, it should be recognised that those at the sharp end of the business know the complex mix of factors that go into making editorial decisions, as well as the many issues to be considered when uncovering a story in the public interest.

With those points in mind we would offer the following observations:

- If the chairman and director of the new regulatory body are to sit on the Code committee, it is important they do not have rights of veto on decisions made by the committee;
- The number of lay members should never be allowed to outweigh the number of representatives of the Press;
- The Code committee should include representatives of professional associations such as the CIOJ, i.e. representatives of journalists and photographers who have a wealth of industry experience to offer.

OTHER MATTERS

Copy approval

Copy approval is not something that a professional body like the CIOJ would find acceptable. The practice of allowing celebrities and others to have the final sign-off on stories about them is inimical to Press freedom. The practice leads to parties with vested interests seeking to curtail valid publication. However, it is legitimate for the subject of a story to be given the opportunity to respond and comment.

Compliance Clause

The addition of the new Compliance Clause also appears to be sensible and is something which most newspapers – especially local papers – already do as a matter of good practice.