

Regulating Journalists

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This document is NOT:

Official NUJ policy (or an even an indication of what NUJ policy will be),
nor it is a recommendation from the Professional Training Committee

Its purpose is to start a debate

ProfCom's aim is to produce a more detailed report, including submissions received in response to this document, in time for the NUJ's Annual Delegate Meeting in Scarborough (7-10 April). We are planning a fringe meeting at ADM with MediaWise, the NUJ Ethics Council, and the Campaign for Press and Broadcasting Freedom.

Responses should be emailed to training@nuj.org.uk

1. Is journalism a trade or a profession?

This is a question that has long vexed journalists. Within the NUJ we often try to describe ourselves as professionals yet glorify in being a skilled trade when it comes to identifying with the working class cause of trade unionism.

This paper will argue that journalism in the UK is currently neither a trade nor a profession. It is an unregulated job title that is open to charlatans, miscreants and the literary equivalent of snake-oil salesmen. It is no wonder our work is held in such low public esteem.

The old working class/middle-class divide is irrelevant when it comes to identifying trades from professions. The difference between a trade and a profession is becoming blurred. Both are increasingly regulated and both increasingly demand minimum standards. In simple terms, the entry requirements to the job title and the way in which an individual keeps or renews that title is increasingly all that marks the difference between a trade and a profession. Some tradesmen can, and regularly do, earn more than some professionals.

2. Testing, testing 1, 2, 3.

In general terms, the tradesman has to pass an initial exam and then take a more up-to-date exam at regular intervals in order to continue to practise their trade. This ensures their skills are current and that they are aware of all the relevant legislation, including health and safety laws. A recognised

tradesman will then be given an identity badge enabling them to trade and giving the public the confidence to employ them.

Take gas fitters, for example. CORGI was founded in 1970 as the Confederation for the Registration of Gas Installers, and was given the task of ensuring that gas work was carried out safely. Initially, gas installers could become affiliated to CORGI on a voluntary basis. In 1991, however, the Health & Safety Executive (HSE) asked CORGI to maintain a register of competent gas installers in the UK. CORGI became the 'Council for Registered Gas Installers'.

CORGI-registered installers have to undergo at least the minimum requirement of training before they are accepted on to the CORGI register. Most have significantly more training. The training and assessments that registered gas installers have are not only about the technical know-how of specific appliances but also about safety. All assessments have to be renewed every five years in order to keep installers up to date with ever-changing standards and regulations and to keep their knowledge fresh.

The Gas Safety Installation and Use Regulations 1998 came into force on October 31, 1998. Up to March 31, 2001 32 installers were prosecuted for not being registered with CORGI.

The professional, on the other hand has to pass a series of examinations, usually on top of having a degree (or recognised vocational equivalent), in order to enter a profession (associate level). This entitles them to use letters after their name. Individuals then have to complete a minimum number of hours of recognised educational activity each year, called continuing professional development (CPD) or continuing professional education (CPE), for their status to be maintained. CPD/E does not necessarily mean more exams but may include, courses, attending conferences and even reading industry papers and magazines. There is also usually a higher level (fellowship) available to those who carry out a more challenging research project, higher exam or who have made a special contribution to their profession. Fellows too have to carry out CPD/E.

3. New internationalism

Standards are often internationally recognised, at least throughout the EU. Sometimes this takes the form of simple cross-recognition, sometimes it involves applying for a separate identifiable set of letters, such as chartered engineers who have C.Eng after their name to recognise their UK status but Eur.Eng in front of their name to recognise their Europe-wide authority. Either system enables workers from one country to work in another with their own qualification and status recognised as equal to the host nation's version.

4. Fit for purpose?

Where does UK journalism fit? Nowhere. While many UK journalists struggle through university courses, work for apprentice pay and spend hours in evening classes or practising shorthand to reach the standards recognised by a variety of industry qualifications, many have received no training. It is evident that many have no idea about media law, ethics or even English usage. Anyone can call themselves a journalist even if they have never had an item published or broadcast.

Employers used to enforce some sort of minimum standards on the industry but the liberalisation of training under Thatcher (the scrapping of the training levy, for example) meant those who paid for training had higher costs than those who didn't, so company training, in most cases, fell by the wayside. The numbers entering journalism carried on rising, which left the gates open to anyone.

With the advent first of desk-top publishing and, later, of the internet and other new media, plus the substantial reduction in the price of video and digital cameras, new "alternative" routes in have opened up too. And now we have bloggers.

It should be noted here that many of those who entered journalism without formal training are excellent journalists and not all those who gained qualifications are that good.

But the NUJ's entry criteria are purely dependent on income from journalism not on the standard or quality of that journalism. And once in, the anti-trade union legislation ensures that there is nothing the

NUJ can do to expel them, no matter how many times they breach the code of conduct or the union's rules.

5. The Italian Job

In other countries, such as Italy, legislation ensures that it is not possible to trade as a journalist without falling under the regulatory regime. All Italian journalists need to belong to the Ordine dei Journaliste in order to practice. In order to become a member, you must work for at least three months and then take an exam. It is like doing articles before becoming a solicitor in the UK. The Ordine then controls the profession and can kick out those who are "unprofessional". Consequently, journalism is more highly thought of in Italy, better paid and has much higher status. Journalists are better educated. However, it does seem to stultify journalism there in a way that would not be acceptable here.

6. We are the self-regulation society

Professions in the UK have tended to self-regulate, rather than have the form of regulation and registration imposed upon them. Professions also started regulating earlier than trades. Trades have tended to have had regulation forced upon them after either single bad event or a series of high profile errors or omissions that caused problems. Some trade regulatory bodies have union involvement, such as for electricians, which involves Amicus.

But self-regulation is increasingly slipping away, even from the professions. Where a number of professional bodies with competing qualifications and standards seek to represent standards in a particular field, they have either had to work together, often leading to mergers between the bodies (as with accountants recently), or the government has brought in an external and often statutory regulator (as with insurance and financial advice). Even where a single body has regulated a profession, there is a creeping sense that the Old Boy Network is too lenient and statutory regulation is required, at least for parts of the profession's activities. In accountancy, for example, the Department of Trade and Industry decides which qualifications a person must hold to carry out company audits, approving some of the professional bodies but not all and authorising other qualifications outside the main professional groups. Accountants giving financial advice about life assurance, pensions and savings products are regulated separately by the Financial Services Authority, which comes under The Treasury.

7. The consumer comes first

A major function of modern regulation is to empower the public by giving them the ability to check and verify that someone who claims to do a particular job is actually authorised to do so. For trades this is often through an approved identity card, renewed every few years on completion of the revised exams. For professions this takes the form of published lists of approved professionals. Websites have then developed to help find a recognised professional who is either local or has specialist knowledge relevant to the searcher's needs. Sometime the regulators publish these lists freely.

There are already many groups who want to see an approved list of journalists so they can talk only to those on the list of registered or approved journalists. This pressure is mounting.

The public also want to be able to complain and to have bad journalists removed from the register. Measuring bad journalism and its impact on consumers of journalism is too complex to go into in detail. The Press Complaints Commission only accepts complaints under strict conditions so its figures of 3,649 complaints (a record, and up 39% on the previous year) is certainly just the tip of the iceberg. The Guardian's readers' editor received more than 45,000 calls, letters and emails in his first six years and is currently running at about 10,000 a year.

PressWise suggests that many of the people worst affected by shoddy journalism do not, or cannot, complain – who complains on behalf of asylum seekers, for example? PressWise, which deals only with serious cases, copes with more than 300 enquiries a year. The toll on people can be great. It has been established, for example, that insensitive reporting of suicides can contribute to other individuals taking their own lives.

8. Can't hold back the tide

Forget "hold the front page"; to ignore the issue of regulation and registration of journalists would be to try to hold back the tide like King Canute. Recent history of regulatory reform in general, plus the growing expectations of the public and interested parties, suggests that there will be moves towards formal regulation and/or registration of all professions and trades. That trend will continue for those trades and professions already self-regulated as well as for jobs, such as journalism, that are currently a free-for-all. Journalism will be regulated and the names of approved journalists are likely to be held on a central register at some point in the near future.

The NUJ can either be involved in establishing that system, help shape it and support it, or it can be sidelined and left out. Whatever approach it takes, the NUJ will have to consider what it does about its membership criteria. Under what conditions would it be acceptable for the NUJ to permit into membership a journalist without the minimum required qualifications (students and trainees might be acceptable, but for what length of time?)? Under what conditions would it be acceptable for the NUJ to continue offering membership benefits to a journalist who, at a fair hearing and after appeal with union or legal backing, had been disciplined and removed from a centrally held register? What messages would that send out to the public?

9. Back to the future

There are a number of regulatory options:

1. Trade model 1

All journalists would be required to have an entry exam. Students would have a maximum of three chances to pass the exam over a period of no more than two years. They would then have to attend a course (say two-days) every three to five years to update them on legal, regulatory, ethical and health and safety issues that have changed during that period. They would be required to sit an exam at the end of each course and to pass. Those who failed would be given three chances in total over a period of no more than six months to retake the course and pass the exam. Failure to pass after three attempts would result in them being struck off and unable to trade as a journalist.

2. Trade model 2

There would be a central register of journalists. Although there would be no entry requirements and no courses or exams, there would be standards and a complaints system with sanctions for those found to have breached standards, including being struck off.

3. Professional model 1

Journalists establish a professional body (or liberate the Chartered Institute of Journalists from the lethargic grasp of the IoJ(TU) for this purpose) that sets entry requirements and minimum standards of on-going continuing professional development. Those who meet the membership standards have letters after their name and may even call themselves "chartered journalists". The system is voluntary and others who fail to achieve, or do not seek, the new professional status may continue as journalists but the professional body urges the public and employers to deal only with professionals. The professional body has disciplinary rules and can expel journalists from the profession.

4. Professional model 2.

Similar to above but a separate and independent (or State appointed) regulator sets minimum standards for entry. The regulator either adopts the professional body's standards as its minimum or the professional body's standards are set above the minimum level in consultation the regulator. The regulator approves the professional body's standards and disciplinary system, exempting members of the professional body from further examinations. Those meeting minimum regulated standards set outside the professional body may trade as journalists but those within the profession have an enhanced status.

10. Grandfather clocked

Whenever regulatory regimes have developed in the past there has been a system to incorporate those already working within the field – this is called grandfathering. It means those who have already

demonstrated the ability of work professionally get included without having to take the exams or achieve the new standards. Usually, it is simply based on the fact that a person has done the job for X number of years so they must be OK.

It is a fairly disreputable system. For example, insurance brokers who were regulated by the statutory body the Insurance Brokers Registration Council (IBRC) were permitted to remain regulated long after the IBRC decided that the minimum entry qualification was to be the Chartered Insurance Institute's professional qualification. The vast majority of the IBRC had never achieved that standard and could never achieve it. When brokers sold their business and set up new ones, they had to meet the new standards to rejoin the IBRC – few could do so. They went off and set up their own bodies under a different regulatory regimes. The government has since scrapped the IBRC and, after attempts at different forms of self-regulation failed, has brought general insurance broking under the statutory regulator the FSA.

There must be either no grandfathering or very strict grandfathering, based on those who have recently taken approved exams or qualifications. People who have graduated from approved journalism degree courses within the past three to five years or those who have completed and passed NCTJ or BJTC qualifications within a similar timescale, for example, ought to be the only people grandfathered in. The author of this report, for example, ought to be made to sit an approved exam and not just be grandfathered in.

11. Too little, too late

The current thinking on the regulation of journalists is based on the Press Complaints Commission, with its code of conduct, and the NUJ's own code of conduct. This often means measuring up articles that have been printed against a code of what was allowed. Other measures similarly involve dealing with errors and inaccuracies after publication, such as libel and contempt of court cases. While post-publication work and ethics need to be monitored, we also need to step in earlier and look how and why uneducated and untrained people are getting into journalism with little or no idea about what most of us consider to be the basics. Once in, we also need a method of ensuring that journalists stay up to speed on the changing legal and ethical framework in which they operate.

This is already happening to every other trade and profession in the UK. It is only a matter of time before it happens to journalism. Let's be forefront of it, not dragged like the slow-moving 100-year-old the NUJ sometimes appears to be.

What do we want? Regulation. When do we want it? NOW!

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