

PressBof

Editor's Code of Practice Review 2006

Comments from

The MediaWise Trust

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1. Introduction

We welcome the idea of an annual review of the Code and the opportunity offered to members of the public to make suggestions for improvement. We appreciate how difficult it is to devise a Code that will find favour in all quarters, and we would encourage the Code Committee to make public the views they have received.

It might be helpful, for example, if the Committee were to publish, through the PCC website, proposals for revisions to the Code and a summary explanation of why the Committee decided to accept or reject specific suggestions. This would greatly enhance debate about media ethics and press freedom, and assist the public in appreciating the mindset of editors who have to make day-to-day decisions about what to publish.

In submitting these comments for consideration by the Editor’s Code Committee, we would refer committee members to our 2004 report *Satisfaction Guaranteed*, which made the case for some of these reforms with illustrations from our work over the years. While the subsequent publication of *The Editors’ Codebook* has provided a welcome gloss on the Code, there will always be room for improvement. We hope that our contribution will be considered in the spirit in which it is submitted – that of the ‘critical friend’.

It is evident from our dealings with complainants and potential complainants the mass media are regarded with a peculiar mixture of fear, loathing and affection. There is still an enormous and unnecessary gap in understanding between readers and suppliers of news. Given the extraordinary power of the press, for good and ill, media literacy should rate high on the agenda of both editors and regulators.

It is our view that a compact of trust should exist between the public and the press, but it will require rather more than an occasional review of Code to overcome the scepticism, if not cynicism, that has crept into that relationship in recent years.

Given the lack of a statutory right of reply in UK law, and the scant likelihood that it might be introduced in the new future, we feel it is incumbent upon the Code Committee to recommend to all publications that they introduce a regular **Corrections Column** of the sort pioneered by *The Guardian* – a guaranteed space, supervised independently of the editor, where the inevitable errors that arise under pressure of production can be put right. Its virtue lies in the very fact of its existence – readers know that the publication is willing to admit to mistakes. If the column is easily accessible and appears each day, readers can refer to it at a glance to check that they have not been misled by anything the paper has published recently. This should not preclude separate publication, under the PCC banner and with sufficient prominence, adjudications on specific complaints.

This relatively painless practice is one of the most effective signals that publications are willing to be accountable to their public. A thoughtful weekly/monthly commentary on a publication’s recent content by a Readers’ Editor would also be a major step forward in media literacy – for journalists and readers alike. It could be argued that these measures represent a cost-effective investment in rebuilding public confidence in the role and responsibility of the press.

Most complainants we deal with would prefer a swift correction, or even an immediately **right of reply**, to protracted negotiations about setting the record straight. A right of reply or at least the existence of a regular Corrections Column is not a recipe for removing control from the editor; it is a very practical way of demonstrating commitment to accuracy. Those who fear that newspapers would then be full of corrections must admit they would have to have been unfair or full of errors in the first place.

With such arrangements in place there would be less of a case for insisting on more onerous sanctions for serious breaches of the Code. It is entirely reasonable to expect an editor to admit to mistakes while preparing the ‘first draft of history’ and to have the grace to correct the public record. MediaWise favours the model recommended by the Younger Committee in 1973, that adjudications, apologies and corrections should be given prominence equal to that of the offending article. That would be a powerful incentive to double check copy, although it would be entirely inappropriate for dealing with breaches of privacy.

One of the biggest criticisms of the PCC is that it has such limited power over the way in which corrections and apologies are dealt with by editors. It would boost the confidence of complainants if the Code itself contained assurances about the way in which Editors are prepared to set the record straight - if they knew what sort of correction they are likely to get if their complaint is upheld, and that a successful complaint would result in cuttings files and archives being appropriately updated. The existing industry Code contains no specific requirement to ensure that cuttings files and archives are tagged with corrections to ensure that inaccurate information is not constantly regurgitated. It is particularly galling for complainants to return repeatedly to an editor or the PCC when this happens – although in at least one case it has meant a newspaper having to pay out damages several times over for repeating a libel. The PCC should insist that cuttings files and archives are ‘tagged’ with corrections, to avoid repeated errors over many years, especially since international archives are now so easily accessible. There should be automatic reprimands when cuttings files are found not to have been tagged, and it could be a part of the role of a Readers’ Editor to monitor the procedure.

The Code could contain an addendum setting out the terms of compliance when breaches occur or serious errors are highlighted. This more likely to convince the public that there is genuine concern about making amends for errors that the oft-repeated but frankly doubtful assertion that PCC naming and shaming of errant editors is sanction enough. When did ‘peer pressure’ last result in a resignation or demotion for persistent breaches of the Code? Indeed all the evidence suggests that the notorious are more likely to prosper.

Our preferred formula would be:

‘As a demonstration of commitment to this Code and the publication of reliable information, editors will:

- *establish a regular spot within their publication for corrections;*
- *give equivalent prominence to a substantial correction where possible;*
- *reach agreement with successful complainants about the wording of corrections and/or apologies, or offer a right of reply;*
- *tag all cuttings and electronic records of the offending article.*

‘In the event of the PCC ruling that a publication has breached this Code, editors will:

- *signpost on the next convenient front page where the PCC adjudication is to be found within the publication;*
- *publish the adjudication in full, giving it appropriate prominence;*
- *offer a sum in compensation to individuals directly affected should the publication subsequently repeat the same breach.’*

And finally

The recent employment tribunal decision acknowledging Richard Gizbert’s right not to cover the war in Iraq provides a timely opportunity for the Code Committee to undo the damage done when editors’ organisations and the PCC rejected calls for a **conscience clause** in journalists contracts. It would be an enormous boost to the confidence of the public that editors are not without scruples, and the journalists that their personal conscience would be respected, if the Code Committee were to indicate that editors should take into account the personal misgiving of individual journalists when assigning tasks.

When editors and news editors insist that they are to be the consciences of staff, it is perfectly reasonable for journalists to assume that that they have no personal responsibility for content even if it appears over their by-line. Journalists operate in a highly stressed employment environment with no formal career structure, and fierce competition for jobs. With so many journalists having to freelance or exist on short term contracts, there is a strong pressure to set aside personal reservations because their financial security depends upon satisfying the demands, however unreasonable, of editors and the commercial imperatives of their titles. By acknowledging a journalist’s right to refuse assignments, the Code Committee will be demonstrating trust in their staff and sending a signal to the public that they respect the notion of personal conscience.

2. The MediaWise Trust

MediaWise (formerly PressWise) exists to:

- provide free, confidential advice and assistance for members of the public affected by inaccurate, intrusive, or sensational media coverage;
- deliver use-of-the-media training for the voluntary sector and members of the public;
- devise and deliver training on ethical issues for media professionals;
- conduct research and publish material about media law, policy and practice;
- contribute to public debate about the role and impact of the mass media.

MediaWise believes that press freedom is a responsibility exercised by journalists and editors on behalf of the public. The most important role of journalists in a democracy is to inform the public about events, issues and opinions which might influence the decisions people take about their lives and the society in which they live. For that reason the Trust asserts the public’s right to know when inaccurate information has been delivered by the mass media.

PressWise was set up as a voluntary organisation in 1993 by 'victims of media abuse', and registered as a charity in 1999, and changed its name to The MediaWise Trust in 2005. It is funded by donations, grants and commissions.

The Trustees and patrons include respected journalists, academics and members of the public with experience of the media. The Trust is chaired by broadcaster **Charles Fletcher MBE**, the Vice-Chair is **Prof Naomi Sargant**, and its current President is **Sir Louis Blom-Cooper QC**, the last Chairman of the Press Council.

Its Trustees include **Fareena Alam** (Managing Editor of *QNews*), former journalist **Bob Borzello**, **Prof. Roy Greenslade** (*Daily Telegraph* media columnist), **Glenn Del Medico** (former broadcast legal advisor to the BBC), **Jocelyn Hay CBE** (founder/Chair of the Voice of the Listener and Viewer), working journalist **Pat Healy** (former Chair of the NUJ Ethics Council), **Nick Jones** (former BBC political correspondent), **Stephen Jukes** (Head of Bournemouth University’s Media School and former Global Head of News at Reuters), and **Jim Latham** (Secretary of the Broadcast Journalism Training Council).

MediaWise has a national office in Bristol with four staff. The Trust’s Director and two part-time Associate Directors are experienced journalists and trainers who have worked internationally and in all sectors of the media. The Trust also employs a network of working journalists to conduct research and deliver training.

The Trust has devised and delivered a wide range of training packages for media professionals and non-governmental organisations in some 40 countries. As part of this work the Trust has developed guidelines on a variety of problematic aspects of media coverage, including:

- Health communications (with WHO European Health Communication Network)

- Reporting about children (with the EC Daphne Initiative, the International Federation of Journalists [IFJ] and UNICEF)
- Reporting Suicide (with Befrienders International, the IFJ and the NUJ).
- Reporting on asylum and refugee issues (with NUJ, UNHCR, and the Refugee Council)

The Trust regularly contributes to public debate via the media and events concerned with media ethics and regulation. It also organises opportunities for dialogue between media professionals and the public in the UK. These have included:

- Children’s Right vs Press Freedom: Who wins? (Bath, 2005) with Quarriers
- Aliens in the Media (Brussels, 2005) with Jesuit Refugee Service & IFJ
- Journalism and Public Trust (London, 2004) with NUJ Ethics Council
- Reporting Suicide (London, 2002)
- Refugees, Asylum-seekers and the Media (London, 2001)
- Access to the Information Society (Bristol, 1998) with European Commission
- Ethnic Minorities and the Media (London, 1997)
- Child Exploitation and the Media (London, 1997)

Recent MediaWise publications include:

- *Exiled Journalists in Europe* (2005)
- *Working with the media: A resource for health communicators* (2005)
- *The RAM Report: campaigning for fair and accurate coverage of refugees and asylum-seekers* (2005)
- *Children’s Rights and the Media: a resource for journalists* (2nd edition, 2005)
- *Satisfaction Guaranteed? Press Complaints systems under scrutiny* (2004)

3. Accuracy

Clause 1 (ii) only requires corrections ‘*when it is recognised that a **significant** inaccuracy, misleading statement or distorted report has been published*’ (our emphasis). It is left to the publication or the Commission to determine what that means. No consideration is given to the significance of the inaccuracy for the people involved in the story.

From our experience there is a gulf between what complainants regard as ‘significant’ (which they see in terms of the impact of an error on everyday life), and ‘significant in the context of the story as a whole’, which is how the PCC is wont to interpret the proviso.

It would be helpful if the Code Committee could provide an indication of what THEY think the term means, and how they would seek to bridge the gap between these widely differing viewpoints.

As it stands **Clause 1 (iii)** has also given rise to confusion, at least in its interpretation by the PCC. According to the Commission, in its response to complainants, the *Daily Express* front page headline ‘*Bombers are all spongeing (sic) asylum seekers*’ (27 July 2005), was ‘**expressing a view** about particular people connected with a recent news incident’ (our emphasis). As such it was clearly in breach of the requirement to ‘*distinguish clearly between comment, conjecture and fact*’. Yet the Commission, which had previously censured newspapers for front-page headlines that have been insufficiently clarified or qualified by the following article, did not consider this example worthy of censure, for all its inaccuracies. The Code Committee might wish to add a gloss to this sub-clause, along the lines. ‘*In particular, editors to should seek to ensure that prominent headlines to news stories are factual rather than conjectural*’.

4. The Right of Reply

The PCC Chair has suggested to us that this Clause 2 is as close as we are likely to get to the ‘automatic right of reply’ provided by legislation elsewhere in Europe. Yet the wording requires a judgement (by whom?) both about what constitutes a ‘fair’ opportunity for reply and when a reply has been ‘reasonably’ requested. It allows an emotive demand to be dismissed, despite the fact that most reasonable people would appreciate that people who find themselves misrepresented in a mass circulation publication have every reason to be upset.

Editors have decided what to publish in the first instance – if it is inaccurate there should be no condition placed on the right to reply (other than that the reply must itself stand up to the accuracy test), and this Clause could drop ‘reasonably’ without wrecking press freedom.

5. Privacy

If everyone is ‘*entitled to respect for his or her private and family life, home, health and correspondence*’, [Clause 3 (i)] and intrusions into an individual’s private life require the person’s consent, there would be a lot of blank pages in the popular press. There now seems to be no limit to levels of intrusion, even for those (other than newspaper editors and their staff) whose jobs simply put them in the public eye are expected to tolerate coverage that most people would find unbearable.

Some who enter the public sphere as a result of a personal tragedy feel that their right to privacy is ignored, especially when they are revisited regularly for comments on anniversaries or when similar events occur. It may be useful to add a rider to 3 (i) along the lines of the self-discipline now imposed upon themselves by broadcasters – namely that ‘*Special care should be taken to seek appropriate consents and avoid unnecessary intrusions into privacy when revisiting tragic events on anniversaries*’.

Problems still remain over interpretations of what is considered to be ‘a reasonable expectation of privacy’. As we have pointed out often before, by accident of economic circumstance, for many people the entry to their home is on a public highway or exposed to public view. In other words, it is in a very public place and enjoys none of the protection the wealthy can buy - high walls, long drives, and other security measures including expensive lawyers.

Few ordinary citizens can afford to seek a court ruling to define the limits of press intrusion, yet the press get most exercised when those who can afford the legal route try to clarify what is acceptable intrusion.

It is time to clarify the gloss on this Clause to read ‘*Private places are public or private property where there is a reasonable expectation of privacy, including the immediate environs of a person’s home*’.

6. Harassment

Sub-section (iii) of Clause 4 makes it clear that editors should not publish material obtained outside the requirements of the Code, but claims by complainants about the misbehaviour of reporters and photographers receive short shrift, since it is often their word against the assurances of an editor or an editorial member of the Commission (neither of whom were present when the alleged misbehaviour took place). It should not be acceptable to the PCC to rely upon an editor’s claim that staff were not at fault, when copy has been supplied by freelancers or agencies.

It is rare that complaints about journalists’ behaviour are admitted, let alone upheld. It is disingenuous to expect anyone to believe that all journalists are always on their best behaviour. It would add credibility to the Code and to self-regulation if **Clause 4** were strengthened to warn journalists that their behaviour when obtaining stories may be a factor when adjudicating on complaints.

7. Media scrums

Although discreet arrangements may have been made with broadcasters and the police to prevent frequent recurrence of ‘media scrums’, it would be sensible to include some reference at this point in the Code to indicate that efforts should be made to ensure that there is not an ‘overwhelming’ presence of media personnel, especially at distressing events. Location and circumstance differ, of course, and what is a disturbing presence in a street or village may go almost without notice in a town or city.

Competition for information should not override reasonable expectations of calm and order among the public at times of crisis – such as the bomb attacks in London of 7 July 2005. Such events may require far higher levels of media attendance if the full story is to get out. However, common sense should prevail when it is clear that more than half a dozen people are assembling on a pavement outside someone’s house, for instance, and those present should automatically agree to ‘pool’ copy so that some can withdraw. Failure to do so at the request of the family concerned, or the police, should constitute a breach of the Code.

It may be useful if the Code were to spell out some standard terms for pooling copy, to help the public understand the system, to assure journalists that they can expect fair treatment from their colleagues, and to avoid handing to the police effective control of what should be public information. Indeed it could be a breach of the Code if journalists do not get fair access to information via a pooling system, especially if one outlet obtains unfair commercial advantage from concealing basic information obtained from privileged access at the scene of a major incident. It is our view that local authorities should have plans in place to assist both the local population and the media, to ensure the free flow of information at major incidents without putting victims or rescue operations at risk.

8. Intrusion into grief

As we have advised previously, **Clause 5** would be improved were there to be specific mention of the sensitivities associated with the coverage of suicide.

A systematic review of some 90 research studies from around the world by Prof Keith Hawton and Kathryn Williams from Oxford University traced the impact of media coverage on suicide rates, and demonstrated a potential causal link, especially among vulnerable groups. First published in summary form in 2001, the research is compelling and readily available. It gave rise to a leaflet and training materials devised by MediaWise on behalf of the NUJ and the International Federation of Journalists (IFJ), following consultation with 23 suicide prevention and mental health charities in the UK.

Yet *The Sun’s* detailed illustration (24 April 2003) of a contraption used by one distressed young man to kill himself did not elicit a reprimand from the PCC. It was to be hoped that greater sensitivity would be shown following the controversy surrounding the suicides of Dr David Kelly and *Sky News* reporter James Forlong, who killed himself after being dismissed for faking a story. However the insensitive publication of photographs of Ms Kathy Ward jumping to her death earlier this month indicate that the Code Committee should give special consideration to incorporating a new sub-clause along the following lines:

‘Particular care should be taken when reporting the circumstances of newsworthy suicides, to avoid sensationalism and unnecessary detail about suicide methods, and to consider the consequences for family members, especially children.’

Relatives of the bereaved rarely appreciate that personal details given at inquest hearings may be published, and may not have the composure at the time to request the Coroner to caution journalists about how they report intensely private matters that may come to light for the first time – and which may not be known by or need to be known by family, friends and the wider community.

There are other aspects of intrusion into grief that deserve public debate, especially during the current prolonged period of war and atrocity. Pictures of uninhibited grief dramatically illustrate the horrors of war, but just because the events happen a long way away does not mean that the conventions applied here have no relevance. While there is legitimate debate about the extent to which war is sanitised when shocking images are kept from us, some thought has to be given to the fact that the front pages of newspapers are on display on high-street newspaper stands. Young children were unwittingly exposed to graphic images when some papers sought to outdo their rivals – for instance by splashing images of the bloodied heads of Saddam Hussein’s sons across their front pages.

Taste and decency may not be of direct concern to the PCC, but the Code Committee could commend it to remind editors that their responsibilities include avoiding unnecessary harm to young children and others who cannot avoid being confronted by such displays in the marketplace.

9. Children

MediaWise has taken a special interest in the ethical issues faced by journalists, young people and their carers, especially over coverage of the physical, sexual and commercial exploitation of children. We are pleased that the Code has been significantly strengthened as it relates to coverage of children. There remains room for improvement.

Clause 6 (ii) and (iv) for example specify only that young people cannot be approached about issues relating to children’s welfare matters. It should be standard that:
‘Children should not normally be primary sources for information about anything other than their own opinions or direct experiences, and then only with the consent of an appropriate adult’.

Meanwhile young offenders do not benefit from the Code’s protection, even though it claims to give children a chance to reach 18 before they fall prey to the predations of the media. Errant juveniles are supposed to have some modicum of protection from exposure in the media. Persistent offenders may deserve ASBOs and need special treatment, but demonising them in the press is not part of it. Week after week the courts are challenged over restrictions about the identification of juvenile offenders. Rather than appreciate that society may be better served if they have the opportunity to learn the error of their ways away from the notoriety of media attention, the press mount a persuasive argument that the public has a right to know who such offenders are, what they have done, and their family circumstances. Yet on the continent, convention and law insist that where children are involved in publicity about crime, for example, only their initials are used.

Editors may insist that identification and exposure of young offender is a press freedom rather than a human rights issue, but the industry still does not seem to have grasped the significance of the 1989 UN Convention on the Rights of the Child, now regarded as the nearest instrument there is to global legislation (only Somalia and the USA have failed to sign up to it). It codifies children’s rights, and has informed modification of UK law.

The Code Committee might like to review the Code with reference to those UNCRC Articles that relate to the role of the media in assuring, protecting and promoting children’s rights (notably Articles 12. The child's opinion; 13. Freedom of expression; 14. Freedom of thought, conscience and religion; 16. Protection of privacy; 17. Access to appropriate information; 28. Education; 29. Aims of education; 31. Leisure, recreation and cultural activities; and 36. Other forms of exploitation).

They provide some good arguments to use in demanding greater access to the workings of the family courts and the welfare system, and champion the public’s right to know how decisions are taken about children’s welfare.

Were the Code to take proper cognisance of the UNCRC it might be easier to dissuade those who seek to restrict press access to school events, for example, and disarm those critics who are concerned about media misrepresentation of young people. Unfortunately recent studies suggest that young people themselves appear to be less than impressed by the way youth are regularly demonised, both by the media and politicians (some would say the whole ‘respect agenda’ is a response to moral panic generated by media coverage of ‘hoodies’, graffiti, ASBOs etc).

Most parents are delighted when their children’s achievements make it into the press, but the press cannot expect unfettered access to schools. Some parents have perfectly valid reasons for avoiding publicity, and it is the school’s job to ensure that they are at least given an opportunity to opt out of publicity. Nonetheless editors should not be averse to checking that it has been done, and journalists and photographers should be reminded of the most basic requirement of Clause 6 that the consent of a responsible adult should normally be obtained before interviewing or photographing a child.

10. Discrimination

We welcome the decision to introduce the term ‘gender’ in **Clause 12**, in response to lobbying from transgender pressure groups, although in our view this Clause would also benefit from the inclusion of ‘legal status’ among the list. This would strengthen protection for transgender individuals whose circumstances are often covered with little sympathy or understanding, but it would also cover refugees and asylum seekers who have been subjected to years of largely unchallenged abuse from inaccurate and misleading headlines and stories, mostly in the tabloid press.

Clause 12 assumes that only a named individual can be hurt by ‘prejudicial or pejorative’ coverage. This flies in the face of reason and experience. Sweeping statements about refugees and asylum seekers, for example, do little to improve community relations and the police and monitoring projects have made it clear that assaults and abuse of ‘foreigners’, including those who were born in Britain or have lived here for some time, are both encouraged and legitimised when newspapers run negative stories.

Prejudicial coverage of ethnic, religious and other minorities in the UK has created a growth industry in research and projects (like our own Refugees, Asylum-seekers and the Media Project, for example) to challenge stereotypes, inaccuracies and perceived and actual harm. Were there no problem such initiatives would be easily dismissed and short-lived, but the evidence is compelling that, whether through ignorance or wilfulness, Muslims, ‘Gypsies’ and Travellers, and refugees and asylum seekers, are frequently misrepresented and or given no voice in the press.

In 2005 MediaWise circulated contact details of some 28 Travellers organisations to newsrooms in an attempt to counter the lack of voices from the Travelling communities when their stories about them hit the headlines. In 2004 we also produced a leaflet in association with the NUJ, the UNHCR and the Refugee Council booklet to assist journalists to use the correct terminology when covering refugee and asylum issues.

Unfortunately there is some evidence that the guidance note issued by the PCC in 2003 continues to be honoured in the breach rather than in the observance, and the weakness of the complaints system makes it difficult for those affected to put the record straight.

Inaccurate coverage can unduly influence policy choices by government, for example, as in the case of asylum seekers. We are all diminished when community relations break down as a result of inaccurate or sensational coverage, and some minorities, such as Roma, other Travellers, refugees and asylum seekers are unlikely to be aware of the coverage that has resulted in attacks upon them. As the PCC Chair has acknowledged to MediaWise ‘there are numerous instances where there is no first party, as such, and in such circumstances it is open to anybody to complain’.

It would be helpful if this were made explicit, either with an additional sub-clause (iii) or a rider along the lines:

‘Concern that specific instances of inaccurate or prejudicial coverage might have a deleterious effect on community relations, would be grounds for third party complaints’.

11. Photography

The Code has no specific clause devoted to photography, although several references are made to the difference between acceptable and unacceptable circumstances under which pictures can be obtained.

Publications routinely use ‘stock’ pictures from the archives to illustrate quite different stories from the original purpose. This occasionally gives rise to complaints – especially from those whose images are used – and it might help if the Code contained advice on obtaining appropriate permissions or at least giving indications that the images are merely for illustrative purposes.

When images obtained for one purpose are used for another, publications should make this clear and to seek appropriate and explicit permission from those pictured where practicable.

In the era of the digital camera it is time that the Code also included some guidance about the circumstances under which manipulated images may (or may not) be published. Manipulated photographs can have a powerful impact, so perhaps the PCC should consider an additional clause along the lines:

Manipulated images should be clearly marked as such, and should not be used to illustrate hard news stories except in exceptional circumstances.

The arrival of what is termed ‘citizen journalism’, which invariably involves digital images of ‘on the spot action’, can give rise to serious problems around issues of privacy, copyright and the methods used to obtain photographs. There is the risk that this form of non-professional intervention will become an extension of paparazzi-style newsgathering. Were the Code to include a proviso to cover the use of such material, it might also serve as a reminder about a publication’s responsibilities to protagonists who supply photographs willingly but then lose control over their use or resale:

When agreeing to purchase and/or publish images provided by members of the public particular care should be taken to ensure that there have been no invasions of personal privacy or illegal acts in obtaining the pictures, and that the rights of ownership of the photographs are properly protected and acknowledged.

12. Informed consent

The notion of ‘informed consent’ is fully understood by broadcasters, whose own codes and guidelines have become increasingly specific about what the term means and how it is best achieved. Editors and print journalists may struggle to appreciate what it has got to do with them.

News reporters routinely introduce themselves to participants in newsworthy events, to witnesses, and to experts, and then ask questions. There is a tacit acceptance that it is perfectly acceptable to collect information in this way, and that while any question can be asked, nobody is obliged to answer every question. That is how it should be - no trickery or fakery.

However the advent of a new era of confessional journalism, direct touting for sensational revelations, the thinly disguised ‘threat’ – ‘We are going to print this about you, but if you talk to us/accept our money, then at least you will be able to give your side of the story,’ – and now the arrival of ‘witness contributors’ (or so-called ‘citizen journalists’), does make it important to ensure that ‘lay’ contributors really do understand the terms of their involvement with the print media.

Few journalists would allow, let alone relish, the publication of intimate personal revelations about themselves or their family, which means that few have experienced the helplessness, shame, and despair, not to mention relationship problems that follow publication, especially when the editorial approach is to trivialise or belittle.

These are areas in which the concept of informed consent should apply. It requires a quite sophisticated understanding of the impact of publicity on private lives to be able to form a judgment about whether and how to respond to the blandishments of what might appear to be ‘easy money’ for selling your story. It may be tempting and convenient for editors to assume that if a person responds to offers of money, they have sufficient ‘media savvy’ to cope with the loss of autonomy and privacy that comes with signing a contract to ‘reveal all’, but it is entirely inappropriate. Few people have any knowledge or experience of this type of exposure, nor the often extreme reactions that it can generate. Fewer still can afford the type of professional advice that they may require when they find their stories have been ‘sexed up’ or sensationalised in the ‘best interests’ of the publication. Certainly it should be no defence simply to claim that the publication had the willing co-operation of the protagonist/s. Editors are only too well aware of the techniques that can be adopted to inspire or coerce co-operation. When newspapers and magazines are relying more heavily upon ‘bought in’ stories of this kind, it is essential that guidelines (or even formal, industry-wide agreements) should exist to protect both members of the public and the publication from exploitation.

Although editors properly fight shy of handing full copy approval to those who collaborate, very often the offer will be trailed during negotiations. Pandering to the prurience or prejudices of the readers is no excuse for abusing the trust of an informant, and nor is the desire to create a catchy headline or bump up circulation with something shocking. Checking final copy with key contributors does not mean handing them editorial control – it could be regarded as a courtesy to them and the readers, as a way of making sure that the facts are accurate.

Since achieving accuracy should be the goal of any fair-minded journalist, the Code should help to ensure that members of the public who are bamboozled into contributing to a fiction have some protection. No clauses exist to cover such complaints, which may explain why some of those who are caught out do not protest to the PCC. Too often we have been told that the finished product bears little resemblance to what had been promised, details have been added or omitted to titillate readers, and inappropriate illustrations used. There is no clause in the Code that adequately deals with this matter, and that in itself limits opportunities for complaint.

13. Chequebook journalism

MediaWise regards chequebook journalism as the antithesis of press freedom and has made numerous interventions about it in the past. The paid for ‘exclusive’ is especially inimical to the free flow of information, and some newspapers now positively encourage informants to sell information, especially about celebrities (see for example the *News of the World* website). This can give rise to all manner of unethical practices, yet the Code of Practice is silent about it, other than in the case of payments to witnesses and convicted criminals.

The Code Committee should consider an additional Clause along the lines:

‘When paying individuals for exclusive access to information, such arrangements should be made honestly and with a proper regard for the truth. Readers should always be informed when money has been paid for revelations, and to whom.’

A clause of this kind might help editors to begin to appreciate their responsibility to obtain the informed consent of ‘lay’ contributors and to ensure that they are treated fairly. If both the letter and the spirit of such an obligation were adhered to the Code Committee would achieve a significant improvement in both the Code and the practice of contemporary popular journalism.

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Bristol, January 2006