

Society of Editors

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From the Director

Jonathan Heawood
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83 Victoria Street
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29 September 2016

Dear Jonathan,

I write in response to your general invitation for comments about the Impress draft code of practice. The effectiveness and relevance of the long standing Editors' Code of Practice has never been seriously questioned. Regularly reviewed and refined in light of many years' practical consideration and adjudication of complaints brought by members of the public, it has been used as the model for other media codes around the world.

In drafting a code for Impress, it seems you have tried to follow some of the principles of the existing Editors' Code of Practice, but clearly attempted to avoid copying it word for word. In the process, your version has missed the point of much of the careful wording, nuances and spirit of the code that has been developed carefully over 20 years or more.

As a result I am afraid you have produced a document that is rather woolly in parts and inadequate in others. The purpose of any code is to clearly set out a regulatory framework with the aim of maintaining high professional standards in a way that is publicly accountable and transparent. It is not simply a "practical tool" and does not deal with a number of issues which have, again, been considered over many years as a result of consultations and practical concerns that have arisen from time to time.

In our view, your re-writing of parts of the Editors' Code has in fact produced some serious backward steps in some cases and holes in other areas. I refer particularly to references to children, for example, which are not as powerful as those in the Editors' Code. Indeed some mentions would lead to greater confusion and leaves room for debate.

There are also issues regarding legal constraints on journalists. Codes do not to repeat the law although, as you will have noticed, the Editors' Code often goes further than the law requires.

While you want the code to be practical for both journalists and the public on privacy, for example, the Editors' Code does that succinctly, the result of long and hard debate, and forensic examination of live issues. I fear your draft lacks sufficient strength because it is neither realistic nor practical.

One overall and vitally important issue appears in the section on suicide, a regular cause

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From the Director

of complaint and debate. Where is the reminder that, as with the courts, we have in the UK a right to report legal proceedings? That is a fundamental requirement of the press in supporting the principle of open justice.

As others have pointed out, you refer frequently to ‘publishers’ when ethical and practical decisions about content are made by editors because those are their responsibilities. I am pleased to say that publishers have been supportive of the Editors’ Code in recognition of editorial independence, rather than having editors supporting a code imposed by publishers, or anyone else for that matter.

I am also surprised you have attempted to produce prescriptive guidance on the public interest. Politicians, the courts and other authorities have always avoided that because it is clear each case has to be argued on its merits. Indeed, in cases concerning journalists in recent years only juries, made up of unelected ordinary members of the public, have been able to produce clear and final decisions on the public interest, which contrasted with the views of the police, the CPS and other lawyers. The issue of lists – albeit featuring the usual caution that they are not exhaustive – immediately sets a precedent that weakens the overall principle. Subjective lists are open to considerable debate in the event of a serious complaint. To put it bluntly, they generally cause more problems than they are set out to solve.

I must repeat the Editors’ Code has not been seriously challenged and is open for review and revision. Its strength lies in the fact it is accepted by editors who frequently have to make quick decisions every day, and by the journalists who work for them. A code should lie at the heart of any regulatory regime. One that is ill-defined and therefore open to debate leaves too much room for subjective interpretation and will not win the confidence of either the industry or the public.

That was why the old Press Council failed miserably. Editors and journalists did not know how the ‘wise men’ would react to a complaint as there was no clearly defined and agreed code upon which they could judge editorial behaviour.

I am sure you have seen more detailed comments from others, notably the NMA, which reflect our views. While you may feel these points are a tad negative, you did invite comment and I hope you will therefore accept them in the positive spirit in which they are offered.

Yours sincerely,



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Executive Director

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