

Submission to Editors' Code Committee Consultation on the Code of Practice

Consultation Response 2013

The Carnegie UK Trust welcomes the opportunity to respond to the consultation from the Editors' Code Committee on the Code of Practice. The Trust works to improve the lives of people throughout the UK and Ireland by influencing policy, and by changing lives through innovative practice and partnership work. The Carnegie UK Trust was established by Scots-American philanthropist Andrew Carnegie in 1913.

The Trust has a long history of engagement in seeking to improve the quality of our news media, dating back to the 1940s. This consultation response is informed by our recent work in this area, which includes the report '[Making Good Society](#)' published in 2010; the report '[Better Journalism in the Digital Age](#)' published in February 2012; the [additional evidence](#) on future press regulation models that we were asked to submit to the Leveson Inquiry, published June 2012; and our joint report with Demos '[Voicing the Public Interest](#)', which explores the public's attitude to the public interest in journalism, published October 2012.

Rather than set out detailed proposals for specific amendments or additions to the Code, our submission highlights some core points of principle, emerging from the work described above, that we believe should be taken into account within any revised version of the Code:

1. The Code as it stands provides a list of rules and procedures that journalists must adhere to. This is extremely useful, and it should be considered whether the list can be expanded within the revised Code, to help provide both journalists and citizens with a clearer understanding of which activities are permitted, and which are not. However, we believe that the revised Code should not only be about rules. It should also set out the values, ethics and principles that journalists should adhere to. This would be valuable for citizens, as it would help to convey what they should expect from journalists, rather than only what journalists should not do; and also for journalists by providing a source of inspiration, pride and purpose. The Code of Ethics used by the Society of Professional Journalists in the United States is a good example of a journalistic code which seeks to combine specific rules with a broader sense of values or principles.

2. In order to further strengthen citizens' engagement with the Code of Practice we believe it should be possible for any citizen who believes that the Code has been broken to make a complaint about the article or news story in question, rather than only those who have been directly affected by it. This model is deployed under the Press Ombudsman system in Ireland and we believe it could also be applied effectively in the UK.
3. One of the most important aspects of the Code is the section on 'the public interest', which sets out the criteria under which the press is able to undertake activities that would otherwise be prohibited by the Code, if these can be demonstrated to be in the public interest. This is an important element of the freedom of the press, with clear implications for democracy, and the principle must be retained in any revised Code of Practice. However, in our 'Voicing the Public Interest' report, we found that the public themselves wish to have a much more prominent role in determining how the public interest is defined and how it is applied. Our report presented the results of research carried out with 2,000 UK citizens to understand their perception of the public interest in journalism. Nearly two-thirds of participants (63%) felt that the general public should play a role in determining the public interest. We support this important point of principle, and we ask the Code Committee to consider how input from a wide range of different citizens can be secured on an ongoing basis, to ensure that the critical 'public interest' element of the Code remains in tune with public opinion.
4. The results from our 'Voicing the Public Interest' research also showed that the public values privacy more highly than might have been envisaged – and they have a

sophisticated understanding of whether or not they believe a news story is in the public interest. In the research, participants were given a total of 90 different scenarios, to explore their attitudes towards free speech, privacy and investigative journalism. Out of these scenarios, a majority of the public only approved publication in 15 cases. The public appeared to take a more pragmatic than moralistic approach in determining the public interest, consistently expressing more concern with what a story was about and how it was gathered, rather than who it was about when making a judgement about whether publication would be justified. For example, news stories calling people's professional competence into question enjoyed higher support for publication amongst the public than those revealing deceit, while no 'kiss and tell' stories enjoyed majority public support for publication. Meanwhile, the public's support for publication declined as the level of intrusion involved in gathering the information for the story increased. Some methods of intrusion were seen as justified by only a few people – and 40% believed that stories should 'never' be published if they drew on information gained through illegal entry into premises. Taking all of this into account, we suggest that any revision to the public interest definition within the Code of Practice takes the 'what', the 'who' and the 'how' as its central components, alongside the value of free speech. We recognise however, that trying to devise a clearer definition of 'the public interest' is no easy task. Despite the clear findings from our research, the data we gathered also told us that the public is against hard and fast rules – they are supportive of the principle that each case has to be judged on its own merits. The challenge for any revised Code of Practice is therefore to try and define the public interest in more detail whilst avoiding rigid rules that may have unintended consequences.

5. Nevertheless, this issue about 'how' information is gathered, if it used to inform a news story published in the public interest, is particularly important. Although an increase in circulation has been cited as evidence of public support for stories which have been published in the public interest, in many cases the public had little or no information about how these news stories had been acquired. The evidence from our research is that the 'how' matters and that the public's view on whether or not a story should be published is influenced by how the information is gathered. We therefore suggest that, when possible to do so and without revealing confidential sources, the press should seek to indicate how the information in public interest stories has been attained, thus enabling citizens to make much more informed decisions about their purchases. In these situations it would also be beneficial for news providers to clearly explain to readers the decision-making process that they have gone through, and why they are satisfied that a breach of the Code is justified and proportionate in relation to the public interest. A revised Code of Practice should aim to promote these points of principle.
6. Finally, we wish to restate the point that any revised Code of Practice must be subject to ongoing scrutiny and oversight from citizens, as well as those involved in the industry. Such openness and transparency is essential in any regulatory system, however it is constructed. Bearing this issue in mind, we are disappointed the current consultation on the Code of Practice does not appear to have been widely advertised. At the end of the consultation process it will be important to review and report on the extent to which citizens and civil society organisations have engaged with the process, and if necessary carry out further consultation to ensure that the views of these groups are properly taken into account.

We hope that you find the points contained in this submission useful, and we would be pleased to meet with you to discuss any of these issues further, if that would be helpful.

The Carnegie UK Trust works to improve the lives of people throughout the UK and Ireland, by changing minds through influencing policy, and by changing lives through innovative practice and partnership work. The Carnegie UK Trust was established by Scots-American philanthropist Andrew Carnegie in 1913 and we are delighted to be celebrating our centenary in 2013. Please see our website for further information on our centenary plans.

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