

Submission to the Editors' Code of Practice Committee code review, March 2017

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The committee's latest review of the Editors' Code presents an opportunity to fill what has long been a gap in the code, and that is for what has been described as a "conscience clause". Such a clause would be a statement to the effect that journalists (whether staff or freelance) should be neither instructed nor pressurised to break any provisions of the code. As someone who has worked, researched and taught in journalism for many years, I believe it would be of symbolic as well as practical importance for the Editors' Code to declare any such pressure to be unacceptable. Not only would it offer journalists some protection against the possibility of being disciplined or victimised for acting ethically, but it would also enshrine in the code a commitment by editors and publishers alike that their journalists will never be required to choose between the code and their job.

The Leveson Inquiry heard evidence from many witnesses about the need for such an addition, and my own submission on this point can be seen here:

<http://webarchive.nationalarchives.gov.uk/20140122145147/http://www.levesoninquiry.org.uk/evidence/?witness=tony-harcup>. The Leveson Report itself subsequently recommended industry consideration of a conscience clause as a mechanism to help "prevent any disciplinary action being taken against a journalist as a result of his or her refusing to do something which is contrary to the code of practice" (Leveson Report, page 1799; also see page 1705). This was recommended to be considered alongside a so-called whistleblowers' hotline to enable journalists to report any such pressure.

Ipsos now has an "anonymous and independent" Journalists' Whistleblowing Hotline for the use of journalists working for Ipsos members "to raise concerns that they have been asked to act contrary to the Editors' Code" (<https://www.ipsos.co.uk/faqs/journalists-whistleblowing-hotline/>). This is a recognition of the possibility that such a thing might happen, "although it may occur only rarely", according to Ipsos; however, welcome though it is, it does rather place all the onus on an individual to report an employer.

I urge the committee to agree that, to complete the loop as it were, a statement to the effect that journalists must not be pressurised to breach the Editors' Code should now be added to

the code itself. This would make it industry-endorsed guidance that pressurising journalists to breach the code is unacceptable.

Such a message could become an additional clause to the existing code but it would probably be most appropriate if it were incorporated into the preamble, which forms part of the code and, as is pointed out in the most recent *Editors' Codebook* (page 8), “sets the tone for the entire code”. The wording could be something along the following lines:

The spirit of the Editors' Code requires that journalists have the right to refuse any assignment that would involve acting contrary to the Code; therefore, no disciplinary action (whether formal or informal) should be taken by a publisher, editor or line manager against a journalist as a result of his or her declining to do something contrary to the Code.

The addition of some such wording would belatedly bring the Editors' Code in line with the suggestion made in an editorial of *British Journalism Review* as long ago as 2003: “Reporters and photographers dispatched on ...shameful assignments have little defence against the rogue bosses who send them out...So the introduction of a conscience clause into the Press Complaints Commission code of conduct would be a welcome improvement, not only to reporters' working lives but also to the standards of newspapers in general.” (‘Editorial: A Matter of Conscience’, *British Journalism Review* (2003), Vol. 14, No. 3, pages 3-5.)

It would also act as a constant reminder to anyone in a position of editorial authority on a newspaper, magazine or related website that instructing a journalist to ignore or breach the code would itself be considered shameful by their peers within the industry.

Tony Harcup, 2 March 2017.