

## THE EDITORS' CODE OF PRACTICE COMMITTEE

For immediate release, Monday, December 18, 2017

### Editors' Code of Practice revised

The Editors' Code of Practice, under which the vast majority of Britain's newspaper, magazine and news website journalists work, is to be revised, and one important change offers increased protection to children accused of crime.

In a move that goes further than the law requires, the Code will now state that editors should generally avoid naming children after arrest for a criminal offence but before they appear in court.

There will also be an amendment to Clause 2 (Privacy), to clarify how the public domain is taken into account when complaints are considered; and to Clause 11 (Victims of Sexual Assault), to align it more closely with the law.

And in another development, the Editors' Code of Practice Committee has recommended that the Independent Press Standards Organisation (IPSO) should consider how member publishers report on commercial transparency.

The Editors' Code of Practice Committee, which writes and revises the code of standards policed by IPSO, considered several thousand submissions on the Code from a wide range of organisations and members of the public. For the first time in such a review the submissions have been published on the Committee's website and the Committee has produced a report explaining how it reached its decisions.

There will be three changes to the Code, to be effective from January 1, 2018.

#### :: A change to Clause 2 (Privacy)

The amendment echoes the existing wording of Clause 3 of the Public Interest section of the Code - *'The regulator will consider the extent to which material is already in the public domain or will become so'* - which is often taken into consideration when the Complaints Committee rules on privacy complaints.

It helps understanding of the Code – for both members of the public and journalists - by making it clear that the extent to which material is in the public domain or will become so is a factor which may be considered in Clause 2 complaints. It will also help address the challenge of regulating global digital publications that are owned and domiciled in the UK. This change was proposed by Associated Newspapers and was supported by IPSO.

#### :: A change to Clause 9 (Reporting of crime)

This change increases protection for children accused of crime. The law currently allows newspapers to name children arrested for a crime before they appear in court, when anonymity comes into force. Most newspapers choose not to do so but some have in exceptional circumstances. The amended clause says editors should generally avoid naming such children. This is an example of where the Code goes further to protect vulnerable people than the law requires.

Youth justice campaigners, including the Standing Committee for Youth Justice, the National Association for Youth Justice and the Children's Rights Alliance for England, called for a change in the Code to protect these children.

The change also makes clear that the Code recognises that children are young people under the age of 18. This is sometimes misunderstood because the Code offers special protection to children under the age of 16.

#### :: A change to Clause 11 (Victims of sexual assault)

**Code Committee members:** *Chair:* Neil Benson, Trinity Mirror Regionals. *National newspapers:* Chris Evans, Daily Telegraph; Martin Ivens, Sunday Times; Hugh Whittow, Daily Express; Ted Young, Metro. *Regional newspapers:* Ian Carter, The KM Group; Mike Sassi, Nottingham Post; Gary Shipton, Johnston Press. *Scottish Press:* Donald Martin, Newsquest Scotland. *Magazines:* Harriet Wilson, Condé Nast Publications. *Lay members (ex officio):* Sir Alan Moses, Chairman, IPSO; Matt Tee, CEO, IPSO. *Independent lay members appointed by IPSO's appointments panel:* Christine Elliott; David Jessel; Kate Stone.

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The change, which prohibits publication of material likely to lead to the identification of a victim of sexual assault, brings the wording in line with the law to clarify the responsibilities that editors have under the Code and to avoid a chilling effect on lawful court reporting. This change was made as the result of a submission by Trinity Mirror and was accepted by IPSO.

### Transparency

The Code Committee has recommended that IPSO should consider and discuss with members how they might report on transparency policies concerning editorial and commercial relationships. This issue was the subject of a number of submissions, which referred to allegations – which were denied – that commercial considerations influenced the Daily Telegraph's coverage of HBOS. The committee considered that the best way to address this issue would be for publishers to report on their policies concerning editorial and commercial relationships.

### Revised edition of the Editors' Codebook

The Code Committee approved a plan to revise the Editors' Codebook to take into account constructive suggestions for best practice received in the Code Review and recent relevant adjudications made by IPSO. Revisions have been made to 12 of the chapters. Examples include the inclusion of a link to guidelines by Samaritans for reporting suicide and a link to the Science Media Centre's guidelines for reporting science. There are also links to IPSO guidance on the use of social media, reporting grief and shock and the issue of due prominence of corrections.

### Improved online version of Editors' Code of Practice

The Code Committee recommended that the online version of the Editors' Code should be improved to assist both journalists and members of the public who may be considering bringing a complaint. It features links to relevant chapters in the Editors' Codebook and IPSO guidance notes.

The Review was carried out by the Editors' Code of Practice Committee, which is composed of editors and lay members and is chaired by Neil Benson, group executive editor of Trinity Mirror.

Neil Benson said: "A great deal of careful thought and debate has gone into the Code review and the ongoing development of the Editors' Codebook. The latest changes strengthen and give even greater clarity to the Code, which sets the professional practice standards for the vast majority of the UK's journalists."

Sir Alan Moses, chairman of IPSO, said: "The Editors' Code of Practice is the cornerstone of IPSO's contractual agreement with the press and I welcome these changes, which further strengthen its protections for the public.

"The new Code, along with the Editors' Codebook, provides a framework for a trusted, thriving and free press which is vital to our democracy. It is also important that so many individuals and organisations contributed to these changes through the consultation."

### Details of changes to the Code

Deletions to the text are shown in struck-through bold black and additions are in red.

#### :: A change to Clause 2 (Privacy)

Clause 2 to read:

#### 2. *\*Privacy*

i) *Everyone is entitled to respect for his or her private and family life, home, health and correspondence, including digital communications.*

ii) *Editors will be expected to justify intrusions into any individual's private life without consent.*

~~**Account will be taken of the complainant's own public disclosures of information.**~~ *In considering an*

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*individual's reasonable expectation of privacy, account will be taken of the complainant's own public disclosures of information and the extent to which the material complained about is already in the public domain or will become so.*

*iii) It is unacceptable to photograph individuals, without their consent, in public or private places where there is a reasonable expectation of privacy.*

### **:: A change to Clause 9 (Reporting of crime)**

Clause 9 to read:

#### **9. \*Reporting of Crime**

*i) Relatives or friends of persons convicted or accused of crime should not generally be identified without their consent, unless they are genuinely relevant to the story.*

*ii) Particular regard should be paid to the potentially vulnerable position of children **under the age of 18** who witness, or are victims of, crime. This should not restrict the right to report legal proceedings.*

*(iii) Editors should generally avoid naming children **under the age of 18** after arrest for a criminal offence but before they appear in a youth court unless they can show that the individual's name is already in the public domain, or that the individual (or, if they are under 16, a custodial parent or similarly responsible adult) has given their consent. This does not restrict the right to name juveniles who appear in a crown court, or whose anonymity is lifted.*

### **:: A change to Clause 11 (Victims of sexual assault)**

Clause 11 to read:

#### **11. Victims of sexual assault**

The press must not identify ~~victims of sexual assault or publish material likely to contribute to such identification~~ *or publish material likely to lead to the identification of a victim of sexual assault unless there is adequate justification and they are legally free to do so.*

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