

## **2023 Editors' Code of Practice Review Report**

### **Introduction**

This report sets out details of the review of the Editors' Code of Practice that was conducted during 2023.

The review was carried out by the Editors' Code of Practice Committee, which draws up the Code of Practice. The Code is upheld and enforced by the Independent Press Standards Organisation (IPSO) and is regarded as the cornerstone of self-regulation of the press.

The committee is composed of editors and lay members and the independent chair is Neil Benson.

Other members are:

National newspapers: Chris Evans (Daily Telegraph); Gary Jones (Daily Express); Ben Taylor (Sunday Times); Ted Verity (Daily Mail).

Regional newspapers: Maria Breslin (Liverpool Echo); Ian Carter (Iliffe Media); Gary Shipton (National World).

Scottish press: David Clegg (the Courier).

Magazines: Tina Sany-Davies (Bauer Media).

Lay members (ex officio): Lord Faulks (Chairman, IPSO); Charlotte Dewar (CEO, IPSO).

Independent lay members appointed by IPSO's appointments panel: Sarah de Gay; Christine Elliott; Kate Stone.

The committee's secretary is Jonathan Grun.

In line with its constitution, the Editors' Code of Practice Committee carries out a triennial review of the Code. The review involves a public consultation, which on this occasion attracted a range of submissions by organisations and individuals and a petition. The submissions have been published on the Editors' Code of Practice website <http://editorscode.org.uk/index.php>

The Code committee welcomed the wide range of views expressed in the submissions and the commitment to the role of the Code, the concept of a free press and the system of self-regulation that this demonstrated.

The Editors' Code strikes a balance between respecting the rights of individuals, while also protecting the fundamental right to freedom of expression. At a time of increasing intolerance of different opinions, the freedom of the press is under threat from those who do not recognise that such debate and the expression of lawfully held views is a vital feature of a free society. Instead, some wish to control the narrative in their favour or shut down any opposition to their views. Society as a whole would be poorer if that happened.

There are other threats to a well-informed society. While digital media means that a wider range of voices can be heard, there is a danger of the public being misled by providers of fake or distorted news. In contrast, the Editors' Code of Practice sets high standards for the press organisations that follow it and it also offers the public accountability and redress through the work of the independent regulator, IPSO.

Some of the submissions in this consultation raised issues that have resulted in a positive exchange of views, which the committee believes will lead to greater understanding, including a clearer perception of the role of a free press.

In some cases, the review will lead to continuing engagement and discussion with experts and campaigners.

Although in individual cases the review process may not lead to a change in the Code – because suggested amendments may not work in practice or might unduly restrict freedom of expression – it can inform and influence the way that editors approach stories in future.

Consideration of points raised has also led to examples of best practice being featured in the revised Editors' Codebook, the handbook to the Code and how it is interpreted by IPSO. Stories have to be treated on their

merits, so imposing unduly restrictive changes to the Code is not practical, whereas highlighting non-binding best practice can be a real assistance to editors and can be reflected in coverage.

All of the issues raised during the consultation were considered by the Editors' Code of Practice Committee. They included the subjects in the following sections.

### **Domestic abuse and homicide**

Domestic abuse and homicide attracted a number of submissions and domestic homicide was the subject of a petition presented to the committee by the campaigning organisation Level Up.

Level Up said there had been a "positive shift" in the reporting of fatal domestic abuse since 2018. It called for an amendment to the Code, which would prevent a "romantic framing" for domestic homicide and avoid suggestions that a victim's behaviour triggered the killing. The suggested amendment read:

*In cases where a person has been killed by a partner or former partner, care should be taken not to use language which could frame the killing as an act of 'love', or which could be construed to blame the victim for their death.*

Women's Aid said it was pleased to see that the domestic abuse training it had provided in some newsrooms was having a positive effect. It called for an amendment which read:

#### *Domestic abuse or homicide cases*

*The press must not:*

- 1) Blame the victim for what has happened; or describe the abuse or homicide as a crime of love or passion.*
- 2) Disclose the address or location of a survivor of domestic abuse, or a confidential refuge address where survivors of abuse are housed.*

In addition to receiving the submissions, the committee welcomed the opportunity to meet Women's Aid and Level Up. Representatives of the committee met the leading expert in domestic homicide, Professor Jane Monckton-Smith, author of *In Control, Dangerous Relationships and How They End in Murder*. They also heard directly from families affected by domestic homicide.

The committee considered that the suggested amendments regarding blame would be unduly restrictive and would make it very difficult to cover court cases or inquests where claims are made about blame and crimes of passion. The committee noted that reporting court cases and inquests is one of the press's most important functions. This supports the principle of open justice and therefore the rule of law. The reports can be upsetting for victims and their families but coverage must, as a matter of law, reflect the cases presented by the prosecution and defence without comment, additional background or interpretation.

The committee considered that an unintended consequence of the suggested amendments might be to restrict coverage in cases where an abused person – usually a woman – kills an abusive partner. The proposed amendments might mean it would be a breach of the Code to cover campaigns in support of the person convicted.

The committee noted that there have been concerns that evidence presented in domestic homicide court cases can be incomplete if it fails to detail coercive control. The government commissioned Clare Wade KC to conduct a review of domestic homicide sentencing:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1143045/domestic-homicide-sentencing-review.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1143045/domestic-homicide-sentencing-review.pdf)

The King's Speech reflected the review by including a provision to bring forward legislation to make murders which take place at the end of a relationship a statutory aggravating factor. If this change is enacted it may alter the narrative presented in court and the reports that are subsequently published by the press.

The committee welcomed Women's Aid's point about protecting the addresses of domestic abuse victims and refuges. This is covered by Clause 2 (Privacy) but will also be emphasised in the next edition of the Editors' Codebook.

Women's Aid marks its 50<sup>th</sup> anniversary in 2024 and following contact made in this review a number of regional newspaper groups are discussing an initiative, which could include newsroom awareness sessions and content about domestic abuse.

The journalism department at the University of Sheffield is working with Women's Aid on a domestic abuse module for its postgraduate journalism course and the Code committee has been in contact with the department to offer help.

Domestic violence is already covered by the Editors' Code, including Clause 1 (Accuracy), Clause 2 (Privacy), Clause 3 (Harassment) and Clause 4 (Intrusion into grief or shock).

In recent years IPSO and editors have taken steps to address the issues that arise from domestic abuse and homicide. As noted by the campaign groups, editors have introduced training for journalists to improve understanding of these subjects. Journalists consult the guidelines issued by campaign groups, which may in certain circumstances inform their reporting but are not compulsory.

IPSO has produced guidance for the public on domestic abuse:

<https://www.ipso.co.uk/media/2185/ipso-domestic-abuse-public.pdf>

It says: *It is in the public interest that the press is free to report on important societal issues such as domestic abuse. There are many reasons why newspapers and magazines might report on domestic abuse, including:*

- :: To raise awareness of domestic abuse*
- :: Campaign for better rights for survivors*
- :: Amplify the voices of survivors*
- :: To highlight help and support available*

Domestic abuse also features in IPSO guidance on court reporting:

<https://www.ipso.co.uk/media/2168/ipso-court-reporting-guidance.pdf>

It says: *If a case ends up in court, journalists are allowed to go and can report anything which is said or given as evidence in open court.*

*This means that the judge has not put in place any restrictions on what can be reported.*

*Journalists are generally allowed to identify people who give evidence. This may include their address and a photo of them which may be taken outside court.*

*Journalists are allowed to choose what information they report and do not have to report everything which has been said, but the information they report must be accurate and not misleading.*

IPSO's external resources page on its website also has links to organisations concerned with domestic abuse.

The Editors' Codebook includes a newly-updated link to the informative but non-binding guidance by Women's Aid, which also includes a link to the non-binding guidelines of Level Up:

<https://www.ipso.co.uk/media/2432/reporting-domestic-abuse-in-the-media-updated-june-23-003.pdf>

The committee concluded that the initiatives that were taking place were encouraging. It did not agree a change to the Code, but resolved that the subject would be kept under review.

### **Sexual violence**

The committee welcomed views on sexual violence, which could lead to greater understanding of key issues. It noted that IPSO has also produced guidance on reporting sexual

offences: [https://www.ipso.co.uk/media/1723/sex-off-journo\\_v4.pdf](https://www.ipso.co.uk/media/1723/sex-off-journo_v4.pdf) In its detailed guidance, it says: *The Editors' Code does not set out the language which must be used to describe sexual offences. However, when reporting on sexual offences, journalists are reporting on extremely sensitive and personal matters. Editors and journalists should not lose sight of the fact that victims will often be in a particularly vulnerable position. Care should be taken not to choose terminology which sensationalises the offences, apports blame or implies that the victims consented to the sexual act.*

## Clause 12 (Discrimination)

Clause 12 was the subject of several submissions ranging across several subjects. A common theme was for the clause to be extended to cover groups.

The committee considered the concerns raised within each of the submissions, as discussed further below. While acknowledging the points made, it maintained its view that Clause 12 (Discrimination) should not be extended to cover groups. The Editors' Codebook explains: "... the Code does not cover generalised remarks about groups or categories of people. This would inhibit debate on important matters, would involve subjective views and would be difficult to adjudicate upon without infringing the freedom of expression of others."

The committee considered a call by the Centre for Media Monitoring for Clause 12 to cover institutions and organisations including schools, charities, places of worship, companies and other legal entities but concluded that this would also be unduly restrictive.

The National Union of Journalists called for Clause 12 to cover discrimination against minoritised groups. The NUJ's Code of Conduct (<https://www.nuj.org.uk/about-us/rules-and-guidance/code-of-conduct.html>) says in Clause 9:

*(A journalist) Produces no material likely to lead to hatred or discrimination on the grounds of a person's age, gender, race, colour, creed, legal status, disability, marital status, or sexual orientation*

So, the NUJ does not cover groups in its own code of conduct.

The Centre for Media Monitoring called for a new provision prohibiting the incitement to hatred against any group with protected characteristics. The committee noted that the law already prohibits such incitement, so inserting this into the Code was unnecessary.

The Antisemitism Policy Trust requested that the Code should make clear that Clause 12 complaints could be accepted from representative groups. The committee agreed that such an explanatory paragraph should be included in the revised edition of the Editors' Codebook.

IPSO does accept complaints from representative groups. It has done so, for instance, in the case of the complaint involving Jeremy Clarkson's comments about the Duchess of Sussex.

IPSO states on its website: "...where there is a significant alleged breach of the Editors' Code and a public interest, IPSO's regulations enable us to investigate complaints from representative groups affected by the breach. This is a way of recognising the voices of people who may be affected by coverage that potentially breaches the Code."

The Centre for Media Monitoring said using generic images of Muslims should be avoided when they risk reinforcing stereotypes of Muslims and/or Islam. Likewise using an image of Muslim women in hijab/burqa to illustrate oppression of women should be avoided, unless specifically relevant to the story.

The committee concluded that editors must be free to use the pictures they consider most appropriate to the story if they comply with the Code. The committee noted that IPSO has upheld complaints in relation to the publication of inaccurate and misleading photographs.

The CfMM said comment and opinion pieces which clearly disseminate inaccurate or misleading information should be treated in the same manner as news pieces under Clause 1 Accuracy. The committee noted that Clause 1 (Accuracy) applies to all editorial content, including comment and opinion articles. The Editors' Codebook says: *Clause 1 (iv) protects the press's freedom to editorialise and campaign, but it also demands that the press must distinguish between comment, conjecture and fact. That may lead to opinionated columnists being asked to justify the factual basis for cases they are arguing. In the news columns it might result in a complaint because a claim has been presented as a fact.*

IPSO has upheld complaints about comment pieces, because Clause 1 (Accuracy) does not provide an exemption for them.

Campaigners for sufferers of ADHD (Attention Deficit Hyperactivity Disorder) said Clause 12 should cover groups. They maintained that the press had insinuated that ADHD was not real.

The committee noted that there has been an increase in the number of people diagnosed, or self-diagnosed, with ADHD and editors have responded by asking a basic question of journalism: why? Inaccurate and misleading claims about ADHD could be challenged under Clause 1 (Accuracy).

### **Clause 5 (Reporting suicide)**

The committee received a submission from Samaritans, an organisation that has worked with the press to change coverage of suicide.

The submission said the Code should:

- :: *Remove or replace the word 'excessive' in relation to the detail of suicide methods*
- :: *Acknowledge the extra care required with covering new and emerging suicide methods*
- :: *Address the increased likelihood of imitational suicides following reports of celebrity deaths*
- :: *Address the risks associated with drawing attention to harmful online content*
- :: *Encourage signposting to sources of support when covering suicide*

The committee noted the way in which reporting suicide has evolved. A single sentence clause in the Code has developed into a widespread understanding of the issues involved in covering suicide.

IPSO has produced guidance, which mentions Clause 5 (Reporting suicide), Clause 4 (Intrusion into grief or shock), Clause 1 (Accuracy) and Clause 2 (Privacy). The Editors' Codebook has a link to Samaritans' non-binding guidelines and the chapter on Clause 5 (Reporting suicide) mentions issues raised in the submission by Samaritans. Engagement and training have moved the dial on coverage, without restricting the right to report important stories.

The committee noted that industry has also taken action since the last Code consultation to increase signposting to sources of support on relevant stories and has also coordinated warnings to editors when worrying new methods of suicide have emerged.

Further contact with Samaritans resulted in additional best practice advice being included in the revised Editors' Codebook.

### **Sex and gender identity, pronouns and "deadnaming"**

The continuing debate in society about sex and gender identity prompted a number of submissions.

Trans Media Watch said the Code provides no protection for minority communities. It also said that "deadnaming" – the publication of a trans person's former name - is always intrusive and disrespectful.

There were also submissions on pronouns, one saying the Code should be amended to "stop referring to men who claim to have changed their gender as 'she'."

The committee noted that the Code is effective in relation to the issues surrounding sex and gender. Clause 1 (Accuracy), Clause 2 (Privacy), Clause 6 (Children) and Clause 12 (Discrimination) are all applicable to coverage.

IPSO has conducted a consultation on new guidance, which says: "The Editors' Code is not intended to reconcile the spectrum of opinion in the reporting of sex and gender identity. The Code strikes a balance between the rights of the public to freedom of speech and the rights of the individual not to face personal discriminatory abuse. Freedom of expression must embrace the right to hold views that others might find distasteful and sometimes offensive."

The guidance says: "Within the gender diversity spectrum, there are a wide range of terms to refer to someone's identity. Clause 12 prohibits prejudicial or pejorative reference to an individual's sex and gender. References to someone's gender identity and/or sex may be pejorative, even in the absence of any pejorative term. Editors should consider carefully the relevance and presentation of information relating to an individual's sex or gender identity. This could give rise to a complaint."

### **Reporting terrorism**

Survivors Against Terror submitted a suggestion for an additional clause to the Code:

*Reporting on terror attacks*

*i) When reporting on terror attacks, particular regard should be had to the vulnerable position of victims of terror attacks and their family members, including the bereaved and the seriously injured. Such individuals may be in a state of severe distress, shock and grief, as well as physical pain, and regard should be had to the potential for both newsgathering techniques and reporting to cause further emotional distress.*

*ii) Save in exceptional cases, or where the media have been pro-actively contacted by victims or their families, the media should not seek to directly contact victims or their immediate family members for a period of at least 48 hours following an attack. Contact should instead be made via authorised routes, such as the police or victim support organisations.*

*iii) While taking into account the media's right to report legal proceedings, care should be taken in the publication of images of the perpetrators of a terror attack, or their manifestos, noting the potential of this information to glorify an attack in the eyes of some and lead to an increased risk of further terror attacks being committed in future,*

The committee expressed sympathy for the victims of terrorism and their families. It noted that the Editors' Code can be applied to terrorist outrages. The relevant clauses include: Clause 1 (Accuracy), Clause 2 (Privacy), Clause 3 (Harassment), Clause 4 (Intrusion into grief or shock), Clause 6 (Children), and Clause 8 (Hospitals). In addition, IPSO has produced detailed guidance for coverage <https://www.ipso.co.uk/media/1713/major-incidents-ed-and-journ.pdf>

It says: "Journalists have a responsibility and obligation to society to report on these incidents. They are required to do so quickly and to show the devastating effects of the incident. They can only provide effective coverage by speaking to those affected by the incident."

IPSO has also produced advice for members of the public affected by major incidents: [https://www.ipso.co.uk/media/1714/major-incidents-public\\_v3.pdf](https://www.ipso.co.uk/media/1714/major-incidents-public_v3.pdf)

The Editors' Codebook also deals with terrorism in the chapter relating to Clause 4 (intrusion into grief or shock) and links to Survivors Against Terror's report <https://survivorsagainstterror.org.uk/summary-a-second-trauma/>

The committee considered that section (i) of SAT's suggested clause is a more detailed duplication of Clause 4 of the Code and is unnecessary. It can take a considerable time for the police to determine whether an incident is the result of terrorism – so there would be uncertainty as to when this suggested new clause would apply. The committee considered that Clause 4 (intrusion into grief or shock) can be effectively applied to all tragic events, including terrorism.

Contacting victims and their families is already covered by Clause 2 (Privacy), Clause 3 (Harassment) and Clause 4 (intrusion into grief or shock) and by IPSO's very effective system of advisory notices. The committee also considered that the picture is more complicated than advocating a simple blanket ban. Some families never wish to be contacted in these circumstances, while others welcome the opportunity to talk. For example, they may be seeking information about a possible victim who cannot be traced, or they may be concerned that a security lapse contributed to the outrage. In some circumstances the interests of the authorities and the victims and their families may not be aligned, and it is important to know if they wish to exercise their right to freedom of speech, which can be determined by sensitive press inquiries, whilst still complying with the Code.