

The Preamble

COMPLAINTS cannot be made under the terms of the Preamble, but it sets the tone for the entire Code. It emphasises the demanding requirements made of subscribers to IPSO – and also the wider spirit that underpins self-regulation.

Publications regulated by IPSO have made a contractual commitment to follow the Code’s framework for high standards and the tough conditions of membership set by the industry’s regulator. Those conditions mean establishing internal procedures that deal swiftly with complaints and guaranteeing full cooperation with IPSO.

Publications accept that if IPSO delivers an adverse adjudication, or requires a correction, it must be published in full and with “due prominence”, as required by the regulator. Where an error has been made in a story that has appeared on the front page of a newspaper, that can mean an adjudication or correction appearing on the front page, or being signposted there.

For example, when The Sun was found to have breached the Code with a story featuring the headline “Queen Backs Brexit”, IPSO laid down exactly how the newspaper should make amends. It directed that the adjudication should be published in full on page two under the headline “IPSO rules against Sun’s Queen headline”. It also said that headline should also be published on the newspaper’s front page – directing readers to the adjudication on page two – and

WHAT THE CODE SAYS

The Code – including this preamble and the public interest exceptions below – sets the framework for the highest professional standards that members of the press subscribing to the Independent Press Standards Organisation have undertaken to maintain. It is the cornerstone of the system of voluntary self-regulation to which they have made a binding contractual commitment. It balances both the rights of the individual and the public’s right to know.

To achieve that balance, it is essential that an agreed Code be honoured not only to the letter, but in the full spirit. It should be interpreted neither so narrowly as to compromise its commitment to respect the rights of the individual, nor so broadly that it infringes the fundamental right to freedom of expression – such as to inform, to be partisan, to challenge, shock, be satirical and to entertain – or prevents publication in the public interest.

It is the responsibility of editors and publishers to apply the Code to editorial material in both printed and online versions of their publications. They should take care to ensure it is observed rigorously by all editorial staff and external contributors, including non-journalists.

Editors must maintain in-house procedures to resolve complaints swiftly and, where required to do so, co-operate with IPSO. A publication subject to an adverse adjudication must publish it in full and with due prominence, as required by IPSO.

The Code goes beyond a narrow, legal interpretation of the rules, which could provide loopholes, and instead talks about the Code being honoured “not only to the letter but in the full spirit”.

should appear in the same position, and same size, as the original story’s sub-headline which appeared on the front page, within a border distinguishing it from other editorial content on the page.

Likewise, when the Daily Telegraph was censured for a front-page story with the headline “Sturgeon’s secret backing for Cameron”, IPSO said the adjudication should be published on page two of the print edition of the newspaper and a reference to the adjudication must be published on the front page, directing readers to page two.

IPSO instructed that the headline should make clear that IPSO had upheld the complaint, and it must be agreed in advance.

However, “due prominence” does not automatically mean that a correction or adjudication must appear where the offending article was originally published.

Most newspapers and websites now carry well-established

and signposted corrections and clarifications columns. If IPSO is satisfied that a corrections and clarifications column is prominently labelled, appears regularly, and gives details of how to complain to IPSO, it may well determine it is the appropriate place for a correction or adjudication, although in the case of adjudications it will normally require them to be placed, or signposted, on or before the page where the original article appeared.

Subscribers to IPSO have agreed that the regulator can launch a standards investigation when there might have been serious and systemic breaches of the Editors’ Code, which can result in a fine of up to £1 million.

Publications must ensure the Code is observed rigorously by all contributors, whether they are on the staff or not. For example, Mirror.co.uk, Metro.co.uk and the Daily Mail received complaints after reporting that a court had been told a woman funded cosmetic surgery by selling fake hair straighteners. The allegation had not been made in court. The story was filed by an agency but that did not clear the newspapers of responsibility.

In one of the adverse adjudications, IPSO said the agency had provided inaccurate copy but added: “However, this did not absolve the newspaper of its obligations under the Code. The newspaper failed to take care not to publish inaccurate information, resulting in the publication of a significant inaccuracy.”

Hawk v Metro.co.uk: www.ipso.co.uk/rulings-and-resolution-statements/ruling/?id=01568-14

Hawk v Mirror.co.uk: www.ipso.co.uk/rulings-and-resolution-statements/ruling/?id=01319-14

Hawk v Daily Mail: www.ipso.co.uk/rulings-and-resolution-statements/ruling/?id=01571-14

The fact that publishers are contractually bound to ensure the Code is observed is a protection for their journalists. And any journalist who feels under pressure to act in a way that is not in line with the Editors' Code can confidentially register their concerns or seek advice by calling a whistleblowing hotline on 0800 032 0243, 24 hours a day, 365 days a year, or can complete an online form.

IPSO scrutinises how publications maintain standards and requires them to submit annual reports giving details of their complaints procedures and training. They have to own up to the mistakes they have made and say what they have changed as a result.

They have agreed to all of that in a binding contract. But there is more, as the Preamble explains. The Code goes beyond a narrow, legal interpretation of the rules, which could provide loopholes, and instead talks about the Code being honoured "not only to the letter but in the full spirit". That means that instead of legalistic quibbling, the Code should be honoured in what we might perhaps all recognise as the spirit of "fair play" and "doing the right thing".

That flexibility helps to balance the rights of the individual and the public's right to know. If the Code is interpreted too narrowly, it might compromise the commitment to respect the rights of the individual. If it is interpreted too broadly, it might infringe the fundamental right to freedom of expression, or prevent publication in the public interest.

Vigorous journalism can be a force for good in society and,

as the Preamble points out, freedom of expression can mean a wide range of things, including informing, entertaining, challenging, shocking, being satirical and being partisan. The Press can and should have the right to be all those things and more but the Code clauses that follow – and against which complaints can be submitted – show how that right is balanced by responsibilities.