

Code Committee Chairman's annual report: 2006

The Editors' Code of Practice has been the ethical compass of British journalism for 16 years, but not by staying the same. It has evolved to suit changed circumstances, and survived many critical tests. Much of the Code has been copied, often word for word, by self-regulatory press regimes in other countries.

While the Code evolves, its role is unchanging. It remains the voluntary set of standards that the British press industry sets for itself, and by which its activities can be judged when disputes arise. It is agreed, and developed, by editors themselves. It does not attempt to replicate the law.

Any system aimed at maintaining high journalistic standards obviously requires a normal adherence to the law. It is not, however, the Code's job to mimic the law. Indeed, it would often be dangerous to do so, exposing journalists to a kind of double jeopardy. For similar reasons, problems arise when the law sets out to duplicate the Code.

Yet, while those in political and legal circles recognise these dangers to some degree, a fundamental and disturbing misunderstanding of the Code's role lingers on. There is a persistent expectation that the law and the Code should mirror each other. Last year saw several examples.

The Information Commissioner, alarmed at the use of private detective agencies to obtain confidential information, suggested tougher action within the Code to prevent what is clearly illegal activity, with existing penalties of unlimited fines and a further government proposal for prison sentences. In another case, after a reporter was jailed for accessing the voicemail boxes of mobile phones, it was suggested that somehow the Code, which already bars such activity unless demonstrably in the public interest, had failed.

On the other side of the equation, the Government produced proposals to legislate on payments to criminals for their stories, even though it is accepted that the self-regulatory Code already works well. Elsewhere, there were suggestions the Code should cover contempt of court, an area that is self-evidently for the courts to decide.

There will always be grey areas, but the self-regulatory system could be seriously undermined if the law and the Code become too intertwined. The law must always take precedence.

It would threaten to weaken the Code where it is strongest. Currently it can require of newspapers and magazines commitments that it would be neither possible, nor desirable, for the law to impose.

There are numerous examples to support this position. Last year, for instance, we introduced a new rule in the Code on reporting suicide. This, as with all matters involving private grief, is a sensitive area. There are wide differences on how it should be approached. Some groups advocate a ban on all reporting of suicide, unless there is a public interest. However, with suicides increasing, this is clearly an area of legitimate public interest.

With such a range of divergent views, it would be difficult to draft workable legislation. But the Code Committee was able to address one critical problem on which there was agreement. We received convincing evidence, from the Samaritans and others, that media reporting of suicide often prompts copycat cases. It is an international phenomenon.

So we sought to reduce that risk by emphasising the need for care in avoiding excessive detail of the method of suicide used. It would be for the Press Complaints Commission to decide, in handling complaints, what was excessive. The Samaritans welcomed the change.

It would be difficult, probably impossible, to write a law to achieve the same result.

Similarly, the Code has been extended to cover, within certain limits, the new areas of information appearing in online versions of newspapers and magazines. It is a significant step forward in an area that is – for very good reasons - inappropriate for traditional statutory controls.

Perhaps the lesson of this is that we should be clear on where the boundaries lie. The law is supreme and must do its job. The Code is a voluntary set of rules performing an additional, complementary, role.

The two work well, while they are kept separate and distinct.

Finally, during the year Paul Potts stood down from the Committee, having given up his role as Editor in Chief of the Press Association. We thank Paul for his wise counsel, and welcome in his place PA's Editor, Jonathan Grun. The Committee relies totally on the quality of its members, which remains of the highest level. I am grateful

for their continued commitment.

Les Hinton

Chairman of the Code Committee

Executive Chairman of News International plc