



Clever Content.

Sir Alan Moses
Chairman
Independent Press Standards Organisation
Gate House
1 Farringdon Street
London
EC4M 7LG

1 September, 2015

Dear Sir Alan,

I have pleasure in submitting the Press Association's statement to Ipso for the period September 8, 2014 to December 31, 2014.

I am pleased to report that no complaints were made against PA to Ipso and no breaches of the Editors' Code were recorded.

It was a period when the launch of Ipso prompted us to re-examine all of our internal procedures for dealing with complaints and training and to put in place what we believe are even more robust systems.

I hope that this report provides you with the information you require and I am available to answer any questions that you may have.

Yours sincerely,

Peter Clifton

Editor-in-Chief



Clever Content.

PRESS ASSOCIATION ANNUAL STATEMENT TO IPSO, 8 SEPTEMBER TO 31 DECEMBER 2014

Introduction

The Press Association is the national news agency of the United Kingdom and Ireland.

It was founded in 1868 and sits at the heart of the media industry.

The service has moved with the times and now provides a wide range of content for use on multiple platforms by our customers. Our output includes text, pictures, video, social media, graphics and data.

The Press Association is owned by national and regional media organisations and its services are bought by almost every media outlet in the UK.

The responsible person for Ipsos matters is the Editor-in-Chief Peter Clifton.

Our editorial standards

The Press Association strives to maintain high editorial standards. We declare that our service is "Fast, Fair and Accurate". Our customers expect to be able to use a PA story without making further checks, so we are always aware of the burden of responsibility that we carry when we report stories.

We believe in robust and vigorous pursuit of stories but we are also risk averse on behalf of our customers, particularly if legal risks or issues relating to the Editors' Code are involved.

The surest safeguard for PA and our customers is that our stories are sourced. PA does not declare that breaking news is a fact: it attributes it to a named source or - very rarely - an un-named but wholly reliable source.

So, a story on the wire about a major breaking story will be attributed to a source and our customers will be able to rely on it as an accurate report of what has been announced.

The process is, of course, slightly more complex, because even if a story can be attributed we may still carry out further checks, as not all sources issuing statements are reliable.

News is often referred to as the first draft of history and reporting it is certainly not an exact science. Sometimes, in the heat of covering breaking news, the story will change and some details may simply prove to be wrong. For example, names may be spelled incorrectly for some reason.

If we make an error in a story we take immediate steps to correct it and to draw it to our customers' attention.



Clever Content.

Like all media organisations we are subject to pressure from the people and organisations that we report on, some of whom claim we have got the story wrong. We always investigate these claims in real time as soon as they are made and if we believe that the complaint is only being made because we have exercised our right to highlight a legitimate angle on a story that does not please them we will resist their claims, even if this may involve the threat of a complaint to Ipso.

The nature of our journalism means we do not have to routinely seek guidance from Ipso but we act upon advisories issued by Ipso. We would also approach Ipso if we needed guidance on the latest view on certain issues. And we would also speak to Ipso if we thought that our services might help in a delicate situation. For example, PA pooled coverage often prevents a media scrum developing and it may be that this would be the subject of a discussion with Ipso.

Our complaints handling process

The Press Association has always prided itself on its willingness to deal with complaints quickly and reasonably, whether received directly or via the regulator.

If we believe that we have broken the Editors' Code we will always seek to resolve the complaint to the satisfaction of the complainant. If we do not believe that the Code has been broken we will present reasoned arguments to that effect to the complainant or to Ipso.

The launch of Ipso has led to us preparing a new documented complaints procedure, which we have attached as Appendix A.

The Editor-in-Chief or a senior colleague is responsible for handling complaints.

We have a permanent central register held on our editorial system of complaints and their outcomes.

If a customer receives a complaint about a story that contains PA content we will always assist them as they deal with it.

Our training process

We have always insisted that our editorial staff are aware of the many responsibilities that they have with regard to media law and the Editors' Code.

The launch of Ipso has prompted our associated company PA Training to develop an online training course on the Editors' Code. In the period under review we signalled our intention to train all of our editorial staff using the online system and I am pleased to report that as soon as the software became available in 2015 we launched a comprehensive training programme for all eligible editorial staff. All these staff have now completed the training.



Clever Content.

In addition to this training programme the editor of Media Law, also an associated PA enterprise, circulates regular updates for the benefit of staff. Ipso advisories are available on the editorial system and the Editor-in-Chief uses staff advisories to highlight issues of concern as they arise.

In previous years the PCC visited PA to brief staff on topics causing concern and Ipso has agreed to resume this very useful service.

Our record on compliance

I am pleased to report that there were no complaints against PA which have been ruled on by Ipso's Complaints Committee over the period under review.

Appendices

Appendix A

Complaints procedure

Appendix B

Why people trust PA

This document explains PA's approach to journalism. It is available on our intranet and is drawn to the attention of staff



Clever Content.

WHY PEOPLE TRUST THE PRESS ASSOCIATION

The core editorial values of the Press Association can be summed up in three words: fast, fair and accurate. All are equally important: the PA does not sacrifice accuracy or balance for the sake of speed. As we sometimes say: "We must be first - but first we must be right."

These are the guiding principles for everything the PA reports, photographs, writes or broadcasts and they underpin our reputation for journalistic integrity. They explain why PA is trusted both by those we report on and the customers who use the service. They believe we offer them a fair deal.

The responsibility on the PA and its journalists is immense. The Press Association helps set the news agenda. It influences both the decision-making and what eventually appears each day in newspapers, websites and broadcast media across the country and around the world. When a story breaks, the cry across the newsroom that "it's on PA" is the catalyst for action.

The PA's official history says: "Throughout the media industry, the PA has a reputation for speed, accuracy, fairness and flexibility. It does not have any political views. It writes no opinionated editorials - or editorials of any kind whatsoever. It does not campaign or crusade. It simply gathers the news and the pictures and distributes them as fast as modern communications systems will allow."

The following notes outline how our guiding principles apply. It is essential that these rules are honoured not only to the letter but in the full spirit. That is what PA's sense of fair play is about.

- Every reasonable endeavour will be made to ensure all material transmitted in the name of the Press Association is factual, fair and is sent to customers without unnecessary delay.
- All our stories carry attribution and wherever possible the source is identified and on the record.
- All PA reporters, writers and photographers will follow rigorously the Editors Code in its true spirit.
- Any serious error of fact will be corrected at the earliest opportunity and, where applicable, a suitable apology or clarification will be transmitted to customers.



Clever Content.

- To be trusted the PA must be editorially independent. It is the duty of the PA Editor to resist attempts by any individual or organisation to unduly influence the content of the PA wire.
- Organisations cannot buy their way onto the PA wire - a business relationship with PA's commercial division will not influence the editorial judgment of journalists providing the main wire. The usual news values will apply. Likewise, individual journalists will not file copy or pictures as the result of receiving an inducement and in disregard of editorial judgment.
- All PA customers will be treated equally, regardless of size, influence or power and with courtesy and consideration. We go the extra mile to help all our customers.
- Our responsibility to our customers means that we must combine vigour in pursuing stories with caution. For example, when following up exclusives, we must balance the demand to get a story on the wire with the requirement to behave responsibly.
- When the PA provides pooled coverage on behalf of all the media, we will supply the material to all the organisations who usually participate in pooled coverage and at our discretion to other media organisations.
- The PA's central role in the media allows us privileged access to information but we will never exploit this position and will ensure that such material is provided to all our customers. Embargoed information must never leak from PA: it would be a betrayal of the trust placed in us.
- In general the PA will not make payments to individuals for stories, features or pictures. Any exception must be agreed at department head level and such transactions must adhere strictly to the Editors' Code of Conduct.



Clever Content.

DEALING WITH COMPLAINTS

The Press Association sets high editorial standards, follows the Editors' Code - in its spirit and not just to the letter - and readily corrects mistakes.

We deal with complaints effectively but as we are now a member of the Independent Press Standards Organisation (Ipsos) we are required to have a documented internal complaints procedure.

This is the first version of the complaints procedure.

Complaints may be made in good faith because there is a genuine belief we have got something wrong. They may also be made in an attempt to intimidate us.

By following this robust complaints procedure we can speedily resolve genuine complaints and we can stand up to the bullies.

Dealing with a complaint may take only a few minutes. For example, we may have spelled somebody's name incorrectly and we run an immediate correction. But some complaints will need more consideration and the exercise of judgment. For example, we may receive a complaint that our story unfairly represents what someone has said. In these cases investigations may take longer before we can reach a conclusion. In both cases the principles underlying our actions remain the same.

We must always take a complaint about PA content seriously. This is because it is only fair to do so. It is also because if we do not deal effectively and fairly with a complaint we may find ourselves embroiled in a lengthy process involving Ipsos.

The new Ipsos complaints system requires members to attempt to resolve complaints using their internal complaints procedures. If that process fails, or if there is no resolution after 28 days, Ipsos will launch its own investigation.



Clever Content.

So, whether we receive a complaint directly from the complainant or via Ipso, we have an opportunity to resolve it using our own internal complaints procedure.

It is of course essential that all PA journalists should have a good working knowledge of the industry's Code of Practice and must pass whatever tests are required to prove that. Ipso will require us to demonstrate the steps we take to ensure compliance by our staff. A copy of the Code is attached to this document.

Complaints sent directly to PA and not arising from an approach to Ipso

Complainants may approach us directly without first contacting Ipso.

If individual PA journalists try to resolve complaints on their own they could make the matter worse - for example, it is not acceptable to bury a correction in a new lead.

So in all these cases the journalist who receives a complaint must raise it with the duty editor, who will decide what to do, take prompt action and if necessary escalate the complaint to the Editor-in-Chief.

The duty editor should treat all complaints seriously and attempt to find a fair resolution. We should not adopt a defensive position and should maintain an open mind.

The objective should always be to seek a fair, speedy resolution if we accept that we have made a mistake.

For example, if it is clear that an error has been made we should promptly take action to make amends.

Remedial action may include:



Clever Content.

- Writing to the complainant
- Amending our internal files
- A correction on the wire
- A clarifying advisory
- Killing the story, picture, video or other content and taking follow-up action to remove it from online sites
- An apology and correction or clarification on the wire

We may seek the agreement of the complainant before taking some of these measures on the understanding that they will draw a line under the matter.

If after a thorough investigation we do not think that we have done anything wrong we should inform the complainant that we reject their complaint.

We should also inform them that we are regulated by Ipso and follow the Code of Practice. This information means they will know that they can take their complaint further by going to Ipso if they still believe they have a grievance against us.

It is rare that we will find ourselves in this position but if we do we have to be prepared for a complaint to be made to Ipso and we must be very confident that we will defend it successfully.

This decision to finally reject a complaint should therefore be taken by the Editor-in-Chief, or the duty editor.



Clever Content.

In this case we should ensure that we have a document trail of how we handled the complaint in case it goes forward to Ipso. We should keep letters and emails and make a note of phone calls relating to a complaint, particularly if you think it will not be resolved swiftly to everyone's satisfaction.

See below for how Ipso will deal with complaints. We must offer full cooperation with an Ipso inquiry about a complaint.

Complaints arising from an approach direct to Ipso

The first we may learn about a complaint against us could be a referral from Ipso – the complainant has gone directly to the regulator without contacting us. In this case we will be required to try to resolve it using our internal complaints procedure.

Responding to a complaint from Ipso will be the responsibility of the Editor-in-Chief, although he may delegate investigation of it to a senior editor.

The procedure will be similar to handling complaints which come directly to us.

The investigating editor should treat all complaints seriously and attempt to find a fair resolution. We should not adopt a defensive position and should maintain an open mind.

The objective should always be to seek a fair, speedy resolution if we believe that we have made a mistake.

For example, if it is clear that an error has been made we should promptly take action to make amends.

Remedial action may include:

- Writing to the complainant



Clever Content.

- Amending our internal files
- A correction on the wire
- A clarifying advisory
- Killing the story, picture, video or other content and taking follow-up action to remove it from online sites
- An apology and correction or clarification on the wire

We should seek the agreement of the complainant before taking some of these measures on the understanding that they will draw a line under the matter.

If we fail to reach a satisfactory resolution with the complainant, or if a resolution is not reached within 28 days Ipsos may take over the investigation.

We should offer full cooperation and behave in a fair and transparent manner.

Maintaining records of complaints

Ipsos will require us to file an annual return on our complaints procedure, what we have done to ensure compliance and the complaints that we have received that were referred to Ipsos.

If we have a complaint that involves Ipsos we must keep a record of all correspondence and the relevant content so that we will be able to present the case effectively and summarise it when we make our report to Ipsos.

Senior editorial staff have access to a shared folder named Ipsos (link:

<https://pressassociation.sharepoint.com/sites/Editorial>). Inside there will be a file for the



Clever Content.

year in question and files for individual cases dealt with during that year. Copies of relevant documents including correspondence should be copied into the file.

Access has been granted to: Pete Clifton, Teilo Colley, Alan Marshall, Richard Woodward, Martin Keene, Wesley Johnson, Ashley Broadley, Stephen Godsell, Tony Johnston and Jonathan Grun. More names can be added as necessary.



Clever Content.

The Ipso complaints procedure

This is how Ipso explains its complaints procedure to the public:

Complaints Procedure

1. Initial assessment

Once we have received your complaint we will assess whether it falls within our remit and whether it raises a possible breach of the Code. If not, the Complaints Officer handling your complaint will write to you to explain the reasons why we are unable to take your concerns forward. You are entitled to request a review of this decision within seven days.

2. Referral to the publication

If your complaint raises a possible breach of the Code, and you have not previously exhausted the publication's own complaints procedure, we will pass on the detail of your complaint to the editor, who should seek to resolve the matter directly with you.

IPSO can take over the handling of your concerns either once the publisher's internal complaints procedures have been exhausted, or if the matter has not been resolved after 28 days. We may begin to consider the complaint before this, if we consider it is essential for us to do so.

If at any time whilst your complaint is with the publication you have any difficulties dealing with the publication directly, you feel that the process has been exhausted, or believe that our earlier involvement is essential, you should contact us. We will be happy to give you informal guidance on your complaint or the Editors' Code of Practice at any time during this period and are here to support you in dealing with the publication.

If your complaint is successfully resolved by the publication, please let us know as soon as possible. If we have not heard from you by the end of 28 days, we will write to you to ask whether you wish to pursue your complaint to IPSO and to request that you provide us with copies of your correspondence with the publication.



Clever Content.

You will be provided with a copy of the publication's response to your complaint, and given the opportunity to comment on this. We will also seek to mediate an outcome to your complaint which is satisfactory to you, if appropriate.

We will strive to conclude our investigation of your complaint as swiftly as possible. To this end IPSO requires that both publications and complainants comply with the deadlines for correspondence set out in its regulations. The Complaints Committee is able to take any unreasonable delay in correspondence into account in coming to a view on a complaint.

4. Adjudication by the Complaints Committee

If your complaint remains unresolved, the Complaints Committee will decide whether there has been a breach of the Editors' Code. In line with our commitment to transparency, the Complaints Committee will take into account only information which has been seen by both sides to the complaint, and will publish its decision setting out whether the Editors' Code has been breached, and why, on our website.

The Complaints Committee will consider requests by complainants for the removal of identifying or other details from the Committee's published decisions on a case-by-case basis, but will start from the standpoint that decisions should generally be published in full. This presumption will not apply in cases involving intrusion into privacy.

5. Remedies

If the Complaints Committee determines that the Code has been breached, it can require the publication of its upheld adjudication and/or a correction. The nature, extent and placement of corrections and adjudications will be determined by the Complaints Committee.

6. Review of the process

If your complaint proceeds through steps 2 through 5 but you are unhappy with the process by which the decision of the Complaints Committee was made, you may request a review by the Complaints Reviewer. The Complaints Reviewer post must be filled by an



Clever Content.

an IPSO Board member, and is currently Richard Hill MBE. You can see more information about him here.

Any request for a review must be made in writing within 14 days after the Complaints Committee issues its decision to:

Complaints		Review		Request
c/o	IPSO	at	Halton	House
20/23				Holborn
London EC1N 2JD				

Or by email to: complaintsreviewer@ipso.co.uk

IPSO will then decide whether to refer the complaint to the Complaints Reviewer. If the referral is made, the Reviewer will review the process by which the decision was made, and inform the Complaints Committee within 14 days whether it considers that the process was substantially flawed. If the Reviewer does not consider that the process was substantially flawed, the decision will then be issued. If the Reviewer does consider that the process was substantially flawed, the decision will be reviewed by the Complaints Committee, taking into account the Complaints Reviewer's findings. The Committee will then issue its final findings.

7. Complaints which are not pursued

IPSO expects both publications and complainants to cooperate with it in the prompt consideration of complaints. Should we not receive an initial response to correspondence, we will generally contact you with a further request for a reply within a specified time period. If you require further time in which to respond, please write to us as soon as possible explaining why you are unable to reply substantively and when you expect to be in a position to reply. We will seek to accommodate reasonable requests. If we do not receive a substantive reply within the specified period, we may close your complaint as not pursued. Alternatively, the Committee may proceed to consideration of the complaint without the benefit of your comments.

IPSO will not generally reopen a complaint which has been closed as a consequence of a failure by the complainant to provide a timely response. Complainants who seek to revive complaints that have previously been closed as not pursued will be asked to



Clever Content.

explain the reasons for the delay in their response. IPSO will only reopen a complaint where, in the view of its Executive (having considered the reasons given and the full circumstances of the complaint), to refuse the request would be unreasonable.

8. Unacceptable behaviour by complainants and vexatious complaints

a) In general, the staff of IPSO's Executive will be accessible and courteous to everyone who comes into contact with us.

b) We understand that in some cases complainants will contact us in highly distressing circumstances, and may need significant support and assistance; we will not normally limit the contact which complainants have with the Executive. However, in a small minority of cases, complainants seek to interact with the Executive in an unacceptable way.

c) IPSO's Regulations make clear that it may reject without further consideration complaints which are vexatious or disproportionate. IPSO interprets this provision to apply both to the nature of the complaint, and to the manner in which it is pursued.

d) IPSO does not expect its staff to tolerate unacceptable behaviour by complainants. Unacceptable behaviour may involve vexatious or disproportionate pursuit of a complaint. It also extends to any other behaviour that, because of its frequency or nature, hinders IPSO's ability to handle complaints effectively, including:

- i. using abusive, offensive, aggressive, racist or foul language in conversation or correspondence with staff;
- ii. harassing, verbally abusing or seeking to intimidate staff;
- iii. engaging in unreasonably protracted or repetitive communications with staff;
- iv. attending IPSO's offices and seeking to speak with a member of staff without an appointment;
- v. repeatedly refusing requests by staff to follow IPSO's procedures, despite having been provided with appropriate information about these procedures;
- vi. making persistent and/or unreasonable demands of staff and/or the complaints process.

e) IPSO reserves the right to take appropriate action in cases where complainants are exhibiting unacceptable behaviour, including by restricting the manner in which



Clever Content.

complainants may communicate with IPSO's staff or declining to further consider a complaint.

This is the industry's Code of Practice:

Editors' Code of Practice

The Independent Press Standards Organisation (IPSO), as Regulator, is charged with enforcing the following Code of Practice, which was framed by the Editors' Code of Practice Committee and is enshrined in the contractual agreement between IPSO and newspaper, magazine and electronic news publishers.

The Code

All members of the press have a duty to maintain the highest professional standards. The Code, which includes this preamble and the public interest exceptions below, sets the benchmark for those ethical standards, protecting both the rights of the individual and the public's right to know. It is the cornerstone of the system of self-regulation to which the industry has made a binding commitment.

It is essential that an agreed code be honoured not only to the letter but in the full spirit. It should not be interpreted so narrowly as to compromise its commitment to respect the rights of the individual, nor so broadly that it constitutes an unnecessary interference with freedom of expression 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 publications. They should take care to ensure it is observed rigorously by all editorial staff and external contributors, including non-journalists, in printed and online versions of publications.

Editors should co-operate swiftly with the Independent Press Standards Organisation CIC (the 'Regulator') in the resolution of complaints. Any publication judged to have breached the Code must publish the adjudication in full and with due prominence agreed by the Regulator, including headline reference to the Regulator.

Clause 1 Accuracy



Clever Content.

- i) The Press must take care not to publish inaccurate, misleading or distorted information, including pictures.
- ii) A significant inaccuracy, misleading statement or distortion once recognised must be corrected, promptly and with due prominence, and - where appropriate - an apology published. In cases involving the Regulator, prominence should be agreed with the Regulator in advance.
- iii) The Press, whilst free to be partisan, must distinguish clearly between comment, conjecture and fact.
- iv) A publication must report fairly and accurately the outcome of an action for defamation to which it has been a party, unless an agreed settlement states otherwise, or an agreed statement is published.

Clause 2 Opportunity to reply

A fair opportunity for reply to inaccuracies must be given when reasonably called for.

*Clause 3 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.
- iii) It is unacceptable to photograph individuals in private places without their consent. Note - Private places are public or private property where there is a reasonable expectation of privacy.

*Clause 4 Harassment

- i) Journalists must not engage in intimidation, harassment or persistent pursuit.



Clever Content.

ii) They must not persist in questioning, telephoning, pursuing or photographing individuals once asked to desist; nor remain on their property when asked to leave and must not follow them. If requested, they must identify themselves and whom they represent.

iii) Editors must ensure these principles are observed by those working for them and take care not to use non-compliant material from other sources.

Clause 5 Intrusion into grief or shock

i) In cases involving personal grief or shock, enquiries and approaches must be made with sympathy and discretion and publication handled sensitively. This should not restrict the right to report legal proceedings, such as inquests.

*ii) When reporting suicide, care should be taken to avoid excessive detail about the method used.

*Clause 6 Children

i) Young people should be free to complete their time at school without unnecessary intrusion.

ii) A child under 16 must not be interviewed or photographed on issues involving their own or another child's welfare unless a custodial parent or similarly responsible adult consents.

iii) Pupils must not be approached or photographed at school without the permission of the school authorities.

iv) Minors must not be paid for material involving children's welfare, nor parents or guardians for material about their children or wards, unless it is clearly in the child's interest.

v) Editors must not use the fame, notoriety or position of a parent or guardian as sole justification for publishing details of a child's private life.

*Clause 7 Children in sex cases



Clever Content.

1. The press must not, even if legally free to do so, identify children under 16 who are victims or witnesses in cases involving sex offences.

2. In any press report of a case involving a sexual offence against a child -

i) The child must not be identified.

ii) The adult may be identified.

iii) The word "incest" must not be used where a child victim might be identified.

iv) Care must be taken that nothing in the report implies the relationship between the accused and the child.

***Clause 8 Hospitals**

i) Journalists must identify themselves and obtain permission from a responsible executive before entering non-public areas of hospitals or similar institutions to pursue enquiries.

ii) The restrictions on intruding into privacy are particularly relevant to enquiries about individuals in hospitals or similar institutions.

***Clause 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 who witness, or are victims of, crime. This should not restrict the right to report legal proceedings.

***Clause 10 Clandestine devices and subterfuge**

i) The press must not seek to obtain or publish material acquired by using hidden cameras or clandestine listening devices; or by intercepting private or mobile telephone calls, messages or emails; or by the unauthorised removal of documents or photographs; or by accessing digitally-held private information without consent.



Clever Content.

ii) Engaging in misrepresentation or subterfuge, including by agents or intermediaries, can generally be justified only in the public interest and then only when the material cannot be obtained by other means.

Clause 11 Victims of sexual assault

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

Clause 12 Discrimination

i) The press must avoid prejudicial or pejorative reference to an individual's race, colour, religion, gender, sexual orientation or to any physical or mental illness or disability.

ii) Details of an individual's race, colour, religion, sexual orientation, physical or mental illness or disability must be avoided unless genuinely relevant to the story.

Clause 13 Financial journalism

i) Even where the law does not prohibit it, journalists must not use for their own profit financial information they receive in advance of its general publication, nor should they pass such information to others.

ii) They must not write about shares or securities in whose performance they know that they or their close families have a significant financial interest without disclosing the interest to the editor or financial editor.

iii) They must not buy or sell, either directly or through nominees or agents, shares or securities about which they have written recently or about which they intend to write in the near future.

Clause 14 Confidential sources

Journalists have a moral obligation to protect confidential sources of information.

Clause 15 Witness payments in criminal trials



Clever Content.

i) No payment or offer of payment to a witness - or any person who may reasonably be expected to be called as a witness - should be made in any case once proceedings are active as defined by the Contempt of Court Act 1981.

This prohibition lasts until the suspect has been freed unconditionally by police without charge or bail or the proceedings are otherwise discontinued; or has entered a guilty plea to the court; or, in the event of a not guilty plea, the court has announced its verdict.

*ii) Where proceedings are not yet active but are likely and foreseeable, editors must not make or offer payment to any person who may reasonably be expected to be called as a witness, unless the information concerned ought demonstrably to be published in the public interest and there is an over-riding need to make or promise payment for this to be done; and all reasonable steps have been taken to ensure no financial dealings influence the evidence those witnesses give. In no circumstances should such payment be conditional on the outcome of a trial.

*iii) Any payment or offer of payment made to a person later cited to give evidence in proceedings must be disclosed to the prosecution and defence. The witness must be advised of this requirement.

*Clause 16 Payment to criminals

i) Payment or offers of payment for stories, pictures or information, which seek to exploit a particular crime or to glorify or glamorise crime in general, must not be made directly or via agents to convicted or confessed criminals or to their associates - who may include family, friends and colleagues.

ii) Editors invoking the public interest to justify payment or offers would need to demonstrate that there was good reason to believe the public interest would be served. If, despite payment, no public interest emerged, then the material should not be published.



Clever Content.

The public interest

There may be exceptions to the clauses marked * where they can be demonstrated to be in the public interest.

1. The public interest includes, but is not confined to:

i) Detecting or exposing crime or serious impropriety.

ii) Protecting public health and safety.

iii) Preventing the public from being misled by an action or statement of an individual or organisation.

2. There is a public interest in freedom of expression itself.

3. Whenever the public interest is invoked, the Regulator will require editors to demonstrate fully that they reasonably believed that publication, or journalistic activity undertaken with a view to publication, would be in the public interest and how, and with whom, that was established at the time.

4. The Regulator will consider the extent to which material is already in the public domain, or will become so.

5. In cases involving children under 16, editors must demonstrate an exceptional public interest to over-ride the normally paramount interest of the child.