

ANNUAL IPSO STATEMENT FOR ADVERTISER MEDIA GROUP - JANUARY 1 TO DECEMBER 31, 2017

Advertiser Media Group every Thursday publishes a two-edition paid-for weekly newspaper.

The edition titles are Newark Advertiser and Southwell Advertiser. An associated website is updated daily and a free weekly newspaper, the Newark Trader, is published on Tuesdays.

The independent, family-owned newspaper has served the town of Newark and surrounding areas since 1854 and has a circulation of 11,000. The online audience is 86,000 unique users per month.

The company chairman is Joanna Parlby, the managing director is Steve Wilson and the editor is Chris Prime.

The responsible person is Chris Prime c.prime@newarkadvertiser.co.uk

EDITORIAL STANDARDS

The Advertiser adheres to high editorial standards, with particular emphasis on balance and accuracy.

All members of the editorial department are issued with copies of the Editors' Code of Practice and are expected to adhere to it. New copies are issued as and when the code is updated.

All members of the editorial team have received hard copies and electronic copies of the Editor's Code of Practice revised for 2018; a press release from the Editor's Code of Practice Committee regarding the changes; and a report detailing the review of the Code of Practice that was carried out in 2017.

The Advertiser is a member of the News Media Association and consults with its media lawyers, should advice be required prior to publication of a story. Advice has been offered, and followed, on a number of occasions. Stories are not published if we are not confident they are legally sound.

Pre-publication advice in relation to the Editors' Code may be sought from IPSO if the Editor deems it necessary. That situation did not arise in 2017.

Any pre-publication guidance received from IPSO would be carefully considered as part of discussions on whether to publish an article.

As previously stated, the Advertiser strives for balance and accuracy in its reporting and a right to reply is always offered.

Independent verification of stories is sought when necessary. For example, when the Advertiser received a tip-off that four international students at a world-renowned violin-making school were facing deportation before the end of their course, reporters spoke to the students, their fellow students, their tutor, and the college group that runs the school to confirm that was the case and the reasons for it. The story helped ensure the students were able to stay and continue their studies.

COMPLAINTS-HANDLING

Editorial complaints are received by phone call, email, post, or in person. Company policy is to deal with them as promptly and professionally as possible.

Members of the editorial department are issued with, and follow, a complaints procedure guide, a copy of which is attached.

When editorial staff receive complaints they are reported to the news editor and/or editor.

The initial response is usually from the news editor. They discuss the nature of the complaint with the editor and a course of action is agreed. The editor speaks to complainants when a matter cannot be resolved in the first instance or to confirm an agreed course of action such as to publish a correction, clarification or letter to the editor.

The editor retains correspondence relating to more serious complaints.

The Advertiser seeks to reach agreement with complainants through dialogue.

The editorial complaints policy is published on page 10 of every edition:

“Advertiser Media Group is independent of any other organisation, commercial or political. Our policy is to provide readers with news and information that is fair, accurate and balanced. We subscribe to the Independent Press Standards Organisation and the Editors’ Code of Practice. If you have a complaint regarding editorial content contact the newsdesk on 01636 681234, via email to news@newarkadvertiser.co.uk or by post to The Editor, Advertiser Media Group, Units 9 & 10, Halifax Court, Fernwood Business Park, Balderton, NG24 3JP. IPSO can be contacted on 0300 123 2230 or via its website, www.ipso.co.uk”

Complaints regarding stories published online are acted on immediately where it is appropriate to do so, such as correcting factual errors. A copy of the original story in question is taken before changes are made. If a complaint requires further investigation there is the option, in consultation with the digital editor, of removing it from publication pending completion of that process. A copy of the terms and conditions that relate to online material is attached.

Our online Contact Us page includes the same information and IPSO contact details as above for anyone wishing to make a complaint.

TRAINING

Junior reporters at the Advertiser work towards the NCTJ Level 5 National Qualification in Journalism (NQJ) and are registered to do so. The editor works with them towards completion of their logbooks. The Advertiser pays for refresher courses prior to final examinations. There are currently no reporters on the training programme.

RECORD ON COMPLIANCE

There were no complaints against the Advertiser that were ruled on by IPSO’s complaints committee in 2017. There were no complaints regarding breaches of the Editors’ Code of Practice that raised serious concerns over the same period.

APPENDIX

A copy of the editorial complaints procedure is attached, along with a copy of the terms and conditions relating to online material.

EDITORIAL COMPLAINTS PROCEDURE

While all editorial staff strive to avoid mistakes, it is inevitable that occasional errors will be made that can lead to complaints.

In the event of a complaint being received, whether by phone, email or in person, it should be dealt with promptly and professionally.

A record of all correspondence should be retained, along with notes from conversations with complainants and their contact details.

The news editor and/or editor should be informed of the details of the complaint. The initial response will usually be from the news editor who, in consultation with the editor, will decide on the course of action to take.

The Advertiser seeks to resolve matters through dialogue with the complainant so that agreement can be reached through, where appropriate, publication of a correction, clarification or letter to the editor at the first available opportunity.

If a complaint regarding an online story is received it should be acted on immediately by correcting any factual error. If a complaint requires further investigation there is the option, in consultation with the digital editor, of removing it from publication pending completion of that process.

The editor will contact complainants if a resolution is not reached, or to confirm an agreed course of action.

The editor will, when necessary, seek advice from the News Media Association legal department.

Terms & Conditions

These terms apply to all users of this website. If you do not accept these terms then you should immediately stop using this website. Your use of the website confirms your acceptance of these terms. We cannot guarantee that you will always be able to access the website; we will not be liable to you for any interruption or delay that you experience in accessing the website, whatever the cause.

Editorial Policy

We encourage users to share, debate, and discuss points of views on our website and Facebook pages.

Everyone has the right to express themselves but should also respect other users. The Advertiser is impartial and as such will always endeavour to avoid colouring a debate by censoring or altering its content where possible.

While we accept no legal responsibility for individual's comments, there are occasions when the Advertiser may be obliged to intervene. Where this is the case, the following guidelines will be applied.

You must not make or encourage comments that are:

- defamatory, false or misleading;
- insulting, threatening or abusive;
- obscene or of a sexual nature;
- offensive, racist, sexist, homophobic, discriminatory or otherwise objectionable;
- promoting illegal activity; or
- intended to deceive.
- in contempt of court, i.e. would prejudice a police investigation or court case.

These rules do not cover all eventualities and are intended as a guideline and portray the spirit of policy only.

Reader comments that violate the letter or spirit of these rules or our Terms may be removed. If we do remove something, we will generally remove posts, or where necessary, whole threads (not parts). This means that even if only one sentence is objectionable, the whole comment will usually be removed.

We hope that you will understand that, once properly notified of a complaint, we may have to remove a contribution for legal reasons (whatever the rights and wrongs).

We are unable to enter into dialogue about individual cases.

To report an inappropriate comment on the website email feedback@newarkadvertiser.co.uk

Links

This site provides links to other websites. These links are for your convenience only and do not signify that we endorse or have any responsibility for the content of or any transactions that you enter into relating to those linked sites.

Content

All material on this site is protected by copyright. You may only copy, download and reproduce it for your own personal use. You must not use it for reproduction on any other website, or in any way for commercial purposes or for gain unless you first obtain our written consent. You must not post any copyrighted material on this website.

Contributions

We are delighted to receive your contributions to our bulletin boards, chat rooms and the like but only on the basis that:

- you accept that we may exercise editorial control over them and may decide not to allow publication at our absolute discretion;
- you warrant to us that all such contributions are lawful and not obscene, offensive, defamatory or infringe any rights of any third party and that you will indemnify us in respect of any breach of that warranty;
- you warrant to all us that all content that you submit will be accurate, truthful and not misleading in any way;
- you licence us and all Group Companies to use the information you provide on any medium and you waive your moral rights in respect of it.

Law and Jurisdiction

Your use of this website, these terms and any matters arising are subject to the laws of England. Any dispute is subject to the exclusive jurisdiction of the Courts of England. Save as specifically provided otherwise, this website is targeted only at, and goods and services are only available to, UK residents.

Competitions

The winner(s) may be notified by email and the results may be published on this website and/or in the paper. We reserve the right to report details of competition winners and to publish their photos if required. The prize must be taken as offered with no alternative. In the event that the prize cannot be supplied no liability will attach to Advertiser Group Newspapers.. Entry into this competition gives rise to no binding agreement between the parties. When prizes are supplied by third parties we are acting as their agents and as such we exclude all liability for loss or damage you may suffer as a result of this promotion. The website editor's decision is final and no correspondence will be entered into. Employees of Advertiser Group Newspapers and the prize provider and their immediate families and agents may not enter.

By entering our competitions you agree to be signed up to receive future promotional material from the newspaper, opting out at a later date will not effect your chances of winning.

Product and Adverts Essentials

This website offers users the ability to order:

- "Personalised" products, prints and digital images which bear images or user content, on or within them;
- "Non-personalised" products;
- "Subscriptions" which authorise access to certain content for a certain period, or which acts as a "pre-purchase" for a certain period of a periodical publication(s) (such as the weekly printed edition of the Advertiser Series newspaper). A Subscription is "active" if the current date/time is within the associated period it has been purchased for, otherwise is it "inactive". Subscriptions can be a one-off payment for a certain period, or a reoccurring payment extending/renewing its active period.

within various sections on our website, and we refer to personalised and non-personalised products, prints and digital images and subscriptions as our "Products".

This website also offers users the ability to purchase advertising space, either for a certain location or space over a defined period, or to be visible periodically for a number of page impressions spread over a defined period; we refer to this advertising space as "Adverts".

Any goods or services available through, and material of any kind accessible or relating to our website, are referred to as our "Services".

We may add or remove Products or Adverts from our Services at any time without notice.

Terms of purchase for Products

A contract between a user and this website for the purchase of a Product is created as follows:

- The user places the order for a Product on the website by pressing an order confirmation button at the end of a checkout process: if the Product in question includes an image, or other user content, selected it is a "personalised Product"; if it is a standard Product which does not include any selected image or user content it is a "non-personalised Product"; if the Product is digital (e.g. a digital copy of a photograph, or a subscription, etc.) then we refer to this as a "digital Product."
- By confirming your order, you are agreeing to purchase the Product you have selected.
- At this point, we take payment for your order by means of a secure third-party payment gateway.
- Your order will be confirmed either by writing, by email, by directing you to a "Thanks for your order" page or by fulfilling the order. You will also receive an email detailing your order for the Product, and other information we must provide to you. This email may be sent by our servers and/or may be sent by the third-party payment gateway, thereby confirming payment and the order.

Note that we may reject an order in certain circumstances, namely:

- Your order breaching the requirements of these Terms;
- The use of images which are corrupted, unsupported technically or inadequately pixelated;
- The Product you order being unavailable;
- Our inability to obtain authorisation for your payment; or
- A relevant pricing or Product description error being identified.

If your order is rejected, we will contact you to confirm this and refund any payment made for that order.

We will endeavour to deliver goods and provide services on the basis and in accordance with the timescales mentioned on this site but time shall not be of the essence of those arrangements and we will have no liability if we are delayed in or prevented from providing the goods/services by factors beyond our control.

This website is made available on the basis that there are excluded, to the extent permitted by law, any terms implied by statute or otherwise and all liability for any loss or damage however it arises out of the use of this website or reliance on its content.

You must be at least 13 years of age to purchase products from this site.

Terms of purchase for Adverts

[Click here for conditions of acceptance of advertisements.](#)

Returns, refunds and cancellation

You have the right to cancel your contract for the purchase of a non-personalised Product, provided you notify us of the cancellation no longer than 14 days after the day following the day on which the Product is delivered. You must return the unused non-personalised Product to us within 14 days of notifying us of the cancellation, and must pay the cost of returning the Product to our nominated address. We will refund the purchase price you have paid for the Product and its standard delivery charges (but not any expedited, tracked or other special delivery charges you may have chosen to pay) within 14 days of its return.

However, if the value of the Product has been reduced by any handling of it beyond what is necessary to check whether the Product is as expected, we may deduct an amount to reflect that reduction in value from the sum we refund to you. Please follow any returns procedure for non-personalised Products which we specify from time to time. Please note that the right to cancel a contract and return Products does not apply to any personalised or digital Products – although you do have the right to reject any Product which is faulty or not as described in our specifications. However, for orders of personalised or digital Products made from the website we generally allow at least a 30-minute period during which you can amend or cancel your order. That 30-minute period runs from the appearance of the “Thank you for your order” screen on the website at the end of the order process. If your order, whether personalised or digital or neither, is manually processed internally, e.g. not via an automated process, you can cancel your order for a full refund if you contact us before your order has been processed, but this period length cannot be guaranteed.

If a Subscription is for access to content which is not periodically published in distinct “issues” (e.g. access to a particular section or “premium” content while the Subscription is active) then this purchase cannot be cancelled or refunded, and you will have access until the Subscription’s active period ends; however, you can cancel any renewal for such Subscriptions as long as it is cancelled before the renewal date. If you wish to cancel a Subscription which is for receiving or accessing content or Products that are published/released periodically in distinct “issues” (e.g. the print edition of the Advertiser Series newspaper), then a pro rata refund will be issued based on the number of issues/Products received compared to the total issues/Products that would be received within the Subscription period. Any faulty issues/Products will not be counted as received when calculating the refund amount.

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.

Preamble

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, cooperate with IPSO. A publication subject to an adverse adjudication must publish it in full and with due prominence, as required by IPSO.

1. Accuracy

- i) The Press must take care not to publish inaccurate, misleading or distorted information or images, including headlines not supported by the text.
- ii) A significant inaccuracy, misleading statement or distortion must be corrected, promptly and with due prominence, and – where appropriate – an apology published. In cases involving IPSO, due prominence should be as required by the regulator.
- iii) A fair opportunity to reply to significant inaccuracies should be given, when reasonably called for.
- iv) The Press, while free to editorialise and campaign, must distinguish clearly between comment, conjecture and fact.
- v) 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.

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. In considering an 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.

3. *Harassment

- i) Journalists must not engage in intimidation, harassment or persistent pursuit.
- ii) They must not persist in questioning, telephoning, pursuing or photographing individuals once asked to desist; nor remain on 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.

4. Intrusion into grief or shock

In cases involving personal grief or shock, enquiries and approaches must be made with sympathy and discretion and publication handled sensitively. These provisions should not restrict the right to report legal proceedings.

5. *Reporting suicide

When reporting suicide, to prevent simulative acts care should be taken to avoid excessive detail of the method used, while taking into account the media's right to report legal proceedings.

6. *Children

- i) All pupils should be free to complete their time at school without unnecessary intrusion.
- ii) They must not be approached or photographed at school without permission of the school authorities.
- iii) Children 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.
- iv) Children under 16 must not be paid for material involving their 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.

7. *Children in sex cases

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.

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.

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.

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 information without consent.
- 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.

11. Victims of sexual assault

The press must not identify 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.

12. Discrimination

- i) The press must avoid prejudicial or pejorative reference to an individual's race, colour, religion, sex, gender identity, sexual orientation or to any physical or mental illness or disability.
- ii) Details of an individual's race, colour, religion, gender identity, sexual orientation, physical or mental illness or disability must be avoided unless genuinely relevant to the story.

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.

14. Confidential sources

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

15. Witness payments in criminal trials

- 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.

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 glamourise 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.

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:
 - Detecting or exposing crime, or the threat of crime, or serious impropriety.
 - Protecting public health or safety.
 - Protecting the public from being misled by an action or statement of an individual or organisation.
 - Disclosing a person or organisation's failure or likely failure to comply with any obligation to which they are subject.
 - Disclosing a miscarriage of justice.
 - Raising or contributing to a matter of public debate, including serious cases of impropriety, unethical conduct or incompetence concerning the public.
 - Disclosing concealment, or likely concealment, of any of the above.
2. There is a public interest in freedom of expression itself.
3. The regulator will consider the extent to which material is already in the public domain or will become so.
4. Editors invoking the public interest will need to demonstrate that they reasonably believed publication – or journalistic activity taken with a view to publication – would both serve, and be proportionate to, the public interest and explain how they reached that decision at the time.
5. An exceptional public interest would need to be demonstrated to over-ride the normally paramount interests of children under 16.

Editors' Code of Practice Review - 2017

Introduction

This report sets out details of the Review of the Editors' Code of Practice that was conducted during 2017.

The Review was carried out by the Editors' Code of Practice Committee, which draws up the Code of Practice. The Code is policed by the Independent Press Standards Organisation and is regarded as the cornerstone of self-regulation of the press.

The committee is composed of editors and lay members and is chaired by Neil Benson (Trinity Mirror).

Other members are:

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) are: Sir Alan Moses (Chairman, IPSO); Matt Tee (CEO, IPSO).

Independent lay members appointed by IPSO's appointments panel are: Christine Elliott; David Jessel; Kate Stone.

The Committee's secretary is Jonathan Grun.

In line with its constitution, the Editors' Code of Practice carries out a triennial review of the Code of Practice. The Review involves a public consultation, which on this occasion attracted about 4,000 submissions.

The Code Committee considered the submissions and produced recommendations that have been approved by the boards of the Regulatory Funding Company and the Independent Press Standards Organisation.

Following the Review there are:

:: Changes to the Editors' Code of Practice

:: Revisions to the Editors' Codebook, which acts as a guide to the Code

:: A recommendation that the Independent Press Standards Organisation should consider how member publishers report on commercial transparency

:: An improved online version of the Editors' Code of Practice, with links to explanatory information that helps journalists and members of the public

Changes to the Code

There will be three 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 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.

This change was proposed by Associated Newspapers and was supported by IPSO.

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, and was also proposed in part to address the challenge of regulating global digital publications that are owned and domiciled in the UK.

It is recognised that there is a problem where content, which might potentially be in breach of Clause 2 of the Code in the UK, is nevertheless widely and legitimately published by American websites with large audiences in the UK. Not only might this leave the British public unable to read on British-owned websites content that was freely available to them in the UK on American-owned websites, the American readers of British-owned websites might also be unable to read content that was published perfectly legitimately elsewhere in the USA. It should be noted, however, that, as ever, the application of the amended Clause to individual cases will be a task for IPSO's Complaints Committee.

The amendment also clarifies the application of Clause 2 in practice. Privacy cases, particularly those involving images from Facebook, often hinge on the extent to which content complained of is in the public domain. The amendment will be helpful for members of the public in understanding issues likely to be considered in ruling on a complaint.

:: 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.

The law currently allows newspapers to name children arrested for a crime before they appear in court, when anonymity kicks in. Most newspapers choose not to do so but some have in exceptional circumstances.

Youth justice campaigners, including the Standing Committee for Youth Justice, the National Association for Youth Justice and the Children's Rights Alliance for England, have called for a change in the Code to protect these children. The amended clause says that editors should generally avoid naming such children. The clause lists two real world examples where names may already be known.

This is an example of where the Code goes further to protect vulnerable people than the law requires.

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)

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.

This change was made as the result of a submission by Trinity Mirror and was accepted by IPSO.

It is intended to bring 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.

Revision 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 of revisions 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.

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.

Improved online version of Editors' Code of Practice

The Code Committee recommended that an improved version of the online version of the Editors' Code should be produced to assist journalists and members of the

public who may be considering bringing a complaint. It will feature links to relevant chapters in the Editors' Codebook and IPSO guidance notes as they are produced.

Code Review submissions

There were more than 4,000 submissions to the Code Review. Some were from organisations and individuals on specific subjects and others were submissions generated from the websites of campaign groups, including Hacked Off.

Some of the submissions called for changes to the Code, others to the way that IPSO polices the Code.

The following sections deal with the main subjects of submissions with some explanation of the issues.

Accuracy

Submissions included a call for corrections to be published with equivalent prominence, not due prominence, as the Code requires. There was also a call for the regulator to have the power to require apologies and to direct the size and placement of apologies.

The Code of Practice incorporates the concept of proportionality when it specifies "due prominence" in relation to remedies for breaches of the Code.

Equal prominence rather than due prominence would prevent IPSO from judging each case on its merits and deciding what the appropriate course of action should be. There have been some adjudications and corrections signalled on the front page, while it has been judged appropriate for others to appear inside the publication.

Mandatory equal prominence would also deal a blow to the very successful corrections columns that provide a place for readers to find corrections. IPSO has said of the corrections column: "It signifies a commitment to accuracy; it provides information to readers about how to make complaints; and if it appears consistently, it contributes to the prominence of corrections by ensuring that readers know where to find them."

Forced apologies would be meaningless. At present IPSO cannot order an apology but can find a breach of the Code if one is not offered. And it should be noted that a newspaper might sincerely believe that it has not broken the Code, even after it has

been found to be in breach and has complied with IPSO's directions. An "apology" in those circumstances would ring particularly hollow and run counter to the tenets of freedom of expression.

A call for greater detail on what constitutes a "significant error" was also requested but the Code Committee considered that IPSO would be more effective if that judgment was left to the regulator.

The Code Committee welcomed a suggestion that adding links to the sources used in some stories would be good practice and this has been included in the Editors' Codebook.

Privacy

A submission via the Hacked Off website called for the Code to be amended "so that the public interest guidance, like the courts, gives the same weight to the right to privacy as it gives to freedom of expression."

The Code Committee concluded that under the Code there is a presumption that people's privacy will be observed and a detailed case and compelling evidence will need to be produced before IPSO is persuaded that the Public Interest is being served by what would otherwise be a breach of the Code.

For example, in one case IPSO ruled that it supported publication of the story on the grounds of freedom of expression but concluded that the public interest was not proportionate to the level of intrusion posed by the publication of intimate details.

(*Yates v Mail Online* <https://www.ipso.co.uk/rulings-and-resolution-statements/ruling/?id=02466-14>)

Discrimination

The Code's Discrimination clause is intended to protect individuals in specific categories from prejudicial or pejorative references, whilst still protecting the right to freedom of expression. The submissions again illustrate that this is the most contentious part of the Code and the debate goes to the heart of freedom of expression in our society.

The Review received a number of amendments intended to strike a balance between freedom of expression and protection of groups from what were perceived to be discriminatory references.

They included:

- :: A suggestion that complaints relating to groups might be accepted, subject to a public interest test, which IPSO would determine
- :: A prohibition on incitement to hatred
- :: A new provision prohibiting levelling of abuse
- :: A new provision prohibiting material overwhelmingly comprised of entirely negative stereotypes or stigmatisation of a group

The Code Committee considered that none of these suggestions would produce a workable formula – in particular in points already covered by the law, which the Code seeks to supplement rather than echo or replace.

Clause 12 and its application - and limitations - go to the heart of freedom of expression. In a recent judgment involving Channel 4 presenter Fatima Manji and The Sun, IPSO summarised its approach to discrimination.

IPSO said: “Clause 12 seeks to protect individuals while respecting the fundamental right to freedom of expression enshrined in the preamble to the Code.

“It prohibits prejudicial or pejorative references to an individual on account of, amongst other things, that individual’s religion.

“It does not, on the other hand, prohibit prejudicial or pejorative references to a particular religion, even though such disparaging criticisms may cause distress and offence.

“It should not be interpreted as preventing such criticism merely because, as is inescapable, many individuals subscribe to that particular faith.

“Were it otherwise, the freedom of the press to engage in discussion, criticism and debate about religious ideas and practices, including the wearing of religious symbols while reading the news, would be restricted.”

IPSO added: “While the columnist’s opinions were undoubtedly offensive to the complainant, and to others, these were views he had been entitled to express.”

Manji v The Sun <https://www.ipso.co.uk/rulings-and-resolution->

The Code Committee welcomed a suggestion that the Codebook should make clear the circumstances in which a representative group affected by an alleged breach involving an individual can bring a complaint if there is a substantial public interest. The Codebook will now state that a change in the rules means IPSO may consider such a complaint “where an alleged breach of the Editors’ Code is significant and there is substantial public interest in the regulator considering the complaint from a representative group affected by the alleged breach”.

The Code Committee also considered submissions calling for Clause 12 to cover age. The committee concluded that age should not be included because it would inhibit legitimate public discussion – for example, about the effectiveness of sports stars, politicians and others.

Suicide

A common theme in the submissions on suicide was Clause 5’s stricture on avoiding excessive detail to prevent simulative acts. There were calls for the word “excessive” to be removed or replaced, which would have the effect of severely limiting publications’ abilities to report the circumstances of such deaths.

Suicide became a stand-alone clause on January 1, 2016 and in reporting cases editors must also take into account Clause 4 (Intrusion into grief or shock) and Clause 2 (Privacy).

The Code Committee concluded that the current wording of Clause 5 has proved to be effective and flexible, and when taken together with other clauses, IPSO has a wide degree of latitude to deal with the circumstances of individual complaints.

Editors have shown a willingness to engage with campaigners and their views have been taken into account in coverage. The Editors’ Codebook has a chapter on reporting suicide, which includes many of the points raised by campaigners and the newly-revised version will include a link to Samaritans’ reporting guidelines, which provide detail on best-practice reporting in this area.

Children

Submissions regarding children mainly concerned their involvement in the criminal justice system, in particular the occasions when children and young people are named before they appear in court – which is permitted by law.

The Code Committee agreed that the Code should be revised to avoid naming children and young people in these circumstances.

The Code's wording was also amended to make clear that children are young people under the age of 18. There have been misunderstandings on this because the Code offers special protection to children under the age of 16.

Press reporting of children and young people goes beyond the legal system. The Code recognises that below the age of 16 children must be given special consideration in such reporting. Beyond the age of 16 young people have growing responsibility and maturity. They have a wider range of legal abilities, can make decisions and have a right to express themselves.

For example, it would be odd and a denial of a young person's right to freedom of expression if a 17-year-old Premier League footballer or world famous entertainer was wrapped in the same protective blanket as a 12-year-old and the Code attempts to address this.

Transparency

There were submissions regarding the identification of content that has been paid for or influenced by a third party, or has not been published due to third party interests.

The Code Committee considered that the best way to deal with this issue was for the Independent Press Standards organisation to consider and discuss with members how publishers should report on commercial transparency policies.

Portrayal of women

Several campaigners took the opportunity to call for an end to the press's "awful portrayal of women".

While acknowledging the concerns raised, the Code Committee noted that in large part they related to broader, and in some cases subtler, problems with the contexts in which women are portrayed within the media, and popular culture more broadly. As such, they are difficult to incorporate into a regulatory context. The Code prohibits prejudicial and pejorative reference to individuals; broader prohibitions, for example, on the sexualisation of women, would be highly subjective and likely to constitute an unjustifiably broad infringement of freedom of expression - including, perhaps, on some of the women concerned.

Media coverage tends to change in step with changes in society, however, and there are signs that this area is no different: engaging in debate and changing public attitudes is in many instances a very effective alternative to additional regulation.

Conscience clause

There was a call for a "conscience clause" in the Code, which would state that no disciplinary action would be taken against a journalist as a result of declining to do something contrary to the Code.

The Code Committee considered that journalists are already protected from disciplinary action if they refuse to break the Code.

Publishers have a contractual agreement with IPSO, which requires them to ensure that staff rigorously observe the Code, and most journalists have the Code written into their contracts of employment. It is difficult to envisage how a publisher could successfully take disciplinary action against a journalist for refusing to break a Code the publisher is contractually bound to observe.

Plagiarism and obtaining pictures from social media

Two submissions via the Hacked Off website called for newspapers and their websites to "stop plagiarising the work of others" and for the Code to be amended to require newspapers and their websites to stop "stealing" photos from Facebook and other social media without permission and without offering to buy the copyright.

Sourcing pictures from social media has already been the subject of privacy and other complaints to IPSO, so is covered by the Code and is addressed in the Editors' Codebook. IPSO has issued more guidance on this and that will be reflected in the next edition of the Codebook. The copyright aspect of these submissions is already dealt with by the civil law covering copyright and is therefore outside the scope of the Code.

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 EDITORS' CODE OF PRACTICE COMMITTEE

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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THE EDITORS' CODE OF PRACTICE COMMITTEE

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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