[GB] Revised Editors’ Code of Practice

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The Editors' Code of Practice, under which the clear majority of Britain’s newspaper, magazine and news website journalists operate, was reviewed in 2017, and changes to it became effective from 1 January 2018.

The Code is regarded as the “cornerstone” of the UK press self-regulatory system. Its rules, which are framed by the Editors’ Code of Practice Committee, set standards that the voluntarily subscribing industry members have agreed to maintain. Editors and publishers can be held to account via the Independent Press Standards Organisation (IPSO), which became the new regulatory body for the industry on 8 September 2014. However, IPSO has not yet sought formal approval from the Press Recognition Panel, which was established following the Leveson Report recommendations in the aftermath of the phone-hacking scandal to ensure that any future press regulator meets certain standards (see IRIS 2013-2/29).

The Code covers various aspects of journalistic activity, such as crime reporting, confidential sources and financial journalism. Since its first publication in 1991, it has been amended several times to adapt to developments in the industry, technology and public attitudes. Three changes were introduced in 2018, after a public consultation which attracted approximately 4,000 responses.

The first change concerns Clause 2 on privacy. It now states that, in considering an individual’s reasonable expectation of privacy, account should be taken not only of the complainant’s own public disclosures of information - as the previous version of the Code stated - but also of “the extent to which the material complained about is already in the public domain or will become so.” This factor is not entirely new; it mirrors the existing wording of paragraph 3 of the public interest clause of the Code. The Editors’ Codebook, the handbook that sets the Code in context, explains that its inclusion in Clause 2 aims to address “the challenge of effectively regulating global digital publications which are owned and domiciled in the UK but also have editorial operations in other jurisdictions producing content which can be viewed in the UK.” The Committee recognises that difficulties can arise in relation to content which potentially violates the privacy clause in the UK but is nonetheless widely and legitimately published on overseas-owned websites with a large readership in the UK.

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The amended wording of Clause 2 also adds clarity in respect of its practical application to complaints involving material taken from social media like Facebook. In deciding whether the republication of such material to illustrate a story was intrusive, the regulator is often influenced not only by what the material in question featured, but also the extent to which the material was already in the public domain, who had placed it there, what disclosures of private information the complainant had previously made, and what privacy settings were in place.

The second change relates to clause 09 on reporting crime. A new section was inserted requiring editors to generally refrain from naming children under the age of 18 "after arrest for a criminal offence, but before they appear in a youth court." Under the current law, automatic restrictions on identifying juveniles apply only if or when the case reaches a youth court hearing. This additional section strengthens the protection afforded to young defendants but does not affect news gatherers' right to name juveniles who appear in a Crown Court or whose anonymity is lifted.

Finally, the third change brings Clause 11 more into line with the law by requiring the press and their respective websites not to identify "or publish material likely to lead to the identification of a victim of sexual assault", unless they are legally free to do so. Whilst editors' responsibilities are made clearer, care should be taken when stories involving victims of sexual assault are posted on publications' social media sites, where they can be commented upon by users who may reveal victims' identities either out of malice or merely plain ignorance.

The Editors' Code of Practice (incorporates changes taking effect from 1 January 2018)

https://www.editorscode.org.uk/the_code.php

The Editor's Codebook (incorporates changes taking effect from 1 January 2018)

https://www.editorscode.org.uk/downloads/codebook/codebook-2018.pdf

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