Day 13 - AM  Leveson Inquiry  8 December 2011

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<td>1 MR BARR: Good morning, sir. We're going to be calling evidence today from seven learned academic witnesses.</td>
<td>1 PROFESSOR BARNETT: My full name is Steven Julius Barnett. Could you give the Inquiry your full name, please?</td>
<td>2 PROFESSOR BARNETT: My full name is Steven Julius Barnett. My full name is Steven Julius Barnett.</td>
<td>1 MR BARR: And you've been teaching in the University's School of Media, Art and Design for 18 years?</td>
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<td>3 LORD JUSTICE LEVESON: Just before we go on, I'm open to suggestion on this, but I'm reminded that none of the witnesses have taken the oath. It may be that it's not appropriate, but I just want to make sure that we clarify the basis upon which we're proceeding.</td>
<td>4 A. University of Westminster, 309 Regent Street, London.</td>
<td>3 PROFESSOR BARNETT: That's right.</td>
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<td>4 LORD JUSTICE LEVESON: That's in Australia. It doesn't have to be called that here.</td>
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<td>4 MR BARR: Sir, I'm in your hands. I think it might be better for formality that the evidence is given on oath.</td>
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<td>5 MR BARR: We may have to think of an English term for the process, but what is going to happen in practice is four of our academic witnesses are going to be called this morning and three this afternoon. Both Ms Patry Hoskins and myself are going to be questioning, and the idea is better to extract the wisdom and learning of these witnesses and to debate some of the issues which it is hoped will assist you, sir, in your task.</td>
<td>6 MR BARR: Over the last 25 years you've directed over 30 research projects?</td>
<td>5 MR BARR: And you've had a personal chair since 2000?</td>
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<td>6 LORD JUSTICE LEVESON: I think I do, because I've certainly heard from at least three of them before, but do so.</td>
<td>7 MR BARR: You tell us that the university's media department is the oldest in the country?</td>
<td>6 PROFESSOR BARNETT: That's correct.</td>
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<td>7 MR BARR: It's Professor Steven Barnett on the left, from the University of Westminster, Professor George Brock from City University, Professor Brian Cathcart from Kingston University and Angela Phillips from Goldsmiths University of London, sir.</td>
<td>8 MR BARR: And you are currently acting as specialist adviser to the House of Lords Select Committee on Communications for its inquiry into investigative journalism?</td>
<td>7 PROFESSOR BARNETT: That's right.</td>
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<td>8 MR BARR: If I could start by asking Professor Barnett,</td>
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<td>11 LORD JUSTICE LEVESON: Yes. Do any of you have any objection to that? No? Right, let's do that.</td>
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MR BARR: And you have published a number of books and articles on journalism?

PROFESSOR BARNETT: That's right.

MR BARR: And media policy.

LORD JUSTICE LEVESON: Just before we go on, you've not yet introduced his statement, so we'll do it when his statement comes to be considered, because of course Professor Barnett spoke at one of the seminars. Yes.

MR BARR: Professor Brock, could you confirm your full name, please?

PROFESSOR BROCK: George Laurence Brock.

MR BARR: And you are Professor and Head of Journalism at City University London?

PROFESSOR BROCK: That's correct.

MR BARR: You joined the university in 2009?

PROFESSOR BROCK: Yes.

MR BARR: Before that, you had worked since 1981 at the Times in various posts including Comment Editor, Foreign Editor, Brussels Bureau Chief, Managing Editor and Saturday Editor?

PROFESSOR BROCK: That's correct.

MR BARR: Before that, you were a reporter on the Yorkshire Evening Press in York?

PROFESSOR BROCK: Yes.

MR BARR: And subsequently you spent five years as a reporter for the Observer?

PROFESSOR BROCK: That's right.

MR BARR: You are an ex-president and current board member of the World Editors Forum?

PROFESSOR BROCK: Correct.

MR BARR: And you're on the board of the International Press Institute and chair its British Committee?

PROFESSOR BROCK: That's right.

MR BARR: You also write a blog on journalism, the link for which is set out in your witness statement, and you write in the Times, the British Journalism Review and the Times Literary Supplement?

PROFESSOR BROCK: Yes.

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PROFESSOR BROCK: Yes.

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MR BARR: Your career in journalism began with a graduate traineeship at Reuters?

PROFESSOR CATHCART: Correct.

MR BARR: You remained at Reuters as a correspondent between 1978 and 1986?

PROFESSOR CATHCART: That's correct.

MR BARR: You then joined the launch team of the Independent newspaper as a foreign news sub-editor?

PROFESSOR CATHCART: I did.

MR BARR: And then you were the launch foreign editor of the Independent on Sunday in 1990 and you later became the paper's deputy editor?

PROFESSOR CATHCART: That's right.

MR BARR: You left in 1997 to work as a freelance and to write books?

PROFESSOR CATHCART: Correct.

MR BARR: They include "Were You Still Up for Portillo?" in 1997, "The Case of Stephen Lawrence", "Jill Dando: Her Life and Death" and "The Fly in the Cathedral".

From 2003 to 2007, you were the assistant editor and also media columnist of the New Statesman?

PROFESSOR CATHCART: Correct.

MR BARR: And in 2010, you were the specialist adviser to the House of Commons Select Committee on Culture, Media and Sport in the inquiry which produced the report "Press standards, libel and privacy".

PROFESSOR CATHCART: That's correct.

MR BARR: At Kingston you are Director of Research in the department and you've led two research projects in association with the Natural History Museum?

PROFESSOR CATHCART: Correct.

MS PHILLIPS: My name is Angela Phillips.

MR BARR: If I could ask you, please, to confirm your full name to the Inquiry?

MS PHILLIPS: Angela Phillips.

MR BARR: And you currently work at Goldsmiths College at London?

MS PHILLIPS: That's right.

MR BARR: You run all the print journalism programmes?

MS PHILLIPS: Yes.

MR BARR: You trained initially as a photographer and worked for several years as a photo journalist before moving for several years as a photo journalist before moving to become a journalist?

MS PHILLIPS: That's right.
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1 to hear your reflected views as we get more into the
evidence and hear more so that I am better informed
about what can be done for the future.
2 It's critical, and I've said this publicly before
3 and I don't mind repeating it -- I know
4 Professor Brock's getting this, but it's really a common
5 comment -- to ensure that whatever system, if there is
6 to be a change, is understandable, is acceptable to all
7 and will work. You may have observed that I said during
8 the course of the evidence that I was absolutely opposed
9 to producing something that was only of interest to you
10 as professors of journalism in years to come as an
11 interesting sideline which produced a document that
12 simply sat on a shelf. Not that I'm trying to deprive
13 you of work to do in the future, but I am very keen that
14 this enormous expense produces something that is
15 sensible, worthwhile and workable.
16 Right, sorry to interrupt you, Mr Barr.
17 MR BARR: Not at all.
18 Professor Cathcart, are the contents of your witness
19 statement true and correct to the best of your knowledge
20 and belief?
21 PROFESSOR CATHCART: Yes.
22 MR BARR: And are you content for your contributions to the
23 seminar to be received formally in evidence?
24 PROFESSOR CATHCART: Yes.
25 MR BARR: And are you content for your contributions to the
26 seminar to be received formally in evidence?

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1 PROFESSOR BARNETT: I'm very happy for that to be included
2 as spoken at the time.
3 LORD JUSTICE LEVESON: Thank you very much.
4 MR BARR: Professor Brock, the same questions. Is your
5 witness statement true and correct to the best of your
6 knowledge and belief?
7 PROFESSOR BROCK: Yes, it is.
8 MR BARR: And did you speak at the seminar?
9 PROFESSOR BROCK: Yes, I spoke at the third seminar.
10 MR BARR: Are you content for those contributions to the
11 seminar to be received formally in evidence?
12 PROFESSOR BROCK: Yes, I think that's fine. There's a good
13 deal more to say on the subject but --
14 LORD JUSTICE LEVESON: I'm sure there is --
15 PROFESSOR BROCK: -- it stands fine as it is.
16 LORD JUSTICE LEVESON: -- and I'm very keen for you all to
17 have the opportunity of saying what is to be said on the
18 subject. Let me make it abundantly clear, this has been
19 your -- not to say your life's work, but within your DNA
20 for a very long time and it isn't part of my DNA as yet,
21 but it is becoming so, and therefore I'm very keen for
22 your help, and although we'll formally discuss various
23 of the issues this morning and during the course of the
24 day, I wouldn't want you to think that your contribution
25 should then be considered at an end. I'd be very keen
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1. MS PHILLIPS: It's slightly more conflicted than that because quite a lot of it's postgraduate, quite unlike, for example, in America. Although there are 2. undergraduate journalism programmes, we also have, certainly City and Goldsmiths, all of us, I think, have important postgraduate journalism programmes, so that quite a large number -- the last research I saw said that something like 50 per cent of people going into journalism in I think it was 2002 already had 3. a postgraduate qualification of some kind, so I think it's quite important to recognise that there are two different levels. There is undergraduate journalism and there's quite a lot of postgraduate journalism and those journalists will have had a different kind of first degree.

4. PROFESSOR BROCK: But nevertheless, if I can just add, it is broadly absolutely right to say that because there is less in-house training going on, more of it has happened in universities. The traditional way in which, for example, national papers were staffed was by people who graduated in the informal sense of the word out of regional papers, while somewhere around the 1990s that flow just dwindled to a trickle, and they weren't being trained and they weren't emerging in such numbers and they weren't being so well trained, and that boosted the applications for university courses, and indeed the creation of university courses too.

5. MR BARR: And if -- LORD JUSTICE LEVESON: Hang on. You have to speak. If you want to speak, just crack on.

6. PROFESSOR BARNETT: I just wanted to add, to add to what George was saying, I think the broad trend is undoubtedly away from training on the job, on the ground, towards university courses, but the point that I would like to emphasise, as far as I can tell this is happening on an essentially piecemeal basis. There is no coordination of the way in which this is happening. It is a process where on the one hand you have in particular local newspapers closing down their schemes because they can't afford to run them, or even the national schemes being reduced in size, and at the same time, as George said, universities picking up the slack, but not in any kind of coherent or organised way. It's simply responding to that kind of demand, that there are people, students, who want to study the media and go into journalism, but are not finding the routes in that were traditionally there.

7. MR BARR: If no one else want to contribute on that opening question, could I move on to pick up from that and ask: is there any difficulty with the supply of budding journalists of sufficient calibre or not?

8. PROFESSOR BARNETT: My answer would be no. I think there is actually almost an abundance of people, which is very gratifying, who are keen, eager, quite idealistic about their view of what journalism can do, what they can achieve as journalists, the role of journalism in a democratic society. So I don't know if my colleagues would agree or not, but my sense of it is that we certainly have no shortage of good applicants who are keen to study media and become journalists.

9. PROFESSOR BROCK: We certainly have no shortage of applicants. In terms of quantity and quality, I don't think there's a problem if you're talking about the national press and what -- in the broad terms, the BBC, Sky, employers like that who tend to broadcast across.

10. If you're talking about the regional newspapers, I think it's much harder for them to find trainees. The relative pay has gone down very much more sharply. They don't train people. There isn't a career progression to higher up in the business, if I can put it that way, and therefore the quantity and quality of people going into the regional press has changed a lot, and not for the better, broadly speaking.

11. PROFESSOR CATHCART: I would think there's something to add about the regional press there which is they're actually shrinking their staff numbers, not increasing them.

12. They're not big recruiters these days.

13. In response to your central question, there is no shortage of very, very bright young people wanting to be journalists.

14. MS PHILLIPS: I would absolutely agree with that. We get amazing students at Goldsmiths and we don't tend to -- they haven't ever tended to go to the local newspapers, or to local or regionals, they've tended to go to nationals and magazines, which is probably fortunate given what's happening at the local level at the moment.

15. LORD JUSTICE LEVESON: Before you go on, can I go back to the question you answered a moment ago. Is there a call for a requirement for a common standard across the universities? Or is the diversity of the courses you offer and therefore perhaps the varying standards -- and I'm not going to go into the debate -- of the training that your undergraduates or your graduates receive of value or not a good idea? Is my question sufficiently clear?

16. PROFESSOR CATHCART: I would say that one of the virtues, as we would see it, of the system is that it's quite competitive. You want students to come to your university and like the look of your course. You make it as -- in our case, as practice-oriented as in a sense...
MS PHILLIPS: And good students do a lot of research before they decide which courses they're going to apply for, and they're very sussed. They do know the differences between them. And when they come to interview -- and I don't know about the others, but we interview every single student coming into our postgraduate courses -- they're pretty clear about why they're making the decisions they're making about which courses they want to go to.

LORD JUSTICE LEVESON: So the diversity is positive and a good thing?

MS PHILLIPS: I think absolutely, yes.

PROFESSOR BARNETT: Just to add to that, we're very old-fashioned in that we interview every student coming onto the undergraduate course -- there aren't very many universities left that still do that -- and have exactly the same experience, that they've done their research, which is much easier now on the Internet, they understand the variety of courses available. In our case, it's 50 per cent practice, 50 per cent theory, which I think is the same as Goldsmiths.

PROFESSOR BROCK: There is a very large variety, or rather across which courses run, with theoretical at one end and practical at the other, and different schools teach in slightly different ways. Their mixture of the two will be different. I certainly haven't ever heard a call for consistency of --

LORD JUSTICE LEVESON: No, I'm just asking the question.

PROFESSOR BROCK: But it was your first question and I haven't heard it.

There is a separate issue, which I think we're likely to get asked about, about the accrediting organisations, but I won't get into that right now.

LORD JUSTICE LEVESON: That's what it leads up to.

MS PHILLIPS: The industry is so different. There are some courses that are far more populist in their approach, they are both more vocational and more populist.

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MR BARR: Before I throw that question open to our other witnesses, perhaps I could invite you to focus on ethical training and whether there ought to be any over-arching accreditation of ethical training or whether it's best split as it is at the moment. Any thoughts on that?

PROFESSOR BROCK: It might in theory be better to have an over-arching body. I think in practice journalism in so many of its aspects is changing so rapidly that that would really be quite difficult to do. The situation that Steve was describing just now, we're in the same position at City. We are not accredited to the NCTJ and for broadly the same reasons as Steve's colleagues decided, so I won't labour the point, it's too rigid, it's too difficult for us to operate, and we did not think that it would improve our courses by doing it. And that continues to be the case and we keep that under review but we are in the broadcasting one and we're also in the Periodicals Training Council. I think that however journalism is changing so rapidly that an over-arching or standard on organisation, even if you were just thinking about ethical training, would be extremely difficult to do. And given the state of training as I see it, I think that competitive plurality, if I can put it that way, seems to be working effectively. And therefore I don't think that -- it would be a disproportionate effort to try and produce an over-arching organisation.

PROFESSOR CATHCART: Yes, I agree with George about the over-arching quality. I think we at Kingston have an MA that is accredited to the NCTJ and we did that because we were setting up a -- our focus is on print or on written journalism, and we don't teach broadcast at all and I think our feeling was that this was the appropriate way to teach journalists, teach young journalists to get them jobs in the local and regional press particularly, which tend to require NCTJ qualification. So we married the two, the degree and the NCTJ, now the diploma. It is a difficult -- it's a difficult MA, it's a very demanding MA. When we recruit, we interview them all, we warn them that piling the NCTJ qualification work on top of the university -- the demands of a university MA degree is very, very demanding. So, you know, these are students who can't, for example, or find it extremely difficult to hold down, you know, part-time jobs outside their degree as students often have to these days. It's tricky. But I have -- I mean, I have been critical, I was critical at the seminar of the NCTJ in the field of ethics because it is effectively a corner of the teaching, of the requirement of the NCTJ diploma, a small corner of it that addresses ethical questions. I'm sure that every teacher who delivers an NCTJ course everywhere in the country teaches it in an ethical manner, but the council itself does not place the stress on ethics that I certainly would like to see and I think that's a pity, but it's also a reflection of the NCTJ being the servant of the industry.

MS PHILLIPS: Absolutely.

PROFESSOR CATHCART: And the industry's priorities not being highly ethical, shall we say. They have not passed down from on high a demand to the NCTJ to deliver high standards of ethics teaching.

MS PHILLIPS: I looked at the NCTJ when I started the Goldsmiths MA in the mid-1990s and I decided not to apply for NCTJ accreditation for much of the reasons that we've heard so far. I felt it was far too narrow and it positively prevented a postgraduate course from looking at the industry or in any way interrogating the job of a journalist. The idea is because basically the NCTJ is run by the industry, it seeks simply to imprint industry ideas on teaching. It seems to me that at postgraduate level, young people should be asked to think about what journalism is and what their role as a journalist would be and very particularly to think about the power that journalists have once they are actually working, so that we at Goldsmiths, we really think that theory and practice need to work together and that ethics needs to be part of what you do from the moment students come in the door because they need to be constantly challenged with ethical questions. If you put the straitjacket of an NCTJ, very kind of nuts and bolts, it's very tick boxy. If you put that straitjacket on top of a postgraduate course, I felt you would actually be stopping students from thinking about what they were doing and we like to think that what we do at Goldsmiths is encourage people to think. It's very importantly part of what we do.

LORD JUSTICE LEVESON: Is a fair summary of that that you're not focusing on what was done yesterday as necessarily correct; you're actually requiring people to think about behind that question and ask: what should we be doing tomorrow?

MS PHILLIPS: You couldn't have put it better. That's what I say -- as my students leave to go into the world, I basically say at the moment everything's really difficult and really hard and jobs are scarce, but you are going to be the journalists of tomorrow, and what
we've taught you will stand you in good stead for the
future, not the past.

That was the other problem I always had with the
NCTJ, that they were teaching too old regulations. We
started with a multi-platform postgraduate course in the
mid-1990s. The NCTJ didn't have a course that would
have fitted that. We would have had to drop most of it.

But we are Periodicals Training Council accredited
because they have a completely different approach. They
come along and say, "Let's see what you're doing and
whether it's good enough for us", and that's a much
der better way of accrediting courses because it allows many
flowers to bloom. It means that we can all be
different. The fact that we do have somebody coming
along and saying, "You're different and we like it",
rather than, "You're different and you're not doing what
we tell you to do".

PROFESSOR BARNETT: In fact, accreditation on that basis
would be quite easy.

MS PHILLIPS: And much cheaper.

PROFESSOR BARNETT: All accrediting bodies would need to do
would be to ask for the course content details and see
to what extent ethics form an important component of the
various modules that are being taught.

In our first year course, the first three lectures
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that first year students have are all about ethics and
regulation. It is an integral part of the introduction
to journalism. But there is no ethics module. It is
like a stick of rock, it goes through virtually every
one of the modules that is being taught at the
discretion of the individual lecturer. But it would be
quite easy to actually accredit on that basis by seeing
to what extent those components are contained within
existing courses.

PROFESSOR BROCK: Can I just stress that we are adapting
courses all the time for the changes in the business.
We've just introduced a virtually compulsory module in
our teaching which we've called entrepreneurial
journalism. This is not about ethics but what it does
is teach young journalists what it's going to be like if
they find themselves, say, in a small Internet start-up.
If they go and work in a small Internet start-up, that
may not be regulated by anyone, or it may be regulated
by someone. It will vary. And therefore you have to
have a basis of the ethics teaching which is independent
of the machinery that they may encounter, or the
circumstances they may encounter because they are --
this is the point I'd really like to try and get
across -- changing very rapidly.

MS PHILLIPS: I would absolutely agree with that.
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inspected every single course that comes under these
headings, but the good ones that I know about, the
quantity of ethical teaching is not the issue.

MS PHILLIPS: I teach one of the ethics lectures, or
a couple of ethics lectures, and one of the thing
I think we're up against all the time is that we are
teaching students to be ethical and knowing that they're
going into an industry where they're going to be under
constant pressure, and we have to make them aware of
that as well.

So we do show, or I do show examples of newspapers
that have either sailed very close to the wind in terms
of the PCC regulations or indeed have completely ridden
right over the top, and we talk about why this happens
and we talk about it in the context of the kind of
extraordinary competitive pressures that the newspapers
are under and what happens to young journalists when
they go into the system.

I feel you can't really teach ethics without
teaching people about the commercial realities of
journalism in this country, and I think that -- I'm sure
we would all agree that actually young people come into
journalism through training as very ethical young
people. I think that's how they come to us and I think
that's -- certainly as far as I'm concerned, that's how
Page 28
they leave us.

PROFESSOR CATHCART: If I could just add one thing. I think it's worth drawing the contrast with the ancient time when I entered journalism, when certainly I received no explicit ethical training whatsoever. I went into -- as it happened, I worked in Reuters, in a highly ethical environment, as I started. I was fortunate in that sense, but the training I was given at Reuters did not include a single word about ethics. We have come a long way.

MR BARR: If the position is that now your students are leaving having been fully taught about ethics, it takes us to the interesting question that was being introduced there: to what extent can you, in fact, prepare somebody for the moral hazards that they then go on to encounter in very busy, very pressured environments?

Can you instill moral courage in your students?

PROFESSOR BARNETT: For me, that's the problem. I've been very struck over the course of the last few weeks by some of the evidence from people who have clearly had to be extremely courageous to stand up and talk about what the reality is at the coalface. Richard Peppiatt is an obvious example.

MS PHILLIPS: Yes.

PROFESSOR BARNETT: I quoted in my evidence the editor of the Press Gazette who wrote -- Dominic Ponsford -- who quoted somebody from one of the red tops last year talking about when you have your editor shouting at you to get a story, you lose your morality. You don't really see celebrities as being real people, you see them as a product, as a story.

We saw the same thing in the book published last year by Sharon Marshall which I've quoted as well. She's talking about ten years of working in the red tops. The pressures that you are under. And they are told in no uncertain terms that if they don't do what they are asked to do, there is no shortage of young, willing recruits who are waiting to take up the very valued and rare job that they have.

So I'm talking specifically now about life, if you like, on the kinds of national tabloid newspapers where a lot of these problems have occurred. I think it's less stark and less problematic for the majority of journalists who are working on local and regional newspapers. I think there are different problems, which very much emanate from the economic pressures that they're under, and that's more to do with reliance on public relations, what Nick Davies has called "churnalism", having to turn the stories round very quickly, but the kind of ethical problems, which is what's driven this Inquiry in the first place, very much concentrated on the national tabloids, I don't think is something that you can actually teach someone to deal with.

That is in the end a matter of your individual moral courage as to whether you feel you can afford to put your head above the parapet and say no.

PROFESSOR CATHCART: In the context of a workplace where it is extremely hard to get a job in the first place. So you have students who knock around doing several unpaid internships. They will eventually get -- I think this is an important factor -- they will eventually get probably a short-term contract or some casual employment, paid employment on a paper. When you're in that vulnerable position and the editor says, "I want it done this way", you're not just making a moral choice, you're making a financial choice.

MS PHILLIPS: Yes, I mean I obviously talk to my own students and I've also done some research in this field talking to journalists. I don't know whether that's done this way", you're not just making a moral choice, you're making a financial choice.

MS PHILLIPS: As far as my own students are concerned, we teach using a live website called the EastLondonLines...
Day 13 - AM Leveson Inquiry 8 December 2011

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<td>were able to deal with that. The second wave of</td>
<td>journalists, they were paranoid about me suggesting what</td>
<td>lot more had been added or it had been changed a lot.</td>
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<td>research was actually looking at how people were using</td>
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<td>new technologies to do research.</td>
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<td>The ethical questions came up almost unasked. In</td>
<td>speak publicly.</td>
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<td>the first set of interviews, some of the people were</td>
<td>The second wave of research that I did, which was,</td>
<td>moving towards the online first way of doing things,</td>
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<td>under most extraordinary pressure because what seemed to</td>
<td>as I said, looking at Internet research -- incidentally</td>
<td>which meant working much, much faster, but they were</td>
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<td>be happening was that young ethnic minority journalists,</td>
<td>I didn't hear any instances of phone hacking, but I was</td>
<td>also losing staff.</td>
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<td>often quite naively going into red top newsrooms, were</td>
<td>at that point talking mainly on the more upmarket press</td>
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<td>actually being asked to do the stories that dealt</td>
<td>because I was simply interested in how people were using</td>
<td>that I was interviewing people in the Telegraph at this</td>
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<td>directly with black and ethnic minority people, so that</td>
<td>the Internet to do research, but again, while doing that</td>
<td>point, an awful lot of the most senior journalists, the</td>
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<td>they were -- partly because they would be more likely to</td>
<td>research, people were talking about the extraordinary</td>
<td>ones who would be responsible for a very different kind</td>
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<td>get an interview, and then they were finding that the</td>
<td>pressures they were under to simply repurpose, take</td>
<td>of reporting which was much more thoughtful, which was</td>
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<td>work that they were writing was being twisted and</td>
<td>stories from elsewhere which they might not necessarily</td>
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<td>changed, and they found it almost intolerable.</td>
<td>even have checked, rewrite them, and you'd find people</td>
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<td>The interesting thing about it is that as I look at</td>
<td>had stories that were going out under their bylines but</td>
<td>that the whole layer of more senior, more seasoned, more</td>
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<td>the names of people on the newspapers, an awful lot of</td>
<td>they'd only written about three lines of. It had just</td>
<td>knowledgeable journalists were quietly disappearing.</td>
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<td>them aren't working where they used to work. I mean one</td>
<td>been cobbled together through the day from a whole lot</td>
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<td>in particular who I interviewed, talked -- he said at</td>
<td>of different places.</td>
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<td>the end the trouble was that he'd come in from a local</td>
<td>So to suggest that they would have any -- they don't</td>
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<td>newspaper:</td>
<td>feel they have any control over what eventually winds up</td>
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<td>&quot;I was doing shifts on a daily basis. It was up to</td>
<td>either on the page, or certainly this was happening</td>
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<td>them to decide whether to renew my job the next day. So</td>
<td>a lot on the Internet, that the Internet editions</td>
<td>that I was interviewing people in the Telegraph at this</td>
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<td>if I lost my job I wouldn't be able to pay the rent or</td>
<td>were -- you take a bit from this paper and a bit from</td>
<td>point, an awful lot of the most senior journalists, the</td>
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<td>anything like that, which probably isn't an excuse, but</td>
<td>that paper and you put it together and you make a couple</td>
<td>ones who would be responsible for a very different kind</td>
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<td>there was still that thought there.&quot;</td>
<td>of phone calls, and the next time you look at it a whole</td>
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He, I'm quite glad to say, I've noticed is now | 1 | 2 |
| working for the Guardian, so he no longer has to deal | lot more had been added or it had been changed a lot. |
| with that any more. And you find that quite a lot of | The other thing I found that was that at that |
| these young people are coming in, working under | particular time there was huge, huge commercial pressure |
| extraordinary pressure and trying to find a way to get | to go online first, so that all the newspapers were |
| on to the more ethical newspapers because they don't | moving towards the online first way of doing things, |
| want to do this stuff. But then a lot of them get | which meant working much, much faster, but they were |
| trapped because the red tops pay much more, in a lot of | also losing staff. |
| situations, so they get trapped by the fact that they've | At this stage, and I think it's reasonable to say |
| got themselves into a situation where they have quite | that I was interviewing people in the Telegraph at this |
| a good salary coming in and they kind of go with it. | point, an awful lot of the most senior journalists, the |
| | ones who would be responsible for a very different kind |
| | of reporting which was much more thoughtful, which was |
| | much more led by specialists, were leaving, either under |
| | pressure or because they didn't like it any more, so |
| | that the whole layer of more senior, more seasoned, more |
| | knowledgeable journalists were quietly disappearing. |
| | I just drop that in because I think it probably was |
| | having some kind of effect. |
| | 19 | MR BARR: If I can ask perhaps our other witnesses -- |
| | 20 | PROFESSOR BROCK: Your question was to what extent does the |
| | 21 | teaching of ethics prepare people for what they will |
| | 22 | find in actual newsrooms? I think there are three quick |
| | 23 | things I'd say. |
| | 24 | Firstly, our training is -- I think the best |
| | 25 | training is very practical oriented. We do similar |

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things to the things Angela has been describing, we're trying to shift the websites we produce to be out there that people can actually see, in other words they're produced in the real world and they have to manage all the risks and difficulties that that requires. I think that brings ethical dilemmas home to people in a way that classroom teaching doesn't necessarily do. I think you can actually warn people, and we do tend to warn people, what they are likely to find in red top newsrooms. Not very many of our past grads particularly go to red top newsrooms but we will tell them what it's likely to be like.

The last thing I would say is that wherever this is going to be, we try to have teachers who have experienced some of these dilemmas. You had evidence from David Leigh, who was giving you descriptions of the kind of dilemmas he does with the Master's students on the investigative journalism course that we run, and I think the more people actually live dilemmas, the more vivid it will become for people and that's the most effective form of teaching in my view.

MR BARR: We've had an indication from Ms Phillips about the number of her students who go on to work for the red tops. Could I ask our other witnesses to give us some indication of the sort of proportion of your output, if I call them that, who go on to work for the red tops?

PROFESSOR CATHCART: Red tops would be a small proportion. We're talking twos and threes in any year of output. I think one of the things that we're not mentioning here is that one of the big employers of university leavers is the business-to-business sector, is magazines and websites that serve the business community, you know, the sort of marketing world and so forth. That's a big employer and it dwarfs the uptake of the red tops.

MR BARR: Is that the --

PROFESSOR BARNETT: Absolutely. One of the problems is that you try and keep in touch with students and some of them will start on perhaps a local paper or an online publication. A few years down the line, they might end up at a red top but by that time you've lost touch with them so you don't really get the feedback.

I think the real issue for this Inquiry, and I know there's been an issue about anonymised evidence, but I do think there is -- there needs to be, I would hope, some flexibility given to those who are very keen to try and give a flavour of what life is like, but are really scared of being identified and putting their head above the parapet.

LORD JUSTICE LEVESON: I'm very conscious of that problem.
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<td>feel they want to practice and we would encourage them to practice.</td>
<td>cultures have come from the -- you know, have had the sort of training and education which informs them in the necessary ways. That's the connection, I suppose.</td>
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<td>LORD JUSTICE LEVESON: Yes, the example is the presentation of extremely complex issues --</td>
<td>MS PHILLIPS: I do keep in quite close touch with my postgraduate students and know where they are, and we have had students go to the Mail training scheme and</td>
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<td>PROFESSOR BARNETT: Absolutely.</td>
<td>I feel fairly sure that if they felt that they were under pressure, that they would actually come back to me even after they'd left. So they are quite protective both of the learning environment and of the environment they're going into, but I have to say I'm always --</td>
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<td>LORD JUSTICE LEVESON: -- in a visual, visually attractive and easy to understand way.</td>
<td>And I remain worried about them, but I think that they've -- you know, the ones who have gone to the Mail have seemed to have -- they've been fine. I think we would all agree that good -- one of the things about the tabloids in particular is that they're really funny a lot of the time. That's why people read them. I don't think any of us would want to lose that.</td>
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<td>PROFESSOR BARNETT: If you've ever tried to explain some kind of complex financial problem or around pensions reform, for example, in 500 words in a kind of tabloid editorial, you'll know how difficult that is. It is a real skill. And someone who can manage that, either can learn it or just understands the nature of that skill, that's a very, very valuable thing to be able to do.</td>
<td>And there are tabloid skills in terms of taking a story and looking at angles, human interest angles of it, whereas where broadsheets might look at the social policy implications, the economic implications, the policy context, et cetera, if you're looking for a really kind of clear human interest angle on a breaking story, the tabloids can often be the best way to get a real kind of live interest in that story. The issue is getting the best of that while avoiding those egregious excesses that we've seen over the last couple of years.</td>
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only a very few of your students go on to work for

recruits to tabloids, where they do get their training

and what's the basis of -- on what basis do they go into

the industry, if they don't go through you? Can you
answer that or is that not possible?

PROFESSOR BARNETT: I think some of them do go and some of
them start off -- there are still ways into journalism
through starting off on your local paper at the age of
16 or 17 or 18. A lot fewer than there used to be 20 or
30 years ago. It's an interesting question. I don't
know if there's any systematic research on where today's
tabloid journalists did their training, but I suspect if we
actually did a survey, we would find that their
background and training was not dissimilar to
journalists elsewhere.

PROFESSOR BROCK: I would expect to find, if such research
was done, a smaller proportion of people with
postgraduate qualifications. I suspect that the people
incoming to red tops are coming from small news
agencies, regional papers, websites, particularly
specialising in gossip, celebrity gossip. They'll come
from a variety of places and they may come from no form
of previous journalistic activity or training at all.

Most journalism should take people in -- of whatever
level of quality, should take in people who come from
outside the normal streams because they will have
special skills that are appropriate. It's very
important to journalism that it does that actually
occasionally. So I would expect the origins of people
on the reporting staffs of red tops to be very mixed,
probably.

PROFESSOR CATHCART: I would agree. I think Steve used the
word or described it as anarchic, that the recruit in
the press generally is pretty anarchic, pretty
scattergun or whatever, and I think you mentioned
a variety -- these business-to-business magazines are
often a starting place for journalists, they move on
from there.

I would stress again the degree that they rely on
casual, short-term employment particularly at the
beginning of a career but over quite long periods, so
you'll have people working day to day or on a month
contract or you will have a great many people
contributing as freelancers. So they will be
particularly obviously out of town, they will rely on
stringers who may get one piece in every month or every
two months, and on that basis, if they succeed at that,
if they're any good at that, they might eventually get

there's quite a drift backwards and forwards from that
side of the magazine sector into the tabloids as well.

LORD JUSTICE LEVESON: I might be trespassing on
Ms Patry Hoskins' next question, but I can't help it.

MS PATRY HOSKINS: That's all right.

LORD JUSTICE LEVESON: It's quite difficult to see how to
redress that because it's quite difficult to think of
a way of saying, well, you shouldn't be employing people
in this way because I just don't think that works, and
therefore all one can do is to try to change the culture
from within, it seems to me.

PROFESSOR CATHCART: Exactly.

LORD JUSTICE LEVESON: Please comment.

PROFESSOR CATHCART: You come back to George's point, which
is that it's about the culture of the people at the
heart of the production system.

LORD JUSTICE LEVESON: I'm merely agreeing.

MS PHILLIPS: I think one of the ways which I was -- we'll
come back to later, but I think one of the ways is we
don't have an automatic right of reply in this country.

We don't have a statutory right of reply, and a lot of
other European countries there is a statutory right of
reply. I think if there was a statutory right of reply,
journalists would be more careful because if somebody
is -- if you know that what you say, you -- if you know

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MS PHILLIPS: I have made it an issue, yes.

LORD JUSTICE LEVESON: But do you have any views about that?

PROFESSOR BARNETT: Yes, I assumed we were coming on to different forms of --

LORD JUSTICE LEVESON: It's a very, very sudden shift in --

MS PHILLIPS: Yes, I assumed we were coming on to different forms of --

LORD JUSTICE LEVESON: I'm sure we are, yes. I'm sorry, I apologised before.

PROFESSOR BARNETT: I think there are a number of ways in which newsrooms can be -- the culture of newsrooms can be changed simply by making it either uncommercial or inconvenient or very awkward both for individual journalists but more importantly for the publication they work for to encourage those kinds of practices.

The sanction I particularly like is that -- and I think this happens in France -- not only does an offending newspaper have to publish a right of reply if the article the person you've spoken about having an opportunity to tell you, to tell everybody that you were right inside newsrooms, and I'm quite surprised that it's not an issue that has come up very much in these sessions, because it's quite standard in a lot of other European countries.

LORD JUSTICE LEVESON: We have a long way to go, so you've just made it an issue.

MS PHILLIPS: I promise we'll come back to regulation far.

PROFESSOR BARNETT: I think the key issue of it, the key issue was that that was very -- I was really encouraged by that sense of people feeling that if they wanted to get on, they just needed to -- they had to swallow it, stay where they were, demonstrate that they could do journalism and that -- you got the feeling there was almost like a seasoning process, that they had to demonstrate that they were tough enough and that that would take a while.

And because in order to move on to a different kind of newspaper, you have to have a really good cuttings file, what you would then have to do -- one of the things I was particularly interested in was the degree to which people were writing what we call off diary stories, which is basically coming up with their own ideas because I felt that that was an area where --

I was looking for culture change, so I was looking to see whether ethnic minority journalists were able to try and change the culture in the newsroom by coming up with their own stories, and they often tried and I thought that that was very -- I was really encouraged by that because what I was interested in was how journalists coming in can have an influence on the newsrooms they come into. And I think that they do.

I think that as you bring more journalists from ethnic minority backgrounds into a newsroom, it does begin to change the way in which the newsroom operates, but in certain instances you can see that it hasn't had any effect and they all leave. So it will be quite interesting to look at the pattern of ethnic minority journalists going in and then out of newsrooms as they find they can't actually cope with what they're asked to do, and there are certainly some newsrooms which I think we're all aware of where it would be very hard to see the kind of constant stream of kind of anti-immigration and anti-asylum stories and actually stay working there.

MS PATRY HOSKINS: Can I just pick you up on that? You said earlier that some of the journalists that you'd spoken to reported having to write stories that they considered to be racist. You remember you said that. Can you tell us a very, very sudden shift in --

that you will always have to see immediately under your article the person you've spoken about having an opportunity to tell you, to tell everybody that you were wrong, I think that that might be one way of reaching right inside newsrooms, and I'm quite surprised that it's not an issue that has come up very much in these sessions, because it's quite standard in a lot of other European countries.

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<td><strong>MS PHILLIPS:</strong> Yes, we certainly find there are fewer and fewer visible ethnic minority columnists. There are lots of issues about how many women there are, and it's certainly not proportionate, but the black and Asian contributors to newspapers visible on that level are very few. Any research that has been done, and not nearly enough has been done about the employment of people from ethnic minorities in the press, any research shows it's pathetically small even today.</td>
<td><strong>MS PATRY HOSKINS:</strong> How does that compare to the number of students from ethnic minority backgrounds that your courses attract? <strong>PROFESSOR CATHCART:</strong> There's almost no comparison. Our student body is, I suppose, among other students it's pathetically small even today.</td>
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<td><strong>PROFESSOR CATHCART:</strong> And I think actually it feeds through to what's been happening at this Inquiry. I think you've seen witnesses who have been almost entirely white. This is a white world we're talking about. We're talking about white people addressing white people. Not just in the Inquiry, I'm not suggesting it's the Inquiry's fault in any way, but the process of the press in this country, the national press, and particularly the mass circulation national press, is about white people addressing white people. <strong>PROFESSOR BROCK:</strong> I haven't counted, but I would guess that there is some difference in ethnic minority ratios between postgraduate journalists and undergraduate journalists. I would expect to see fewer ethnic minorities on postgraduate courses, but I haven't counted it.</td>
<td><strong>MS PATRY HOSKINS:</strong> Is there anything else you want to add? <strong>PROFESSOR BARNETT:</strong> I would say if not more, possibly 40 per cent. And Brian's absolutely right. I mean the profile, the ethnic profile of working journalists actually bears very different relationship, certainly at the national level, to those who start off on our journalism courses. <strong>PROFESSOR CATHCART:</strong> While we're on the subject of race and the press, one of the simple exercises you can do in the classroom is to get students to go through a week's papers and look at the picture bylines and see how many of them are Whittamore and how many of them are a visible ethnic minority, and it's always a shock, even to the students, how very small the numbers of ethnic minority columnists are. There are lots of issues about how many women there are, and it's certainly not proportionate, but the black and Asian contributors to newspapers visible on that level are very few. Any research that has been done, and not nearly enough has been done about the employment of people from ethnic minorities in the press, any research shows it's pathetically small even today.</td>
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<td><strong>MS PATRY HOSKINS:</strong> Is there anything else you want to add? <strong>MS PHILLIPS:</strong> No. <strong>MS PATRY HOSKINS:</strong> Does anybody else want to touch on this issue?</td>
<td><strong>MS PATRY HOSKINS:</strong> I'm not asking you to name any names or any newspapers, of course, but can you give us an idea of how many journalists you spoke to? <strong>MS PHILLIPS:</strong> No. <strong>MS PATRY HOSKINS:</strong> Is there anything else you want to add?</td>
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<td><strong>MS PHILLIPS:</strong> Oh, absolutely. This particular quote was somebody saying: &quot;I thought the story was appalling. I thought all along that it was a ludicrous exercise with no logic whatsoever and I felt very ashamed about it. I talked to a senior reporter and said I wasn't very happy about it and he said to keep my head down and say nothing. He said I'd lose my job if I raised it with anyone more senior to him.&quot; As I said, I was virtually -- you know, they would not speak to me at all if I was to say what newsrooms they came from even, so I can't say any more than that. But that was a journalist who is no longer working for that newsroom. I think what people felt was that you get in there and you keep your head down and you prove that you can deal with anything. Another one I spoke to said that the only time he had ever been able to exercise what is laughably called the right of conscience was once he was able to point out to a more senior editor that actually this particular story affected his family directly and he was allowed not to write it. But these stories, they just -- as I said, they fell out. They were not very hard to find, but people would only say it if I promised not to mention their names at all, ever.</td>
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us a bit more about that? Was there pressure on journalists to write stories that were contrary to the beliefs that they themselves held? **MS PHILLIPS:** No. **MS PATRY HOSKINS:** Does anybody else want to touch on this issue? **PROFESSOR CATHCART:** While we're on the subject of race and the press, one of the simple exercises you can do in the classroom is to get students to go through a week's papers and look at the picture bylines and see how many of them are Whittamore and how many of them are a visible ethnic minority, and it's always a shock, even to the students, how very small the numbers of ethnic minority columnists are. There are lots of issues about how many women there are, and it's certainly not proportionate, but the black and Asian contributors to newspapers visible on that level are very few. Any research that has been done, and not nearly enough has been done about the employment of people from ethnic minorities in the press, any research shows it's pathetically small even today. **MS PATRY HOSKINS:** How does that compare to the number of students from ethnic minority backgrounds that your courses attract? **PROFESSOR CATHCART:** There's almost no comparison. Our student body is, I suppose, among other students it's pathetically small even today. **MS PATRY HOSKINS:** I'm not asking you to name any names or any newspapers, of course, but can you give us an idea of how many journalists you spoke to? **MS PHILLIPS:** No. **MS PATRY HOSKINS:** Is there anything else you want to add? **Page 55** |
| **Page 54** | **Page 56** |
| **Page 54** | **Page 56** |

allowed not to write it. But these stories, they just -- as I said, they fell out. They were not very hard to find, but people would only say it if I promised not to mention their names at all, ever. **MS PATRY HOSKINS:** I'm not asking you to name any names or any newspapers, of course, but can you give us an idea of how many journalists you spoke to? **MS PHILLIPS:** It was very small. This was in 2002. There weren't very many ethnic minority journalists. I'm not pretending it was in any way a quantitative study. There was a very small number and it was looking for something quite specific, so it was just -- I was quite surprised by the impact. I mean, the second research I did was -- again it was looking -- because it was looking for how people -- looking for working methods, so there was probably about -- I think it was six people in three different newsrooms, but they were all quite -- from different levels within the newsrooms. Different ages and different backgrounds. So again I'm not pretend -- I never suggested it was a huge sample. It was qualitative research and it was looking at what people's experiences were and what was interesting was it came up completely unbidden.
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<td>it's because of the class structure of ethnic minority</td>
<td>months there was a knock on the door, there was a woman</td>
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<td>people in this country, it's harder for them to afford,</td>
<td>standing at the door who asked if it was true that this</td>
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<td>it and we don't have as many bursaries as we would like,</td>
<td>celebrity lived in our street and rather unhappily</td>
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<td>MS PATRY HOSKINS: The ones that do come through your</td>
<td>I just said, &quot;Yes&quot;, and they then asked which number,</td>
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<td>courses, what happens to them? Where do they go if</td>
<td>which point I sort of gathered my wits and said,</td>
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<td>they're not represented on the national newspapers?</td>
<td>&quot;Are you a journalist?&quot; and she said, &quot;Yes&quot;. I think</td>
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<td>PROFESSOR BARNETT: That is a very good question. I think</td>
<td>I asked which newspaper but I can't remember what they</td>
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<td>there is certainly an ethnic minority press and there</td>
<td>said.</td>
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<td>are specialist publications, magazines, et cetera, which</td>
<td>Anyway, I then said, &quot;I'm sorry, I'm not helping&quot;.</td>
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<td>would employ quite a few, actually, and this might not</td>
<td>I put a note through the door of the celebrity, saying,</td>
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<td>be so true with Brian, but quite a few go into</td>
<td>&quot;I think there's some journalist after you&quot; and actually</td>
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<td>broadcasting where there is a much better record in</td>
<td>talked to a couple of neighbours subsequently who said</td>
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<td>terms of diversity.</td>
<td>that in fact this woman and an accomplice were hanging</td>
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<td>PROFESSOR BROCK: I was about to say the same thing.</td>
<td>around in a car for hours trying to catch a photo.</td>
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<td>PROFESSOR BARNETT: And radio. I think every other sector,</td>
<td>The point that I've made in the piece that I wrote</td>
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<td>PROFESSOR BROCK: And business to business too.</td>
<td>is -- and I think this is crucial -- this particular</td>
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<td>MS PHILLIPS: It isn't just a record of diversity.</td>
<td>celebrity, who is a platinum-album-selling artist and</td>
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<td>Television and radio tend to pay more. I think if you</td>
<td>has given enormous pleasure to millions of people around</td>
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<td>come from a working class background and you don't have</td>
<td>the world, had never sought personal publicity, has</td>
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<td>enough money to get through your first degree, let alone</td>
<td>never done anything wrong, has never done any deals with</td>
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<td>a second degree, to then go into print journalism is</td>
<td>Hello magazine. There is absolutely nothing that one</td>
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<td>problematic and it's of course going to get much, much</td>
<td>can point to in their private life that one might argue</td>
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<td>worse. What is required, really, are a lot more</td>
<td>is in the public interest to be exposed, but there was</td>
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<td>bursaries. Certainly from my experience at Goldsmiths,</td>
<td>a rumour going around that they were having a</td>
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<td>those who do come do very well because the newspapers</td>
<td>relationship with a sporting celebrity, and it was no</td>
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<td>are very well aware that their newsrooms are not</td>
<td>more than a rumour, and in fact an article to that</td>
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<td>sufficiently diverse. If a star pupil comes through</td>
<td>effect then appeared in a newspaper a few days later,</td>
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<td>from an ethnic minority background who has made it</td>
<td>most of it entirely fabricated.</td>
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<td>through, I don't think anything will hold them back at</td>
<td>At the time, I was sort of rather disappointed with</td>
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<td>that stage. I think a lot of the problem is economic.</td>
<td>myself that I hadn't gone up to these people and said,</td>
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<td>MS PATRY HOSKINS: Interesting as this topic is, I think we</td>
<td>&quot;What do you think you're doing and why are you doing</td>
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<td>should move on to the other areas of research, if I can.</td>
<td>it?&quot; I wish I had. But it was just a very good</td>
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<td>I'll turn to Professor Barnett first. I'm going to ask</td>
<td>personal example of the attraction of celebrities and</td>
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<td>you a bit about the section in your witness statement</td>
<td>show business for no reason other than they make good</td>
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<td>dealing with culture, practices and ethics, being highly</td>
<td>stories.</td>
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<td>relevant to our terms of reference. You share with us</td>
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<td>in that section of your witness statement two personal</td>
<td>MS PATRY HOSKINS: Can I just pick up, we may as well</td>
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<td>experiences which I think are very helpful. If you</td>
<td>explore some of the more general points. You said this</td>
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<td>wouldn't mind, can I ask you first about the experience</td>
<td>person had never courted publicity, had never given</td>
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<td>about the celebrity on your street? Perhaps you can</td>
<td>interviews to Hello or OK magazine. Does that indicate</td>
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<td>tell us a bit about it and then what you think you can</td>
<td>that you take the view that if a celebrity does choose</td>
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<td>pass on to the Inquiry as the kind of lesson to be</td>
<td>to speak to Hello or OK magazine or puts their personal</td>
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<td>learnt from that experience.</td>
<td>life in the media in that way, this somehow might</td>
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<td>PROFESSOR BARNETT: Yes. I actually -- this happened</td>
<td>justify a higher level of not intrusion, but a higher</td>
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<td>several years ago and I only wrote it up for the British</td>
<td>level of interest in their private life?</td>
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<td>Journalism Review this year. It's just a short piece</td>
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<td>but it happened several years ago where a very</td>
<td>PROFESSOR BARNETT: No, I don't necessarily think that's</td>
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<td>well-known singer, I won't even give the gender let</td>
<td>true. I think that as soon as you try and create a</td>
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<td>alone the name, moved into our street and within a few</td>
<td>public image, which -- and there is evidence to</td>
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a kind of hypocrisy argument, and I say might. I think
this is a very grey area, because I think it's easy to
use it as an excuse, particularly for mass circulation
newspapers, to delve into the private lives of
celebrities.

For me, the much more important principle here is
that celebrities become celebrities very often because
they are good at something. I think Steve Coogan made
this point, "I happen to be a good writer", he said, and
this person happened to be a wonderful singer. There
are people who are very good at sport or are wonderful
dancers, and they became famous and possibly rich
because they are very good at something.

The idea that therefore, about because they excel at
what they do, they should then become legitimate targets
for journalistic exposure or even any kind of intrusion
that they don't want seems to me to be entirely wrong
and entirely counter-productive and it's actually --
I think in a funny kind of way it's quite British, in
a bad way, and I don't think it reflects well, actually,
on our own culture.

MS PATRY HOSKINS: What about the argument that these people
are people who are very good at sport or are wonderful
role models? For example, for young children who may
buy CDs or downloads or the young boy who goes to watch

the footballer playing football, those people are role
models to generations, in some cases, of people.

PROFESSOR BARNETT: In terms of what they do, if what they
do they do badly or they are found to have done it in
some way, engaged in some kind of corruption; if this
great singer turns out to have been miming and it's
somebody else's voice, then of course that is absolutely
legitimate to be exposed as hypocrisy. But if they are
doing something which is completely detached from their
professional life, what they are good at, and they are
doing something that's entirely legal in their own time
in their own house privately, I cannot see any
conceivable justification for saying, oh, this person is
a role model, therefore we can put a camera in their
bedroom or we can follow them down the road and expose
their private life. I just don't see the logic.

MS PATRY HOSKINS: Does anyone else have a view?

PROFESSOR BROCK: I'm on record as saying that I think what
recent events have shown is that we do need to rewrite
privacy legislation. I don't think that balancing
Article 8 and Article 10 of the Human Rights Act has
worked particularly well. I don't think that -- I'm not
necessarily sure that I would settle every case
identically to Steve, but I think that he is absolutely
right to argue that what has happened, possibly by

a parliamentary definition, if there was a law which
actually said, "Here is a definition of the public
interest", it's not going to resolve every single case,
they would need to be done on a case-by-case basis
through the courts as happens now between Article 8 and
Article 10. But at least it would then have democratic
legitimacy of Parliament behind it and more importantly
it could help to liberate good journalism.

As George said, what it could do is provide
defences perhaps to phone hacking, perhaps to the
Bribery Act, and there would be a defence on grounds of
real public interest which Parliament has defined, but
that would not include intruding into the private lives
of celebrities just because they are celebrities.

LORD JUSTICE LEVESON: Do you have such a definition?

PROFESSOR BARNETT: Pardon?

LORD JUSTICE LEVESON: Do you have a definition?

PROFESSOR BARNETT: Yes, and it comes from the BBC website
LORD JUSTICE LEVESON: Thank you.

PROFESSOR BARNETT: It's in the BBC's editorial guidelines
and I think that works perfectly well. I'd rather see
Parliament debate it and pass it rather than me give my
definition.

LORD JUSTICE LEVESON: Just before you say that, I don't
think they've yet invested you with the power to pass
Day 13 - AM Leveson Inquiry 8 December 2011

1. We can't have a completely divided system.
2. But I think that the idea of keeping the existing
3. privacy law and having a proper defence would cover
4. a lot of the issues that we are faced with, I think.
5. MS PATRY HOSKINS: We're moving on now to more general
6. questions of changes to the law and moves us on neatly
7. as well to changes to regulation, if that's deemed
8. necessary. It may well be that this is a good time for
9. us to take a short break?
10. LORD JUSTICE LEVESON: We ought to because the shorthand
11. writer has been working hard --
12. MS PATRY HOSKINS: And then come back to this very
13. interesting issue.
14. LORD JUSTICE LEVESON: -- for an hour and a half and I'm
15. very keen to hear your views, both now and, as I've
16. said, it doesn't stop just because you finish today.
17. I'll still be here for some time and I'm very keen to
18. hear your views, whenever you have them. Thank you.
19. (11.38 am)
20. (A short break)
21. (11.47 am)
22. MS PATRY HOSKINS: Right, I'm going to move on to the issue
23. of regulation of the press, if I can. I know we had
24. started off down a road of talking about changes to the
25. law but can I just for a moment talk about that. I'm

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<td>the code as best we could and I thought it was a pretty</td>
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<td>useful document for doing that.</td>
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<td>PROFESSOR CATHCART: I would add that it appears to be quite</td>
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<td>a good mediator and handle complaints quite well within</td>
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<td>the narrow remit of its complaints service, but it</td>
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<td>appears to do so well.</td>
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<td>MS PATRY HOSKINS: Anything you'd like to add?</td>
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<td>MS PHILLIPS: I think it deals with issues of accuracy quite</td>
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<td>well, but it doesn't seem to deal well with anything else.</td>
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<td>I would agree that the code of conduct is something</td>
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<td>worth hanging on to. It's also quite like the NUJ code of</td>
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<td>conduct, and it's a perfectly reasonable document.</td>
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<td>The question is how do you ensure that it actually happens?</td>
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<td>MS PATRY HOSKINS: So that's been a very brief session on</td>
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<td>what the PCC does well. Can we move on then to what it</td>
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<td>doesn't do so well? Perhaps I'll take you in reverse</td>
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<td>order just for a change, just to put you on the spot.</td>
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<td>MS PHILLIPS: What it doesn't do very well? Well, it doesn't</td>
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<td>MS PATRY HOSKINS: Okay.</td>
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<td>MS PHILLIPS: It doesn't seem to be able to get the more powerful newspapers to abide by it.</td>
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<td>One of the things that I think is quite interesting</td>
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<td>is the degree to which editors seem to see regulations as a challenge. I mean, you get -- it's all about going</td>
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<td>1</td>
<td>I think it's also been guilty -- I think I'm just underlining Brian's point -- of trying to pretend that it's a regulator when actually it's a complaints mediation service.</td>
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<td>PROFESSOR BARNETT: I'd go along with all of that. The only problem is it was billed from the very beginning as a regulator. When David Calcutt produced his report in 1990, and indeed then reviewed his own report in 1993, he actually talked about this new system of self-regulation. So whether or not it is actually a self-regulator, a regulator, it was certainly billed after the excesses of the 1980s, which led to its creation, it was billed as an answer to deal with the issues that had arisen during the 19802 and was billed as an answer that was a regulatory answer.</td>
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<td>So it's all very well now for, you know, the current and previous chairmen to talk about, &quot;We're actually only a complaints mechanism&quot;. That is not the way in which they either were set up to do, nor indeed the way they wanted themselves to be perceived as doing at the time.</td>
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<td>MS PATRY HOSKINS: I suppose that takes us neatly on to what it should be. I think you all agree that it does some limited things well, there are some aspects of it that you think it does not well at all. That would take us</td>
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1. I don't know if you've seen today it's been reported what the PCC itself proposes. I printed off this morning a news report headed "PCC proposes wide-ranging shake-up of press self-regulation". Obviously it's interesting to see where they themselves feel it should change. What I'm going to do is identify some proposals and you tell me whether you think you agree --

2. LORD JUSTICE LEVESON: It's a bit hard if they've not had a chance to read details.

3. MS PATRY HOSKINS: Absolutely not, and I promise if you haven't had a chance to read it, that's fine. The issues are familiar ones and perhaps I'll just deal with some of the solutions they have come up with and we can talk about the issues rather than the general package that they propose.

4. I suppose the first thing, we were just talking about this, is the power to investigate. Can I have your views, please, on how a power to investigate would work, what sorts of situations you would like the PCC or a new body to be able to investigate in? Who wants to kick us off?

5. PROFESSOR CATHCART: I will. I draw the analogy with, you know, other areas of life. If there's a railway accident, there is an inquiry and lessons are learned.

6. MS PHILLIPS: I think there needs to be something we were talking about earlier, to do with whistle blowing, and I believe this is something the PCC has mentioned this morning. It should be easier for journalists who are concerned about what they're being asked to do to find an avenue. There is no avenue at all. And when a group of journalists at the Express Newspapers a few years ago tried to raise a broad issue -- again this was about the coverage of Travellers and the fact that they were

7. MS PATRY HOSKINS: Am I right in thinking so far we have had the possibility for finding a way of channelling their own concerns. So I think there needs to be a way in which journalists who are working on a newspaper, and they're not going to do it very often because it puts their own position at risk, but they need to have a place where they can safely go and say, "Things are not right".

8. And then I would agree that there needs to be some mechanism for looking at broader areas of concerns, rather than simply specific complaints.

9. PROFESSOR BROCK: I am going to part company with my colleagues on this point. I'll take an opportunity later on, if I may, just to explain the context of what I think about regulation in general, but I'm very, very cautious about the blithe conversations about investigatory powers. It's very easy to draw the conclusion from what has happened to the PCC that what it lacks is investigatory powers, but I think we have to
MS PATRY HOSKINS: Feel free to tell us about the context.

That's very interesting.

LORD JUSTICE LEVESON: We don't want to lose the point.

PROFESSOR BROCK: Okay, but it is wider than the point about investigative powers.

MS PATRY HOSKINS: That's fine.

PROFESSOR BROCK: I base what I say on my experience as a managing editor and I think that a system of regulation that is really going to work effectively has to balance an externally imposed deterrent, if you like.

With an internal incentive and unless the deterrent and the incentive are properly balanced, you won't get a sustainable effect of the kind you need.

I think that what we need to do, instead of concentrating so hard on reforming the self-regulation mechanism, which happens to be the one that exists, we should start by thinking about the legal context in which as I've already said I think public interest should start by thinking about the legal context in which such as defamation or privacy probably being the two easier to access a public interest defence in a case investigation. And I think that if you say that it is easier to access a public interest defence in a case such as defamation or privacy probably being the two most prominent principal ones here, then I think if that public interest defence depended partly on the integrity of your editorial systems, or more generally, the integrity of your newsroom and what you could demonstrate about it, did you have self-disciplines that prevented people doing things wrong, do you show how that operates, are you clear about what your code is, how do you respond to complainants and so on, that I think would be a more effective way of growing up a system that might be called regulation or it might be called self-regulation.

MS PATRY HOSKINS: That would be the carrot?

PROFESSOR BROCK: It would be the carrot indeed. If I may just give the example of the News of the World, now a dead newspaper. They used to find themselves in court quite a lot. They also did investigative work. If they were in court and their position in court was going to be damaged by the fact that they were doing things like phone hacking, it seems to me that the senior executives of that popular paper would be very much more careful about what was going on in their newsroom because they would have an actual incentive in the operation of the law to do better, to be more careful about what was happening.

I've outlined these in the latest edition of the British Journalism Review, which Steve happens to have brought along, at a slighter greater length than I've been able to do now. Thank you for your patience.

PROFESSOR BARNETT: I'm not sure that these positions -- this is turning into a university seminar.

LORD JUSTICE LEVESON: That's exactly the purpose. That's why you're together.

PROFESSOR BARNETT: Okay. I'm not sure these positions are actually incompatible. Yes, there needs to be -- I'm not sure that there is that much difference between rooting these changes in law and rooting them in enforcement -- giving a beefed-up PCC or a new regulator to balance an externally imposed deterrent, if you like. With an internal incentive and unless the deterrent and the incentive are properly balanced, you won't get a sustainable effect of the kind you need.

LORD JUSTICE LEVESON: Isn't it also ethical?

PROFESSOR BARNETT: No.

LORD JUSTICE LEVESON: It's not just accuracy, either.

PROFESSOR BARNETT: Absolutely. It's ethical journalism, it's actually abiding by the Editors' Code in all its enforcement -- giving a beefed-up PCC or a new regulator to balance an externally imposed deterrent, if you like. With an internal incentive and unless the deterrent and the incentive are properly balanced, you won't get a sustainable effect of the kind you need.

I think the expansion of the public interest defence is really important because I want to see a form of regulation which arises from people's wish to do things better rather than simply from the imposition of external penalties or indeed the imposition of external investigation. And I think that if you say that it is easier to access a public interest defence in a case such as defamation or privacy probably being the two most prominent principal ones here, then I think if that public interest defence depended partly on the integrity of your editorial systems, or more generally, the integrity of your newsroom and what you could demonstrate about it, did you have self-disciplines that prevented people doing things wrong, do you show how that operates, are you clear about what your code is, how do you respond to complainants and so on, that I think would be a more effective way of growing up a system that might be called regulation or it might be called self-regulation.

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MS PATRY HOSKINS: That would be the carrot?
PROFESSOR BROCK: I was only going to say but the difference
is that I think it will be more effective if this is
grown up by the newsrooms themselves in response to the
right incentive. That's possibly a small difference
between us.

PROFESSOR CATHCART: I certainly buy the idea that public
interest defences can have a big influence in changing
culture. I just make two points. The first is that
it's often said that, you know, when something's
illegal, the law deals with it, but the process by
which, if you'll forgive me, the law deals with some of
the problems that we're facing is imperfect. If you
look at the case of

Christopher Jefferies, he sued eight newspapers and
you've heard how he was monstered. He sued eight
newspapers and they paid -- we don't know what the sum
was, but the legal gossip is something less than
£500,000 between them. They had a field day with his
life for three days over the quiet new year weekend. If
I do the sums right, the average was that it cost each
of them £20,000 a day. That's good business. It sounds
like Christopher Jefferies has had justice, but it

doesn't affect the way in which the newspapers are
likely to proceed in the future.

And indeed if you project it into the past, what
happened to Christopher Jefferies is not all that
different to what happened to Robert Murat who sued
a lot of news organisations. It's not all that
different although it was much more slow motion than
what happened to Kate and Gerry McCann, who sued.
Suing may get you what looks like a headline sum of
money in damages, but it is not forcing the newspaper
industry to think about its own culture in any way.
They can pay these sums of money and move on. Indeed,
you heard Gerry McCann argue that they actually make
a profit overall in some of these cases.
That's not good enough. It's not finding where the
wheels have come off and saying we need to tighten these
bolts.

So I come back to the idea that some sort of
post-mortem process has to be introduced into the
proceedings and I think an investigative arm, which was
proposed by the Media Select Committee in 2009, is an
important standards element for a regulator.

LORD JUSTICE LEVESON: That's the mildest way.

PROFESSOR CATHCART: If you look at the case of
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of them £20,000 a day. That's good business. It sounds
like Christopher Jefferies has had justice, but it
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the last ten years and see where clearly patterns were arising, and one would like to imagine that a regulatory body that was concerned with the press would be looking for those kinds of patterns where something clearly was happening over a long period of time or, in the case of the McCanns, it was an accumulation of coverage.

I think --

LORD JUSTICE LEVESON: So this is proactive rather than reactive?

MS PHILLIPS: I think one would like to feel that there was some kind of proactive possibility in a regulatory body, but one wouldn't expect it to be used all the time. It would need to be triggered by something clearly important going on, and I think that that would need to be left to the decision of whatever board was structured to run it, but one wouldn't -- it needs to be there.

PROFESSOR BROCK: I think the problems of -- if we're imagining a broadly speaking -- or people want to imagine a stronger regulator, I think the problems of inclusion, ie who is covered by it and are they compelled to be included in the system, are rather bigger than people sometimes acknowledge.

I think if you then have to think about investigation and presumably stiffer sanctions, because that's often implied as well, you are very close to what protectors are.

"A crucial part of the new system would see each publisher sign a contract with the PCC. Each newspaper owner would have to sign up to the complaints mechanism, submit to investigation and accept financial sanction, with each contract lasting between three and five years. The idea is to create a mechanism tighter than the existing model of self-regulation but not as stiff as statutory intervention. It would be possible for the PCC to enforce against errant newspapers because the

Steve was suggesting just now, which is effectively extending the Ofcom regime to printed, perhaps, and online media.

I would on the whole be in favour of a mixed economy of legislation because I think that produces probably better public interest journalism with words in the end, but if you're going to get into a very elaborate regulatory system, you might as well extend Ofcom.

I was forwarding an idea that is different, but as soon as you're into sanctions, investigation and so on, you're not very far from just drawing Ofcom across to extend across more people. More outlets, I should say.

PROFESSOR BARNETT: You can take the best and the worst.

I think extending Ofcom won't work for a number of reasons, not least because we don't want to license the press. The reason Ofcom works in the end is because the ultimate sanction is you can take the broadcast licence away, and that's the root of its effectiveness.

But I think you can take the good bits of Ofcom, which is that it is an effective regulatory system, that it has set up a mechanism for dealing quickly with problems, with complaints around ethical issues, and I used in my evidence the example of Carlton Television.

It was discovered by the Guardian to have faked large sections of its documentary in 1996 and they ended up paying £2 million to the regulator.

There is absolutely the issue of compulsion, and I don't know if you were planning to come onto that, but how do you persuade all the publications to come into this umbrella; and there has to be a implication of sticks and carrots, but my favoured solution is perhaps to have Ofcom as a sort of backstop regulator. There has to be something behind this new system, but preferably the new system would start by being self-regulatory. It would be operated and run by those within the industry for the industry, including, as we know happens with the Press Council in Ireland, working journalists. That seems to work very well.

"A crucial part of the new system would see each publisher sign a contract with the PCC. Each newspaper owner would have to sign up to the complaints mechanism, submit to investigation and accept financial sanction, with each contract lasting between three and five years. The idea is to create a mechanism tighter than the existing model of self-regulation but not as stiff as statutory intervention. It would be possible for the PCC to enforce against errant newspapers because the
a statutory right of reply which kind of floats above
all of it would apply to the Internet as well. In fact,
it would apply primarily to the Internet because it's on
the Internet that it's easiest to do.

There's absolutely no reason why every single
internal outlet should not be required, as long as --
I mean, as long as they were within British
jurisdiction, which clearly does raise some problems,
but I think it's not insurmountable, if everybody simply
to have promised to give the right of reply at the bottom
of any article and above the comments -- it's not the
same as a comment column, it's a right of reply column.
I think if that was something that simply everybody had
to produce, I think for a start it would mean that you
would begin to see the use of internal ombudsmen.
I think you would begin to see that newspapers would
rather conciliate than publish a reply in a right of
reply slot.
I think it would simply mean that every time you
write an article, you would know that immediately below
where you had written, somebody else could come along
and say, "This is all made up". I mean, there would
have to be checks and balances about it. There would
have to be -- it would have to be quite carefully worked
up how such a right of reply would be used, but I think

it would have quite a salutary effect because it would
be immediate. It would mean that if somebody wrote
something about you today and you heard about it,
there's no reason why within hours you shouldn't have
your right of reply up there on the Internet.
There have been lots of complaints for right of reply
over a number of years, and they've been absolutely
because the editors have always said, "We can't have
a right of reply because it would completely ruin our
newspapers. We don't want somebody who doesn't know how
to write getting kind of a space bang slap in the middle
of one of our beautifully organised pages".
Actually, there was some point in that. It would
have looked strange on a regular basis to have something
on the front page saying, "Actually, what we said
yesterday was wrong". I think there are occasions when
that's necessary, when somebody has clearly said
something that's completely wrong, but if you had
a right of reply that is simply always exercised online
where it's easy, and there's no argument that I can
think of against it, you are improving democracy, you
are improving accountability and you are going some way
towards balancing the freedom of press with the freedom
of expression of the individual. And it would be
terribly easy. Which means there must be something

wrong with it.

PROFESSOR BARNETT: I don't understand how that would work
out of jurisdiction.

MS PHILLIPS: As I said, it would clearly be problematic,
but if one is going to assume that everybody faced with
a right of reply is simply going to move to another
jurisdiction, I don't think that's going to happen.
I think most people will deal with it.
PROFESSOR BARNETT: I suppose I'm slightly concerned -- it
seems to me that blogging and the Internet is actually
a wonderful opportunity for complete freedom of speech,
and I am not entirely convinced about the right of
reply --

MS PHILLIPS: But it often isn't used as an opportunity for
complete freedom of speech. If you look at newspapers
and you look at their comment columns --

PROFESSOR BARNETT: I entirely accept that if we're talking
about the online manifestations of existing
publications, I completely agree. But to extend it
across all online, you know, any kind of blogging
I think is different.
Can I raise another point, which is actually more
about the carrots for bringing people in to this sort of
brave new world, and they've both been raised before,
but I think they're both attractive. One is to find

some way of financially incentivising those publications
by perhaps saying that if you are not part of this
regulatory system, if you choose not to be, you will be
subject to VAT. I think that's -- I've seen various
projections about what that might raise, potentially --
or what you might lose, which can run into millions of
pounds, and that seems to me to be a powerful incentive.

LORD JUSTICE LEVESON: Depending on whether it's legally
possible.

PROFESSOR BARNETT: I've heard that some people are
objecting that you have to go to Brussels and get
permission. If the will is there, I have not heard of
any legal objections to doing that. The exemption from
VAT is predicated on an assumption that the printed word
is good for democracy. That's my understanding of how
it comes about. If you want to be outside of an
umbrella which says we are actually -- this system of
regulation is there because we accept that the printed
word is part of the democratic process, then it seems to
me if you don't want to be part of that, I don't see how
you can then say, "But I want to be exempt from VAT".
So that's one thing.
The other thing is I think what's been suggested is
that for those within this new regulatory system there
could be caps on -- if you operate some kind of

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<td>voluntary tribunal and all sides agree to be bound,</td>
<td>1 before you at the seminars, Paul Dacre, on the point of membership, as it were, he said something similar. He said that he would be looking for the help of Parliament, as it were, on that point, and I think the same is true with the money.</td>
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<td>there could be caps on any kind of damages that might be awarded --</td>
<td>2 LORD JUSTICE LEVESON: Or you could do it the reverse way, by saying that if you're not within that system, and you're found liable for some failure, then there is an additional --</td>
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<td>LORD JUSTICE LEVESON: Or you could do it the reverse way, by saying that if you're not within that system, and you're found liable for some failure, then there is an additional --</td>
<td>3 PROFESSOR BARNETT: Absolutely, absolutely.</td>
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<td>PROFESSOR BARNETT: And that would need to be enough to make it sufficiently incentivised for an organisation to want to be part of this system.</td>
<td>4 LORD JUSTICE LEVESON: -- award.</td>
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<td>But I also think we should emphasise the potential role of this whole kite marking area. I think if there was a sufficient amount of publicity -- we all remember the Advertising Standards Association: &quot;legal, decent, honest, truthful&quot;. None of us really know what the PCC stands for. That's because of publicity, because the ASA was prepared to publicise the standards which it expected people to adhere to, and I think a new kite marked regulatory system for the press could do the same.</td>
<td>5 PROFESSOR BARNETT: Good, okay. I would make two general comments: that ideally the new beefed-up system should be run by the press for the press. There are various ways in which we could try to ensure that it is not run by a small band of newspaper editors. I talked about creating a more elaborate, more effective regulatory mechanism than the one that exists at the moment, is I think the problem of paying for it is a really hard one, and therefore, if you build it into an incentive system -- I won't rehearse my previous argument -- then I think people would have a stronger incentive to come up with the money to run it.</td>
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<td>MS PATRY HOSKINS: I'm going to pause you there because I know Mr Barr wants to come back on to interesting questions about the definition of the public interest</td>
<td>6 LORD JUSTICE LEVESON: That's one of the possibilities.</td>
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<td>and other ethical questions. I'll give you each a few moments to tell us, because I think every witness has come forward in this Inquiry so far and said &quot;It's all very difficult, I don't have a solution in my pocket&quot;, but we thought that if anyone can tell us --</td>
<td>7 PROFESSOR BROCK: One of the reasons that I have suggested starting at a different point than attempting to produce a more elaborate, more effective regulatory mechanism than the one that exists at the moment, is I think the problem of paying for it is a really hard one, and therefore, if you build it into an incentive system -- I won't rehearse my previous argument -- then I think people would have a stronger incentive to come up with the money to run it.</td>
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<td>LORD JUSTICE LEVESON: Before you do that, that's a good question, but I have a slightly different one. How is all this going to be financed? It's all very well for Ofcom with the broadcasting money that is behind it, but print journalism as we know is going through a very difficult time, so if anybody has any ideas on that, I'd be very interested to hear it before you get it sufficiently incentivised for an organisation to want to be part of this system.</td>
<td>8 PROFESSOR BROCK: And they would have to provide the resources for that system and they would have an incentive to do that, as I've described.</td>
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<td>PROFESSOR CATHCART: I find there are two elements we come back to in this debate, where the role of the state becomes of interest. One is -- we've just discussed it -- the area of compulsion and membership and so forth, and the other is money. I think that we will hear, we are hearing a great many projects for press regulation, but I think that if they don't answer those two questions about compulsion and -- then, you know, they're not answers. I would love to think there was an alternative, but I can't see how those two questions could be answered without some involvement by the state.</td>
<td>9 MS PATRY HOSKINS: That takes us back to my more general questions. I want to give each of you a short opportunity to show us or tell us what the brave new world would look like in your view. Should look like.</td>
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<td>On the first point, I would say that when he came before you at the seminars, Paul Dacre, on the point of membership, as it were, he said something similar. He said that he would be looking for the help of Parliament, as it were, on that point, and I think the same is true with the money.</td>
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<td>PROFESSOR BROCK: And they would have to provide the resources for that system and they would have an incentive to do that, as I've described.</td>
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board voluntarily, the better it's going to be for everyone, but the history of press regulation has told us over the last 50 years that left to itself, self-regulation, pure self-regulation, does not work. It simply does not work, and I think we have reached a point now where we simply cannot listen to the same promises and the same commitments that we heard 22 years ago at Colcutt and say, "This time it's one more drink in the last-chance saloon." We've been there and done that. There has to be now some kind of backstop regulatory framework which says, "You said you're going to do this, we think we believe you're going to do this, and if you're going to do it, you have nothing to fear, but we're going to be here and watch you just to make sure that you actually do that."

One final point. There is, I think, almost a deliberate campaign sometimes amongst those who don't want any kind of statutory involvement at all to talk about state interference, and there are comparisons made with Zimbabwe and Burma and Hungary and all sorts of other awful countries on the basis that as soon as you involve Parliament, the world falls apart. I think we have to accept ultimately we live in a democracy, we have elected representatives in Parliament, that is what the legislature is for. We are not talking about government intervention in speech. We're talking about Parliament laying down a framework for a process which ensures that the kinds of excesses that we've seen over the last five years, and indeed 20 years ago, don't happen again.

MS PATRY HOSKINS: Thank you very much. We'll call that the "bar is closed" argument. The last-chance saloon is definitely shut.

PROFESSOR BARNETT: We've been there and the pub is closed. MS PATRY HOSKINS: Professor Brock?

PROFESSOR BROCK: You don't have to be flinging around names like Zimbabwe and Burma to say that if you are serious about freedom of expression, you really do want to have the history of the last chance -- I'd go back further than Steve. I think you go back to the first Royal Commission, 1946 to 1949, I think, which reports, recommends the setting-up of a Press Council and it takes three and a half years before the press -- and an awful lot of leaning on and threats of legislation before the press will set something up. That, if you look through the history, and this is another thing that Hacked Off is doing, that sort of conduct is repeated and repeated. We're in that position now. We can't let it happen again.

A new step has to be taken and something that has to agree with others, then you have a package of incentives that I think balance externally imposed requirements with internal incentives, but I think the key to that is stopping being nervous about defining as best we can, it's not easy, public interest.

MS PATRY HOSKINS: We'll come back to that -- LORD JUSTICE LEVESON: Just before we move on, the critical part of that would be that there is a mechanism that is straightforward and accessible for people who are adversely affected to be able to seek redress, because otherwise, if you say, as indeed has been said, the law is there, I will be the first to recognise that the courts, the criminal and the civil courts, do provide a remedy, but they are not for the faint-hearted or those without, in the main, a very considerable amount of money.

PROFESSOR BROCK: I was trying not to repeat entirely what I had said before but I do think that that revision of the law must include some easier, quicker access to people who feel themselves that they have been wronged, but I do think that that is, on balance, and if you take all the elements of what I'm proposing together, that that is a more attractive idea than what is going to be a very complex, very elaborate and I suspect very expensive new beefed-up regulatory system. Everybody is focusing on the new regulatory system. I think it has big problems of inclusion and cost, and I think it is just as good, in fact better, to look at the external legal environment, but you're absolutely right that access to justice is absolutely basic to that.

MS PATRY HOSKINS: Mr Cathcart?

PROFESSOR CATHCART: I agree with a great deal of what's gone before. I think we need to remind ourselves that there's a big issue of public trust here, and public trust in journalism has been very badly damaged in the past few years. I think that the remedy has to be seen to be radical. That's all the more the case when we have the history of the last chance -- I'd go back further than Steve. I think you go back to the first Royal Commission, 1946 to 1949, I think, which reports, recommends the setting-up of a Press Council and it takes three and a half years before the press -- and an awful lot of leaning on and threats of legislation before the press will set something up.
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<td>journalists dealing with journalists or journalists</td>
<td>and the main reason must be that they're going to get something out of it, and that would be to some extent some protection from legal action in the trickier cases where there is a public interest defence, certainly.</td>
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<td>dealing with politicians or journalists dealing with the police. This is about journalists and the public and about the quality of life in Britain and the quality of information we get in our newspapers and so forth, and there has to be appropriate remedy to what has happened.</td>
<td>I think there would be a way of making that work.</td>
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<td>I don't seek any Zimbabwe solutions. I agree entirely with George that the biggest changes will happen in the newsroom cultures and that a good public interest defence will help to engender that, although the effects, as you say, will be much greater in some papers than others, but we need to see something which says that this industry is putting itself right or being put right after this car crash that we've had in the last few years.</td>
<td>But the question of funding, I don't think I have an answer there. There has been quite a lot of discussion about the possibility of using something in parallel with the tribunal system, which -- certainly the employment tribunal system works to allow people to access justice through the employment tribunal system without spending a lot of money, and maybe some similar sort of arrangement.</td>
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<td>MS PHILLIPS: It's interesting, in about 1994 or 1995</td>
<td>LORD JUSTICE LEVESON: That answer is the one that we've just been given, namely that's the state.</td>
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<td>Alan Rusbridger wrote a paper which was doing something similar to what George Brock is now suggesting, which is to have a public interest defence and at the same time to tighten up the privacy law and he came up with that and very quickly it all disappeared.</td>
<td>MS PHILLIPS: I gather the building industry has a form of tribunal system which operates within its own regulatory system. I'm not a lawyer and I know nothing about the building industry, but I have read that this is a possibility.</td>
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<td>I think that one of the problems that we have to accept is that we have basically two kinds of press here. There is the press, which I would include the Times and the Guardian and the Independent, who would be in there they have to have a reason to be in there, except for the main reason that they're going to get something out of it, and that would be to some extent some protection from legal action in the trickier cases where there is a public interest defence, certainly.</td>
<td>PROFESSOR CATHCART: I would just add that -- I'm sure you'll hear evidence from Ofcom. I have heard people from Ofcom say that the cost of what they deliver in terms of journalism isn't that high, and certainly isn't an order of magnitude higher than the cost of the PCC at the present.</td>
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<td>very happy to sit down and organise some self-regulation which we would undoubtedly use, as indeed they pretty much do now.</td>
<td>PROFESSOR BARNETT: Less than 5 million is what was said at one seminar that I attended.</td>
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<td>So what one needs to think about is what about the rest, what about everybody else? Because that's really what the problem is.</td>
<td>MS PHILLIPS: If the newspapers started behaving better, it would be a lot cheaper all around.</td>
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<td>I've already talked about the right of reply.</td>
<td>LORD JUSTICE LEVESON: Yes, well ...</td>
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<td>I think that that is something that would be very useful. It's used in other countries in Europe. It is not considered to be onerous and it does reach into newsrooms, it does change culture.</td>
<td>MS PATRY HOSKINS: Thank you very much. I'm going to hand over to Mr Barr.</td>
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<td>Media reform is also interested in some form of new body which would certainly incentivise people to belong in much the same way as you discussed, by encouraging people to use both an ombudsman system and a tribunal system which would be within the new body and which would provide a cap, so that if you belonged to the body and complaints were taken through that body, you would be to some extent protected from the much harsher environment of the courts and the much higher fines in the courts, and that would in itself be an incentive for people to join. Because it's absolutely right that it won't work unless everybody's in there and if everybody is going to be in there they have to have a reason to be in there,</td>
<td>Further questions from MR BARR</td>
<td>MR BARR: Thank you.</td>
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<td>We've heard a lot about the public interest and it's obviously of fundamental importance to any debate about journalist ethics and for that reason I'd like to explore it with you in more detail. Could we have on the screen, please, the document which ends with reference number 48884. This is page 7 of the submission of Professor Barnett. If we could have magnified, please, the bullet points. This links in to what Ms Phillips was just talking about, the public interest defence. This is proposed, I think, in Professor Barnett's statement as a statutory definition, but putting aside for the moment whether any definition should be statutory or otherwise, and just looking at this formulation, I wanted to ask each of you whether you were content with this as a definition of public interest.</td>
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it's an amalgam. There is also the Irish -- this is from the BBC one, something that already exists. In that direction anyway. So we're starting from have the Reynolds defence, which goes quite a long way interest defence is sort of beyond us. Also, we already quite broad, but I don't think that drafting a public general, and I'd make it as wide as it could be made. I mean, I don't think I can produce a drafting solution to you right off the top of my head here, but I think that -- I mean, what I'm trying to grope for is to say to your off the top of my head, here, but I think that -- I mean, what I'm trying to grope for is to say that you don't want to limit what might be important and useful to a democratic citizen because you don't know in advance what it might be, and the broader that phrasing of the fourth bullet point can be without becoming meaningless, the better.

But the first three seem to me to be fine. If I had another half hour, I might be able to think up other bullet points, but that seems a perfectly good place to start. You don't have just half an hour, Professor Brock. You have as long as you want. I mean, I agree and, you know, I recognise these are essentially the sentiments in the existing industry codes. You'd know better than I. I think the privacy lawyers would be looking at driving coaches and horses through number 3 there on the preventing the public being misled by the hypocrisy of those attempting to create a false image of themselves. I think there are several definitions to be established along the way. I agree with the sentiment, but I think the wording is problematic. Ms Phillips: Yes. I mean, I would suggest that number 3 is quite broad, but I don't think that drafting a public interest defence is sort of beyond us. Also, we already have the Reynolds defence, which goes quite a long way in that direction anyway. So we're starting from something that already exists. There is also the Irish -- this is from the BBC one, is it? It's an amalgam.
PROFESSOR BROCK: That's the one.

MS PHILLIPS: I do, Svennevig and all the other -- Morrison 2002 or 2003 and they asked a lot of focus groups -- they showed them a lot of journalism of varied kinds and said, "Is this in the public interest?" The research -- which I'm summarising very crudely -- basically said it was extremely easy for people to decide this and they had a very consistent basis for doing it without any prior guidance.

PROFESSOR BARNETT: And were quite clear that the public interest was not consonant with what the public were interested in.

PROFESSOR BROCK: I think Angela has the reference.

MS PHILLIPS: I do, Svennevig and all the other -- Morrison and Svennevig 2002.

PROFESSOR BROCK: That's the one.

MS PHILLIPS: I may even have the whole reference. I have the references with me.

MR BARR: Thank you. Having had a brief excursion into the definition of public interest, what that helps us do is it helps us to inform the debate about when the end justifies the means. We've had a witness recently who explained that in his opinion there would always be some limits on the means. He gave an extreme example: a journalist wouldn't murder somebody in order to get at a story, or whatever the magnitude of the public interest. Professor Barnett has introduced the concept of proportionality as perhaps informing that debate. Could I now invite your contributions as to where and how the line is drawn as to when the end justifies the means. Is it necessarily on a case-by-case basis or are there useful pointers that can help us with that?

PROFESSOR BROCK: I think it is necessarily case by case.

I think proportionality is important. I do think that the integrity of the journalism matters sometimes because in some cases the ends are bound to be sometimes speculative. That is to say you get legal cases where there is challenge over one method or another, and the news media concerned has said, "What we thought we were going to find was this, but actually something interrupted us", an injunction or whatever it was. There I think the integrity of the editorial process is an important piece of the publication's defence. But as

the material that you gathered following the first permission.

It seems to me that it's that kind of audit trail which could easily be supplanted into newspaper newsrooms to demonstrate that there's been serious consideration according to a proper set of codes and the decision was reached that this was a proportional breach of normal codes.

LORD JUSTICE LEVESON: But your first audit trail actually satisfies another problem as well, doesn't it, which is the problem where there was legitimate material available to justify the investigation which, when undertaken, actually came to nothing and then comes out into the public domain. You have to be able to justify the work, even though at the end nothing came of it.

PROFESSOR BARNETT: I think that is absolutely right. In other words, you're not just going on a fishing expedition.

LORD JUSTICE LEVESON: That was the next phrase, yes.

PROFESSOR BARNETT: No, I think that's absolutely right.

PROFESSOR CATHCART: I mean, I just remind the Inquiry the suggestion by Alan Rusbridger in connection with the idea of audit trails, which I think would do a lot to improve newsroom cultures by making everybody stop at every stage and think, both reporters and news editors to setting a line about there are some things that are completely unacceptable in all circumstances -- I think that would be difficult to do other than saying that -- agreeing with David Leigh that murdering somebody wouldn't be justified.
and editors, and Alan Rusbridger's suggestion was that there should be some harm test, that you should actually when you write your story look at a questionnaire which says, "Am I going to harm anybody?" You know, make a list of who it might harm and then, "Can I justify this?" and he had I think five questions which made it more explicit and elaborate.

LORD JUSTICE LEVESON: This was from Sir David Omand. PROFESSOR CATHCART: Indeed, and something like that could be adapted in newsrooms that would bring people right up against these issues straight away, and if there was a yes in those boxes, a tick, it would then go up the system and that would be part of it.

I think when we look at the idea of newspapers or journalists defending themselves in court, if you say, "I work in a newsroom where that is the environment", that is going to stand you in good stead, I would argue.

PROFESSOR BROCK: Can I put it a different way? I think a good public interest defence has to recognise that some of what people are doing in news media could be described as risk management, which is why I say it is case by case. If you take the example of the Daily Telegraph, and the disk about MPs' expenses, if you were offered that disk, you must have had to consider two possibilities. One was that it had simply been stolen, and I think Brian put it very well: maybe the holiday is over for everybody, and they criticise judges on the basis to every story.

PROFESSOR CATHCART: I actually think there could be a test --

MS PHILLIPS: Okay.

PROFESSOR CATHCART: I suppose I would answer that -- this is not much different from what we expect of people in the medical profession, people in policing. They have to fill in forms.

MS PHILLIPS: Ah, that would probably help.

PROFESSOR CATHCART: In electronic newsrooms, these things can be done very quickly --

MS PHILLIPS: Would you like to send it to me and I'll trial it in our newsroom, see if it works.

PROFESSOR CATHCART: Yes. I think that the point that we -- partly because of the pressure of the press itself, we demand effort in terms of accountability and audit and good paperwork from all sorts of people in all sorts of walks of life. I think maybe the holiday is over for journalists.

LORD JUSTICE LEVESON: That raises the point, doesn't it, that journalists rightly hold all of us to account -- and I do say rightly -- judges, parliamentarians, everybody, and they criticise judges on the basis they're unelected and unaccountable -- I'm not sure we are accountable, but that's another point -- but nobody does it for them.

PROFESSOR BARNETT: As university teachers, we have to do the same thing. There is no end of audit forms we have to fill in to demonstrate that we are acting appropriately and I resent it when I have to do it, but I completely understand why I have to do it, because there is public money being spent on us doing a reasonably competent job. And I think Brian's absolutely right. The one area of industry that hasn't so far been caught up in this really quite recent and modern move towards greater accountability is the press, and I think Brian put it very well: maybe the holiday is
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1. PROFESSOR BROCK: I'm not arguing that journalists should be unaccountable, but in a plural and open society, news media will compete, which judges and doctors, with respect to them, don't, in the same way, and if you are competing there will be some constraints on what you can do in terms of box-ticking.

2. LORD JUSTICE LEVESON: That's fair, that's a fair point.

3. PROFESSOR BARNETT: Except I come back to television, which is equally competitive. I did some research ten years ago amongst journalists working for different TV channels and they all complained about the intense pressure, the move towards tabloidisation, having to look for lighter stories, and they complained about the direction of audience research, but none of them talked about being under pressure to break ethical codes, and none of them said that the burden of having to make themselves accountable was too great.

4. So I'm afraid I have less sympathy with that objection.

5. MR BARR: Thank you. We're very shortly going to have to draw this fascinating session to a close, and in a moment I'm just going to ask you if any of you think we've missed anything of fundamental importance which you would like to raise.

6. Before I do that, I've had one request from a core participant -- ah, I've been told that I needn't raise it, so that takes us straight to the final question.

7. Is there anything that any of you thinks is so fundamental that we must hear about it now? As Lord Justice Leveson has made clear more than once, we will be delighted to have your further thoughts in writing, as has emerged throughout the debate. It's obvious there are one or two points on which you are going to be able to help us and we look forward very much to hearing from you as you see fit.

8. LORD JUSTICE LEVESON: There's no doubt there are many points upon which you'll be able to help. What I have said, and I'm happy to repeat to you, is that this actually is the problem for the press rather than my problem. I am required to address it, but it is critical that we get a system that everybody can live with that meets the requirements of our democratic society but also meets the legitimate complaints that undeniably have bubbled up more than once in the last 20 years and now have to be dealt with.

9. Could I end this morning by thanking you. I hope you've found that the seminar system worked. I thought that it would be more valuable for you to be able to talk each listening to the other and contributing to the debate than having you each formally one by one go through what you said without being able to comment on what the others said. I hope you found that helpful.

10. MS PHILLIPS: I think it's very helpful, although I draw your attention to the fact that the press is absent today, and that is one of the issues that we all have to deal with, that actually the press talks to itself, and we're very glad that you've asked to talk to media academics because as media academics we do an awful lot of thinking about it and we value being able to contribute to this, because in the pages of our newspapers there have been very few voices from media academics.

11. LORD JUSTICE LEVESON: I don't know whether there are any members of the press in the marquee downstairs, I simply can't tell you.

12. MS PHILLIPS: There weren't on the way in.

13. LORD JUSTICE LEVESON: But if you feel either individually or collectively there is something that you would like to contribute, I am looking for solutions to the range of problems and I am perfectly happy to acknowledge who is responsible for them. I'm simply trying to get an answer that works. Thank you all very much indeed for spending the time. Thank you.

14. We'll start again at 2 o'clock.

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1. (1.01 pm) (The luncheon adjournment)

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