

L. A. Cave
First statement
12 January 2012

**IN THE MATTER OF THE INQUIRIES ACT 2005 AND THE LEVESON INQUIRY
INTO THE CULTURE, PRACTICES AND ETHICS OF THE PRESS**

WITNESS STATEMENT OF LUCIE ANNE CAVE

I, **LUCIE ANNE CAVE**, of Endeavour House, 189 Shaftesbury Avenue, London, WC2H 8JG WILL SAY AS FOLLOWS:

I make this statement in response to two notices under section 21(2) of the Inquiries Act 2005 dated 16 and 19 December 2011. The notices were only seen by me on 6 January 2012. I have answered the questions as best I have been able to in the time available.

Notice dated 16 December 2011

1. Who you are and a brief summary of your career history in the media.

1. I am the Editor of *heat* Magazine managing a team of 32 people, of which we have 3 news reporters, 4 members of the picture desk and 1 features editor. *Heat* is published by Bauer Consumer Media Limited which purchased this and other titles from EMAP Plc in 2008.
2. I started my career in media in 1995 as a researcher, after which I was a television presenter, for a youth channel called Trouble. From 2001 I freelanced at various print publications including teen magazine J17, the *Funday Times*, *Rough Guides* and *heat* magazine. I joined *heat* as a permanent member of staff in 2003 and worked my way up through the ranks of the magazine. I was in turn Deputy News Editor, Associate Editor (Features), Features Editor, Executive Editor and Acting Editor (from January 2011) until I became Editor in September 2011.

2. How you understand the system of corporate governance to work in practice at the magazine where you were/are employed with particular emphasis on systems to ensure lawful, professional and ethical conduct?

3. Our key corporate governance documents are the PCC Editors' Code of Practice and the Best Practice Guidelines of Bauer (a copy of which I am providing to the Inquiry). We take both very seriously. The introduction to our Guidelines states: "*the Company requires its journalists and contributors to adhere at all times to the legal and ethical responsibilities to which we have always been committed./ It therefore remains the individual and overriding responsibility of each member of editorial staff and of all non-staff contributors to ensure that their behaviour and conduct in researching,*

securing or presenting for publication any story material is in full compliance with the Company's best practice as set out in these guidelines."

4. It is my responsibility as Editor of *heat* to ensure that my team follow them, the PCC Code and the law. Each member of my team has a copy of the Best Practice Guidelines and the PCC Code, and both are available on our intranet site. A copy of the PCC Code is displayed in a prominent position, next to the *heat* conference room.
5. The way the magazine operates on a day to day basis naturally incorporates a system of checks and discussions about legal and ethical conduct. At our daily conferences - in which department heads and more junior journalists are present - we discuss the main stories we are considering for that week's edition and any pictures that might be of interest. There is a strong culture of discussion and debate on the magazine and I encourage everyone to express their opinion. It is a very lively and buzzing office and no one is afraid to say if they agree or disagree strongly with anything. Although as Editor it is ultimately my decision, I always use the team as a barometer to test my view of whether it is appropriate to publish an article/photograph and how readers might react.
6. We call on our external lawyers for their advice on stories and pictures. This can relate to both information gathering and the final product. My team has unlimited access to and works closely with those lawyers to ensure legal and ethical issues are addressed. It is *heat*'s Associate and Production Editors who have most contact with the lawyers. I speak to the lawyers about once a week. We have attended training sessions run by external law firms and internally on issues such as data protection compliance and libel. Also, the fact that we work closely with external lawyers means our team have on the job legal training as we are continually discussing our work to be sure that it complies with the law and the PCC Code.
7. There are a number of "check points" during the life of developing a story when a journalist will have to account to editors for every aspect of the underlying information and the story itself. As the Editor, I will see the stories submitted and will raise questions about the material or the way it was obtained. On Monday's I run a weekly conference with the department heads (the editors who report to me). As I explain above, I (or my Deputy Editor) chair daily conferences with the department heads and their teams, where we talk through our stories.
8. We at *heat* pride ourselves on openness and a culture of debate within the magazine. We all sit together in an open plan area and we often discuss and work through information obtained and stories as they develop over the course of each week. I am very keen on that process. It enhances the product we deliver; our process of constant exchange and challenge helps us to maintain and develop our journalistic standards - both in terms of quality and ethics. Traditionally, news rooms are open plan, but often hierarchical. The editor sits at one end and material graduates towards the editor. Mine is a nurturing environment. I sit in the midst of my journalists.
9. My staff know that I will reject work if it doesn't meet my expectations. But I do make it my business to be an approachable and hands on editor. I approach journalists on the floor if I am concerned or curious about a story. I put people on the spot to account for sources of information and photos and the circumstances in which they were taken.

3. **What your role is/was in ensuring that the corporate governance documents and all relevant policies are adhered to in practice. If you do not consider yourself to have been/be responsible for this, please tell us who you consider to hold that responsibility.**
10. I worked with the team responsible for writing the Best Practice Guidelines to make sure they were practical and genuinely reflective of our practices at *heat*. I spoke to each member of the team and personally handed over a hard copy. I also emailed a copy to each of them and invited them to come to me with any questions. Up to date training by our external lawyers on libel and privacy law is scheduled to take place soon. We shall use that as an opportunity for general discussion on the Best Practice Guidelines and the PCC Code.
11. The Best Practice Guidelines are intended to be reviewed and updated periodically. When the Best Practice Guidelines were recently updated, I briefed my team and circulated copies. When we have new joiners, I shall sit down and take them through the guidelines.
12. As explained above, there is a daily practice and culture of questioning that takes place in the course of preparing a story to ensure that all material has been checked thoroughly and obtained in a lawful way. As Editor I also make clear to journalists that they are to use the services of our lawyers whenever they have doubts, concerns or questions.
4. **Whether the documents and policies referred to above are adhered to in practice, to the best of your knowledge.**
13. Yes.
5. **Whether these practices have changed, either recently as a result of the phone hacking media interest or prior to that point, and if so, what the reasons for the change were.**
14. We have followed the recent public debate about media standards. There has always been a system of best practice entrenched at *heat* magazine. Over the course of the summer Bauer formalised the robust best practice processes and systems already in place in the form of the Best Practice Guidelines. These were designed to be a single-source, helpful reference for all journalists. We committed to review the Best Practice Guidelines regularly, and as a result, they were updated in December 2011.
6. **Where the responsibility for checking sources of information (including the method by which the information was obtained) lies: from reporter to sub-editor to editor, and how this is done in practice (with some representative examples to add clarity).**
15. As Editor I am responsible for all content in *heat* magazine. However, as I have explained in my response to question 2 the initial responsibility lies with the journalist, and there is an intermediate layer of supervision i.e. junior editors. It is a team effort. There are check-points at every stage of the editorial process to verify and challenge the sources of information. We also have a sources checklist of standard questions our journalists are required to consider.

16. The requirement for multiple sources is specifically stated in our Best Practice Guidelines. Depending on the nature of the story we might triple source or seek even more sources. If the story is about a celebrity we have covered extensively and the source is trusted and used regularly by the News Editor then I am likely to question it less than I otherwise would. It depends very much on the nature of the story. If it is a shocking revelation then obviously I will want to take extra measures to check it out. If the story does not stand up, we simply will not run it.
7. **To what extent an editor is aware, and should be aware, of the sources of the information which make up the central stories featured in your magazine each day (including the method by which the information was obtained).**
17. I make it my business to test the reliability of sources. So, I may ask who the sources are. We tend to use sources whom we know and trust. Most of the time they are repeat sources and they will have a proven track record of reliability. I believe it is important that an editor should get as much information as necessary in order to risk assess and make a judgement call on the accuracy of the information provided and the propriety of publishing it. My level of trust of the journalist concerned and the junior editors more closely involved is also a key factor.
8. **The extent to which you consider that ethics can and should play a role in the print media, and what you consider ethics' to mean in this context.**
18. In the context of my work, "ethics" means the way the magazine and its journalists behave. I expect my team to have good standards.
19. I don't forget that our 1.4 million readers also expect us to do what is right.
20. I value and encourage the extensive discussions we have in our open conferences around what is right and appropriate.
9. **The extent to which you, as an editor, felt any financial and/or commercial pressure from the proprietors of your magazine or anyone else, and whether any such pressure affected any of the decisions you made as editor (such evidence to be limited to matters covered by the Terms of Reference).**
21. My objective as editor is to produce a magazine that is loved, trusted and enjoyed by its readers. There is of course a commercial pressure for our magazine to do well on the newsstands and to offer something sharp, funny and different to the rest of the other celeb weeklies. And while I am subject to regular review with my line manager and editorial director, my performance is not measured on the number of exclusives *heat* obtains.
22. Obviously I am fully aware that as Editor of one of the biggest celeb titles on the newsstands it is my job to produce the best magazine and have the most exclusive and interesting fresh content – but this is a pressure I put on myself on a daily basis.
10. **The extent to which you, as an editor, had a financial incentive to print exclusive stories (NB. It is not necessary to state your precise earnings).**

23. I have not been and am not subject to any financial pressures or incentives to print "exclusive" stories.
11. **Whether, to the best of your knowledge, your magazine used, paid or had any connection with private investigators in order to source stories or information and/or paid or received payments in kind for such information from the police, public officials or others with access to the same: if so, please provide details of the numbers of occasions on which such investigators or other external providers of information were used and of the amounts paid to them (NB. You are not required to identify individuals, either within your magazine or otherwise);**
24. I do not believe, and I have no reason to believe, that *heat* has been involved in any illegal or unlawful activity.
25. I have never instructed or used a private investigator and throughout my time at *heat* I have not been aware of anyone else doing so. I now understand that *heat* magazine used a company on an occasional basis between 2004 and 2006 as a quick way to obtain contact details for subjects in order that we could approach them for an interview. In preparing to give evidence for the Inquiry I have looked at the invoices relating to these uses and I am providing copies to the Inquiry. As will be seen, the number of occasions were few and payments small.
27. Apart from this, I have learned of one other occasion. This was when our external lawyers hired an agency. The lawyers assure me that this did not involve any illegal or unlawful activity. I am also providing a copy of this invoice to the Inquiry.
28. We have not paid or received payments in kind from the police or public officials. We have paid and do pay some legitimate sources, as I explain below.
12. **If such investigators or other external providers of information were used, what policy/protocol, if any, was used to facilitate the use of such investigators or other external providers of information (for example, in relation to how they were identified, how they were chosen, how they were paid, their remit, how they were told to check sources, what methods they were told to or permitted to employ in order to obtain the information and so on).**
29. I am not aware that there was a written protocol at EMAP, but we were expected to adhere to the PCC Code. As has been seen, the expenses paid for the inquiries described in the above paragraph appeared on invoices and were paid through our books. Throughout my time at *heat* all payments have had to be made through an official payment system (currently Proactis – see below).
13. **If there was such a policy/protocol, whether it was followed, and if not, what practice was followed in respect of all these matters.**
30. As explained in my answer to question 12, I believe there was no such policy/protocol however all payments must always be made openly and through our Proactis system (see below).
14. **Whether there are any situations in which neither the existing protocol/policy nor the practice were followed and what precisely happened/failed to happen in**

those situations. What factors were in play in deciding to depart from the protocol or practice?

31. As explained in my answer to question 12, I believe there was no such policy/protocol.
15. **The extent to which you are aware of protocols or policies operating at your magazine in relation to expenses or remuneration paid to other external sources of information (whether actually commissioned by your magazine or not). There is no need for you to cover 'official' sources, such as the Press Association.**
32. We pay legitimate external sources/contributors for the information they provide in the same manner that we make all payments, via our accounting system Proactis. The only way we can pay someone is by logging it on the Proactis system. All payments are processed and approved through the Managing Editor, who also logs everything in order to keep the magazine on budget and keep an eye on costs and ensures that we are conducting affairs in an appropriate manner.
16. **The practice of your magazine in relation to payment of expenses and/or remuneration paid to other external sources of information (whether actually commissioned by your magazine or not). There is no need to cover 'official' sources such as the Press Association.**
33. See above.
17. **Anything else which you consider will assist the Chairman to arrive at considered conclusions on any aspect of the Terms of Reference, set out above.**
34. I am happy to have been asked to assist the Inquiry by giving this evidence. I have no further points for the Chairman.

Notice dated 19 December 2011

- (1) **Many of the articles in your magazine and on your website appear to originate from PR material. How much of the content of your magazine and/or website comes from material sourced from PR companies? To what extent is the material rewritten before it is published?**
35. PR material can come in various forms. For instance, there are press releases or invitations to interview or photograph a celebrity, perhaps in connection with a project or product. *heat* is known for being cheeky and irreverent about PR puff and we pride ourselves on seeing through it.
36. We use information we receive from PRs (I cannot quantify how much of the magazine is prompted by or uses PR material) but we check and assess it critically.
37. We love celebrities, but we love showing them as real people in sometimes an 'unglossy', as well as glossy state. Our readers like to know how the 'celebrity game' works. Sometimes PR material provides us the perfect opportunity to do that.
38. As for the website (*heatworld*), it runs more as an immediate source of information and has less editorialising than the magazine. The website has its own editor. I have regular meetings with him about content and the running of the site.
- (2) **To what extent are the facts contained in the PR material checked, in order to confirm their accuracy? If they are not checked, why not?**
39. This depends on the extent to which we trust the PR source in question. However, we would always do what research we can around that information.
40. We are intensely aware that PRs have an agenda and what they tell us we treat as a starting point. As journalists, we also use our intuition and experience when making judgement calls.
- (3) **Does your magazine see anything inherently objectionable in publishing stories which originate from PR material? Could the publication of such material mean that your magazine contains material designed solely produced with a view to promoting a particular celebrity or TV programme?**
41. As I have indicated, some of the material we use originates from PRs, but we evaluate the material, wherever it comes from. We consider whether, and to what extent we trust the publicist (some of whom we have known for many years) and we seek corroboration where we need it. We will not simply act as a mouth-piece or regurgitate or run advertorial pieces for celebrities at the request of their PR. We have our own voice – we certainly use PR information to enhance our stories, but in the way we choose. Our agenda is to publish an interesting truthful and unbiased piece about celebrities – the agenda of the PR agent is sometimes another matter.
- (4) **Your readers are invited to send in photographs of celebrities they have spotted', and some of these are printed on your Spotted' page. What steps do you take to ensure that these photographs have not been taken in violation of the celebrity's privacy rights?**

42. Our website terms and conditions, together with our privacy policy, require that any photos which are sent to us are the property of the sender and do not violate the rights of others. In particular, we state that material provided to *heat* should not consist of information that has been provided to that person in confidence and it must not compromise the privacy or security of others. All photos which are printed on our 'Spotted' page in the magazine are assessed in the same way as any other photos which we decide to publish i.e. within the remit of the PCC Code and the Best Practice Guidelines. This will involve an assessment of the circumstances, location and nature of the picture, and a consideration of the celebrity and others in the picture. I am proud to say that, as far as I am aware, in all the years we've had the 'Spotted' page, we've only ever had one complaint.
- (5) **Your magazine publishes large numbers of photographs of celebrities, many of which do not appear to have been authorized by that celebrity. Are these obtained by staff photographers or from agencies? If you use agencies, what steps are taken to ensure that these photographs were not taken in violation of privacy rights? Have you ever blacklisted an agency in these circumstances?**
43. *heat* prints an average of 360 photos per edition. We rarely get complaints.
44. We do not have staff photographers, so we obtain photographs from agencies or people who send them to us, including PR agents and members of the public. We also commission photographers for photo shoots, for example, when we need photographs to accompany an interview we are publishing on a celebrity.
45. Every picture that comes our way is subjected to the same checks and measures so as to assess whether the celebrity has a reasonable expectation of privacy. For instance, we want to know where the celebrity was when the picture was taken (for example were they in a public place; who else may be present; were there any restrictions on photographs being taken; where was the photographer; what was the celebrity doing). Before the picture even gets to me – if my picture editor has any doubt as to the circumstance of the picture they will question the agency. In response to the question whether *heat* has ever blacklisted an agency, my answer is that I am not aware that it has.
- (6) **Apart from interviews with celebrities, to what extent does your magazine carry out independent research into stories? What proportion of stories published in your magazine are sourced from other newspapers, magazines or websites?**
46. The Best Practice Guidelines require the following: *"No story prepared for publication by any Bauer title should be presented for publication solely on the basis that it either has appeared in, or is about to appear in, another newspaper, magazine or online site. Any stories intended for publication by a Bauer title following their appearance elsewhere must be fully and rigorously checked and verified in accordance with best practice."*
47. We check stories (see above). Other publications would never be more than a starting point. We usually only follow other press stories we know to be true; we would never just climb aboard a tabloid bandwagon and in fact we quite like disproving press stories we do not think are true (i.e. convenient relationships and photo-shoots arranged by PR firms etc). Our readers expect our cheeky, irreverent take on

stories/situations. The content of the magazine varies from week to week. It is hard to state a proportion.

I believe the facts in this witness statement are true.

Lucie Anne Cave

Dated: 12th January 2012