

# Society of Editors

www.societyofeditors.org

*From the Executive Director*

Adam Baxter  
Principal, Standards and Audience Protection  
Ofcom  
Riverside House  
2A Southwark Bridge Road  
London  
SE1 9HA

13 August 2020

Dear Mr Baxter

I am writing to you on behalf of the Society of Editors and its members to express concern over the proposed changes to the Broadcast Code with regard to the creation of additional ‘duty of care’ requirements for broadcasters.

While the SoE and its members understands and applauds the need to ensure those taking part in entertainment broadcast interviews and events should be subject to a duty of care, we feel there is a real risk to media freedom and the public’s right to know if the proposed new measures are extended to news and current affairs programming.

In particular, the SoE fears the proposed new rules that would require programme editors and journalists to warn interviewees of any potential negative consequences of agreeing to an interview will have a deadening effect on journalism.

Although we note Ofcom says the measures are not intended to impede news gathering, we agree with several broadcast companies who point out that a requirement to obtain “informed consent” from participants will prove impractical and deter interview subjects.

The new measures might also require broadcasters to provide interviewees with a contact on the production team, offer support in certain situations, and provide advice on any potential negative social media responses if there is a risk of this happening. This is not practical in many cases when covering news or current affairs items.

The existing [Broadcasting Code](#) requires broadcasters to “avoid unjust or unfair treatment of individuals or organisations in programmes” and be fair when dealing with potential contributors.

The SoE believes the proposals pose a real risk of making hard-hitting interviews and investigations impossible to achieve and would enable those wishing to evade scrutiny to hide from their actions or intent.

**President**  
Alison Gow

**Chairman**  
Ian MacGregor

**Executive Director**  
Ian Murray

**Board of Directors**  
Kamal Ahmed  
Martin Breen  
Peter Clifton  
Polly Curtis  
Oliver Duff  
Charles Garside  
Ceri Gould  
Jonathan Grun  
Donald Martin  
Eleanor Mills  
Vic Motune  
Ian Murray  
Sue Ryan  
Moiria Sleight  
Sarah Whitehead  
Doug Willis  
Joy Yates

**Past Presidents**  
Nick Turner  
Doug Willis  
Ian Murray  
Jonathan Grun  
Fran Unsworth  
Robin Esser  
Donald Martin  
Nigel Pickover  
Simon Bucks  
Paul Horrocks  
Charles McGhee  
Keith Sutton  
Neil Benson  
Jonathan Grun  
Liz Page  
Edmund Curran  
Neil Fowler  
Geoff Elliott

**Fellows**  
Ian Beales  
Simon Bucks  
Peter Cole  
Andrew Colman  
Edmund Curran  
Geoff Elliott  
Maurice Frankel  
Phil Harding  
David Meara  
Bob Pinker  
Alan Rusbridger  
Richard Tait

University Centre, Granta Place, Cambridge, CB2 1RU

Telephone: 01223 304080 Fax: 01223 304090 Email: [info@societyofeditors.org](mailto:info@societyofeditors.org)

[www.societyofeditors.org](http://www.societyofeditors.org)

A company limited by guarantee incorporated in England. Registered No. 304 7323. Vat No. 653 5446 28

# Society of Editors

[www.societyofeditors.org](http://www.societyofeditors.org)

## *From the Executive Director*

Of particular concern is the lack of any provision for considering whether an interview or undercover reporting is in the public interest.

We understand there should be an onus on editors and journalists to consider the impact of their questioning on subjects, but this appears too much like an attempt to wrap interviewees in a thick comfort blanket that may well prove impenetrable. As a way of emasculating the media it will prove very useful for those wishing to evade difficult questioning.

All journalists know it can often prove difficult, at times very difficult indeed, to persuade someone to face the cameras, and while all efforts should be made to ensure no one is put under undue stress there are times when it is important some subjects are put on the spot.

It is difficult to imagine how the proposed new regulations could be applied when carrying out covert reporting and undercover filming as well as when interviews are taking place at times of an emergency or disaster when time is critical.

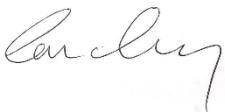
We understand the Commercial Broadcasters Association (CBA) has urged Ofcom to make it clear in the guidance that the rules cannot be applied to someone who agrees to take part in a news interview that then turns out to be a tough ride.

The CBA has added that any new rules must not be used to prevent the transmission of news, current affairs or documentary programming that meet the other rules of the [Broadcasting] Code (fairness, accuracy etc.) because of distress in the context of news and documentaries, if due care has been taken as to the participant's welfare. We would concur with that opinion.

In conclusion, the SoE would seek clear clarification that the proposed new guidelines are not designed to hinder coverage of news and current affairs, that there is a clear public interest exemption for such journalism, and that any new requirements should be followed only where it is practical to do so.

I look forward to receiving your response.

Yours sincerely,



Ian Murray

**University Centre, Granta Place, Cambridge, CB2 1RU**

Telephone: 01223 304080 Fax: 01223 304090 Email: [info@societyofeditors.org](mailto:info@societyofeditors.org)

[www.societyofeditors.org](http://www.societyofeditors.org)

A company limited by guarantee incorporated in England. Registered No. 304 7323. Vat No. 653 5446 28