

# Regulating for Trust in Journalism

Standards regulation in the age of blended media

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# Summary of Text

## 1. Introduction

- 1.1 2011 has been awash with investigations, consultations, scandals, and inquiries as Parliament, regulators, the courts and others respond to issues of journalistic standards
- 1.2 Piecemeal responses fail to recognise and address the underlying conflict between converging media content and static standards regulation – broadcast, newspaper and video on demand content are increasingly indistinguishable, yet their regulation is disconnected and increasingly lacks the coherence and consistency on which public trust depends
- 1.3 A new regulatory settlement is required: identifying the value and significance of media standards and enabling active participation by citizens in the public space across media platforms
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## 2. Background to the Regulation of Journalism in the UK

- 2.1 Statutory, licensed broadcasting regulation has developed in response to spectrum and information scarcity; self-regulation of the press has been accepted in the absence of regulatory leverage; video on demand services are ‘co-regulated’; and other online content is largely unregulated
- 2.2 The 2003 Communications Act established Ofcom as a ‘converged’ regulator for television, radio and telecoms but with no ambitions to regulate newspapers or the wider internet
- 2.3 Debate over the next Communications Act has been initiated as an agenda for economic growth; this paper recommends an alternative democratic agenda that responds to convergence across the broadcast, newspaper, video on demand and wider online media platforms

## 3. Television and Radio Regulation

- 3.1 A statutory regulator and code of comprehensive rules govern UK television and radio broadcast services, and assume that ‘protection’ of the public is both achievable and desirable
- 3.2 Rules on due impartiality apply to broadcast services in relation to news and matters of public debate (case study: *The Great Global Warming Swindle*)
- 3.3 A pragmatic approach is adopted towards international news services and impartiality rules may not be required (United States: the fairness doctrine)

- 3.4 The demands for impartiality originally linked to public service provision are applied across an extraordinary range of licensees, including news providers, often with radically different philosophies, global perspectives and associated audience expectations (case study: Press TV)
- 3.5 A diverse domestic community is also challenging 'generally accepted standards' (case study: Islam Channel)
- 3.6 The licensing of spectrum, and regulatory leverage it confers, is being challenged by digital switchover
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- 4.1 A self-regulatory body and slim voluntary code applies to newspapers and magazines and is justified by the active selection and purchase of newspapers (by contrast to the traditional view of passive broadcasting consumption) and the freedom to publish in print (by contrast to the licensing of broadcasting)
- 4.2 Self-regulation of the press, challenged during successive periods of press impropriety has, in the absence of regulatory leverage, remained – but the current system has been significantly undermined
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- 4.4 Proposal for independent regulation of the press: independent yet recognised in statute; voluntary yet robust in its requirements, expectations and sanctions; recognising the traditions of press freedom in print yet providing for the transparent regulation of online and other electronic press offerings (Ireland: independent, voluntary press regulation recognised in statute)

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- 5.3 A turf war has emerged between ATVOD and the PCC over newspapers providing video on demand content, and other providers are contesting ATVOD's authority (BNPtv: testing ATVOD's jurisdiction)
- 5.4 Current minimal regulation is out of line with audience expectations and with the value, and potential influence of video on demand content
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- 7.3 Television is a trusted source of news but the internet is more likely to be used as a source of news by younger than by older people; newspapers are declining as a source of local or international news
- 7.4 Impartiality on television and radio is generally considered important, but less so by younger people; the impartiality of television news is almost universally valued but impartiality for newspapers and the internet is also held to be important (when neither is required); audiences are sceptical about whether impartiality is achieved by broadcasters
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- 9.2 James Murdoch's MacTaggart Lecture (2009) criticised regulation that treats the consumer as a passive creature in need of protection rather than as a customer who makes informed choices
- 9.3 Stewart Purvis's RTS Fleming Memorial Lecture (2010) called time on outdated regulation linked to analogue spectrum; he distinguished between 'public' and 'private' media and called for statutory powers to be focused where they were really needed
- 9.4 *Letting Children be Children* (2011) raised the issue of consistent protection for children across all media

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# 1. Introduction

## 1.1. 2011 – a year of media investigations, consultations, scandals, and inquiries

This is an extraordinary year in which to be writing about media regulation in the UK. In the first half of 2011 Culture Secretary Jeremy Hunt kick-started the debate on the next Communications Act with an open letter<sup>1</sup> setting out the Government's ambition, as part of its Plan for Growth, 'to establish UK communications and media markets as amongst the most dynamic and successful in the world'. He invited views on promoting growth, innovation, and deregulation. Shortly afterwards the Attorney-General announced that a Joint Committee drawn from both Houses of Parliament would be established<sup>2</sup> to consider 'the correct balance between privacy and freedom of expression', following the furore over the courts granting anonymity orders or 'super injunctions'. Then the Lord Chief Justice conducted a consultation<sup>3</sup> on whether twitter, email, and text messages could be permitted for fair and accurate court reporting by the media, and asked for help in defining who should be identified as 'the media': whether the term was limited to accredited, regulated journalists or also applied to unregulated bloggers and social commentators. The Government commissioned an Independent Review on the commercialisation and sexualisation of childhood from Mother's Union chair Reg Bailey, and in June 2011 the published report *Letting Children be Children*<sup>4</sup> concluded with recommendations for the media and its regulators. Next the House of Lords Select Committee on Communications produced its *Inquiry into the Governance and Regulation of the BBC*<sup>5</sup> and found itself baffled by the complexity of BBC complaints processes and concerned by the overlapping jurisdictions of the BBC Trust and Ofcom.

Then, in July, came the revelation that murdered school girl Milly Dowler's voicemail had been listened to, and on occasion deleted by, the *News of the World* and the full 'Hackgate' scandal exploded. The subsequent days saw the closure of *News of the World* and withdrawal of News Corporation's bid for BSkyB; resignations at the top of both the Metropolitan Police and News International; the Commons Culture, Media and Sport Committee hearings including the appearances of Rupert and James Murdoch; and the Prime Minister's announcement of a two-part inquiry under Lord Justice Leveson.<sup>6</sup> The inquiry was charged with 'making recommendations for a new, more effective way of

<sup>1</sup> [http://www.culture.gov.uk/images/publications/commsreview-open-letter\\_160511.pdf](http://www.culture.gov.uk/images/publications/commsreview-open-letter_160511.pdf).

<sup>2</sup> <http://services.parliament.uk/hansard/Commons/bydate/20110523/mainchamberdebates/part003.html>.

<sup>3</sup> <http://www.judiciary.gov.uk/Resources/JCO/Documents/Consultations/cp-live-text-based-forms-of-comms.pdf>.

<sup>4</sup> <https://www.education.gov.uk/publications/eOrderingDownload/Bailey%20Review.pdf>.

<sup>5</sup> <http://www.publications.parliament.uk/pa/ld201012/ldselect/ldcomuni/166/16602.htm>.

<sup>6</sup> <http://www.publications.parliament.uk/pa/cm201011/cmhansrd/cm110713/debtext/110713-0001.htm>.

regulating the press,' and secondly with a full investigation into 'wrongdoing in the press and the police'.<sup>7</sup>

The golden thread of journalistic standards runs through each of these separate investigations, consultations, scandals, and inquiries; but pull the thread and the whole fabric of media regulation is in danger of unravelling. For while high-profile concerns about specific facets of regulation have surfaced with increasing regularity, underlying regulatory tensions have been developing that threaten long-term public confidence in journalism across the media landscape. Put most simply, converging media content is in conflict with static standards regulation, and unless the two are reconciled, public trust across media will be put at risk.

## **1.2. Conflict between converging media content and static standards regulation**

As technologies advance apace, the media are characterised by mutation and convergence, while the standards regulating them are essentially static and divided. Newspapers are not just printed but online and carry video packages with the look and feel of traditional TV; broadcasters publish websites including text-based articles similar to online print offerings; scheduled programmes are broadcast but also available on-demand, on digital channels and a variety of websites; user-generated material vies for online audiences alongside professionally produced content; professional and amateur bloggers share the same debates.

Broadcast, newspaper, video on demand, and other online content are increasingly indistinguishable and yet regulated separately. Some material is subject to comprehensive rules set down by parliament, some to lighter touch statutory regulation, some to voluntary self-regulated rules, some to no regulatory authority at all. Accessed via a PC, smart phone, and tablet devices, regulated and unregulated content, licensed and unlicensed services, are becoming impossible to differentiate. Add to that the advent of internet-connected televisions and broadcast, video on demand, and online content will shortly sit side by side on the living room TV, further fuelling the potential for consumer confusion over whether the content with which they engage is regulated and, if so, to what extent and by whom.

This review argues that such regulatory incoherence risks undermining public trust across the broadcast, print, video on demand, and online media platforms, and public confidence in the sources of information on which citizens depend in order to make informed, democratic choices. Instead of supporting the public space<sup>8</sup> that exists across the media, conflicting regulation is increasingly undermining it.

Here evidence of confusion is identified over who regulates what, who deals with complaints, and where consumer expectations lie. Impartiality, for example, has been at the core of broadcasting requirements, partiality at the heart of newspaper freedom. As the two media converge this distinction begins to appear arbitrary and opaque. Meanwhile consumers' assumptions around video on demand are not met by the limited regulation that applies. Added to this, younger, converged consumers do not have the same reference points, such as brand associations, that to some extent assist older consumers in forming expectations around different content, and so differing regulation will appear increasingly illogical and ineffectual. At the same time services providing for diverse communities are increasingly challenging notions of generally accepted standards.

<sup>7</sup> The full terms of reference subsequently set out can be found at: <http://www.levesoninquiry.org.uk/terms-of-reference-for-judge-led-inquiry>.

<sup>8</sup> The term 'public space' is used in this paper to denote the sphere of democratic debate and engagement that exists across print, broadcast, video on demand, online, and other electronic media.

The most comprehensive regulation applies to broadcasting, and takes as its starting point the ‘adequate protection’ of the public. While protection of children is of considerable public concern, I ask whether ‘protection’ continues to be a meaningful ambition in relation to adult consumers, and consider the limitations on notions of protection when sources of content are unlimited and widely unregulated (given the context of the online content world). Is protection a desirable goal when, arguably, singling out broadcast content for comprehensive regulation gives a false sense of regulatory security, and leaves the consumer exposed and unprepared for the limited regulation of video on demand content, self-regulation of newspapers, and the unregulated global online world? This is particularly significant when the content derived from each may be indistinguishable.

There is evidence of an increasing sense of powerlessness amongst consumers and a regulatory framework that relies on ‘dog whistles’ rather than clarity and certainty in the navigation of journalistic content. Consideration of competing regulatory jurisdictions<sup>9</sup> reveals bewildering arrangements. Different regulators enforce different rules for a range of BBC material when broadcast on a BBC television channel; they differ again when that material is provided online, and again when provided by BBC Worldwide. The rules that apply to a commercial broadcaster’s programming, when transmitted on a television channel, do not apply to their websites, and differ again when programmes are catalogued and provided as video on demand. Some newspapers accept the jurisdiction of a regulatory body, some do not; rules and regulators differ again for video content embedded into online newspaper articles, and again for newspapers that arrange video material in an online catalogue; they are different for blogs affiliated to the press, and differ again for those provided independently. And the distinctions between these rules are not trivial, they make the difference between impartial and partial content being permitted, between agreed obligations in relation to fair dealing and privacy or none, between accuracy being required for news or not, between a range of protections for children and young people or a minimal approach to harmful content.

One response to this extraordinary picture has been to demand a one-stop shop for consumer complaints. However, this fails to address the real cost of these opaque, inconsistent, and at times competing regimes. Without a coherent regulatory approach citizens cannot base their expectations of content on any consistent framework; they cannot sensibly evaluate its credibility nor make informed judgements about engagement with it; nor can they differentiate regulated and unregulated content in any meaningful way.

In addition to challenges for consumers, this review argues that regulation is out of step with the understanding, expectations, and requirements of providers. It identifies areas of duplication (between the BBC Trust and Ofcom), of tension (over the regulation of video on demand), and confusion (discussed above) which providers must negotiate, in addition to the recent discrediting of the Press Complaints Commission. It also argues that important opportunities are being missed, in the failure to support voluntary regulatory standards for currently unregulated, emerging content providers.

In addition, regulatory leverage is shifting. Democratic imperatives, but also pragmatic approaches, have always underpinned regulation, i.e. regulation is imposed where there is leverage over a provider. For broadcasting, the leverage provided by the allocation of analogue spectrum is receding and digital spectrum leverage is limited. Consideration of the purpose and practice of regulation across media platforms is required. Occupation of the regulated space will need to be incentivised, to ensure compliance in the future and to prevent migration to unregulated platforms provided online.

<sup>9</sup> Explored in Chs. 3–6 and illustrated in Annex 2.

Regulatory leverage is also shifting for print media. It is argued that the Press Complaints Commission's credibility has been undermined not just by the phone-hacking scandal, but by some newspaper titles operating with impunity outside its authority, and by the widening gap between the interests and ambitions of the broadsheet and red-top ends of the market.

Overall, it is contended here that current regulation, and the piecemeal attentions of recent inquiries and consultations, fails to address the democratic value in enabling the citizen to navigate and evaluate a range of journalism and other content – be it partial or impartial; regulated or unregulated; with public service commitments or purely commercial ambitions; and whether derived from broadcasting, print, video on demand or online.

### 1.3. A new regulatory settlement

The term 'standards' resonates in different ways through the shared public space provided across the media. Standards may seek to apply a restraining influence on content, in order to ensure that it reflects society's basic shared values, in keeping with audience expectations and measuring content against what is 'generally accepted'. Similarly it may seek to apply a restraining influence on journalistic and other content production practices, in order to curb excess and endeavour to ensure minimum standards of conduct, a sense of proportion and accountability. On the other hand standards may be aspirational, promoting content that encourages and enhances societal and cultural values. It may seek to inspire principled behaviour that represents a collective, professional set of values and recognition of the ethical, as well as legal, responsibilities that attach to influence.

Compulsory statutory regulation may be most easily associated with restraint, and voluntary self-regulation with aspiration, but here a flexible approach is proposed that allows these two qualities to meet in a new framework for media regulation. The proposed approach reflects statutory minimum requirements placed on some providers, while also incentivising transparent voluntary commitments to ethical standards, allowing the consumer to discriminate between the regulated and unregulated public space.

Recent responses to media standards have been defined by separate initiatives, discussed above, which lack connection and coherence. Instead, I argue that a new overarching settlement for media regulation is required in which parliament, regulators, providers, and consumers would each play their part. In launching the initial consultation on a new Communications Bill, referred to above, the stated intention of the Culture Secretary was to frame the debate, or at least its first stage, in terms of economic growth. I do not dispute the importance of the communications sector to the growth of the UK economy,<sup>10</sup> but the aim here is to carve out a democratic rather than economic agenda in the key area of standards regulation.

Under the approach proposed, a new regulatory settlement for both consumers and providers would be established.

<sup>10</sup> *Creative UK: The Audiovisual Sector and Economic Success*, by Robin Foster and Tom Broughton, estimates that 'around £13bn of funds flowing through the audiovisual economy, supporting direct production to the value of over £4bn, and as many as 132,000 direct UK jobs': [www.commcham.com/publications/creative-uk](http://www.commcham.com/publications/creative-uk).

- Consumers would be enabled to access, navigate, and engage with journalism, and wider media content, as active, informed citizens who make choices about media content. A transparent regulatory framework would support them in differentiating regulated from unregulated journalism and other content; in basing their expectations of a range of regulated content on clear, straightforward signposting across platforms; and in making choices accordingly. In addition, appropriate protections would be provided for the vulnerable, including, most importantly, children.
- Providers would also be invited to make choices, in keeping with their values and business models. The current comprehensive statutory requirements for all broadcasting would be narrowed to public service content, and applied across media platforms. In addition, baseline requirements for television and video on demand content, agreed at a European level, would be acknowledged and applied. Between the upper and lower ends of this targeted statutory framework however, providers would be incentivised to subscribe to a new model of independent, voluntary regulation (discussed below).

This would represent a new compact including citizens, journalists and other media providers, regulators, and Parliament in its development. It would recognise that, in order to provide a proportionate and consistent approach to regulation across the media, some current regulatory expectations would be reduced (with a deregulatory approach to non-public service broadcast content) and others developed (incentivising consistent independent regulation of journalism and other content across online and video on demand, newspaper, and commercial broadcast services). This realigning of provider duties and consumer expectations will undoubtedly present challenges, however its ambition, as discussed in Chapter 10, is to provide coherence and clarity. It proposes a redistribution and evening of requirements across a media landscape whose regulation is increasingly characterised, as demonstrated here, by inconsistency and confusion.

The proposal is not for an overnight transformation of the regulatory landscape for the media, but rather for managed transition: enabling consumers, providers, and regulators to recognise historic expectations of media delivery, but play catch-up with technological advances and content convergence, equipping them with a flexible regulatory framework ready to adapt to future transformations of the electronic media landscape. Transitional arrangements under a new Communications Act would move the regulation of journalism, and wider content provision within which it sits, towards a new cross-media tiered regulatory framework that provides for the range of content across the public space based on core characteristics explored in Chapter 10 and summarised here.

### A regulatory framework that enables citizens and protects children

This review argues that the current Communications Act blurs protections that are necessary for children with an approach that unhelpfully casts adults as passive consumers on whom content is imposed. It argues for an approach that properly protects the vulnerable while enabling citizens to make informed, active choices about engaging (or not engaging) with content across media platforms.

Under this approach, requirements within the next Communications Act would differentiate between providers in whom there is a public interest, through, for example, public ownership, funding, and/or subject to public service obligations, and those that represent purely private interests, commercial or otherwise. Instead of regulation attaching to the method of delivery (broadcast, newspapers, video on demand) as is

currently the case, it would be determined by the nature of the content, and the values of its provider, across media platforms. Three tiers of standards regulation, each denoted by an associated standards mark, would target requirements and thereby enable citizens and consumers to access a varied, but coherent, public space across broadcast, print, video on demand, and related online services.

### Comprehensive 'premium standard' regulation of public service providers across media platforms (Tier 1)

The proposed regulatory settlement would provide a clear, statutory, understanding of the value of, and expectations around, 'public' content providers with public service duties and privileges. It would set out 'premium standard' statutory requirements for media providing public service content (the BBC, Channel 4, S4C, and currently ITV<sup>11</sup> and Channel 5) across all media platforms including related websites and video on demand provision.

These 'public' providers would be expected to play a role in supporting consumers in navigating online content and to counter concerns that fragmented new media serve to reinforce prejudices and narrow horizons. Comprehensive rules, potentially not dissimilar to the current Ofcom Code but based on a principle of enabling citizens and protecting children, would apply. Impartiality requirements would provide access to balanced coverage and a range of viewpoints on issues of particular public significance and debate. Under the approach proposed, commercial public service providers would be incentivised to continue to maintain their commitment to public service provision through such benefits as EPG prominence and enhanced access to audiences via the public service multiplexes.<sup>12</sup> Standards requirements would be part of the expectations placed on them, but also a transparent demonstration of excellence and authority, associating them with media organisations under public ownership, and differentiating their offerings from the rest of the industry.

The rules would be set out in statute and administered and enforced by a regulator with statutory powers, the level of requirements would be clearly identified by a 'Tier 1' standards mark on electronic programme guides (EPGs) and online.

Initially this top tier of regulation could apply across broadcasting. However, a new Communications Act would open up the possibility of other providers, perhaps whose selling point is their impartiality, affiliating themselves with this tier. Over time this could include video on demand services, newspapers, and any other online providers. Similarly, over time private broadcasters (without public service obligations) could elect to move to either of the two following tiers of regulation.

### Independent regulation of private (non-public service) providers across platforms (Tier 2)

It is proposed that a new model of 'independent' regulation should be introduced, initially for the press and, as it develops, open to non-public service media across platforms.

The history of press regulation, and periodic surfacing of debates on statutory requirements, is discussed in Chapter 4. The historic tension between 'licensing' the press

<sup>11</sup> Including STV, UTV, and Channel Television.

<sup>12</sup> By the completion of digital switch over in 2012, it is predicted that services carried on the public service multiplexes will be available to 98.5% of the population while the commercial multiplexes' transmission network will cover around 90% of the population. This is because 'The commercial multiplexes ... have concluded that they cannot justify the very substantial investment in additional DTT transmission capacity to reach the final 10 per cent of the UK population': <http://stakeholders.ofcom.org.uk/binaries/research/tv-research/no3factsheet.pdf>.

and rights to freedom of speech are examined; the balance between rights and responsibilities, between press freedom and accountability, is revealed to be a delicate one.

Here a regulatory model is offered in which the press would retain the freedoms and privileges on which its journalism is founded but would also have a voluntary but clear mechanism for acknowledging the duties and responsibilities that accompany them. It would be incentivised to adhere to robustly enforced standards, as a demonstration of those commitments in print and online, and consumers would be provided with clarity over whether individual titles choose to operate within the regulated or unregulated public space. Under this approach the following key principles would govern press regulation in addition to the wider transparency requirement discussed below:

*Independence* – This second tier of regulation would be independent of both state and industry, recognised by both but beholden to neither. It would be funded, and its rules established, by industry, but the independence of its decision-making and robustness of its sanctions would be assured.

*Statutory recognition* – The proposed model of regulation would be provided with recognition in statute. This would lay a secure foundation for its authority and independence, including the composition and independence of its board and adjudicating panels, and a recognition of a range of procedures and sanctions. It would not confer statutory powers, since the basis for its authority would be voluntary membership, but would provide a link to a number of significant privileges associated with membership (discussed below).

*Incentivised voluntary participation* – Newspapers, in print and online, and wider journalists and bloggers, would have the choice of electing standards as a selling point through this model of regulation and enjoying associated benefits. Conversely they could choose to operate outside the regulated sphere and simply within the law, as is the case for unregulated online content. Benefits and privileges could include accreditation in relation to court reporting and other privileged access to information, attractive advertising associations, recognition of affiliation by the courts in any privacy or libel proceedings. Those newspapers operating outside the regulated sphere would be understood by the public to have rejected such an association and would be unable to demonstrate their ethical standards through this framework and associated standards mark.

*Credible investigations and sanctions* – In return for the benefits of membership, the regulated press would be required to agree and accept a range of sanctions and investigatory procedures at the disposal of the new regulatory body, including suspension and expulsion from its membership and associated benefits.

*Transition* – Over time the proposal would be to extend the model of Tier 2 independent regulation to ‘private’ media across all platforms, on a voluntary basis. In this way private media would be incentivised to elect to adhere to voluntary ethical standards drawn up by the media industry. The standards could be nuanced for the provision of content across broadcast, print, video on demand, and online platforms and apply to any provider seeking to differentiate their offering by adherence to them.

Consistency with the baseline regulation for broadcast and video on demand services agreed at a European level (Tier 3)

For providers deciding not to make the commitment to standards set out in Tier 2, statutory requirements would be set out as a baseline of regulation for all 'private' broadcast and video on demand providers consistent with the demands of European agreed standards. Requirements could include protection of the under-18s, a prohibition on incitement to hatred, and commercial obligations. These requirements would be compulsory only for broadcast and video on demand services (including any provided by newspapers). However, over time it could be open to newspapers (in print and online) to level down from Tier 2 to Tier 3 (sacrificing associated benefits and privileges), meanwhile currently unregulated online providers could elect to opt in to this level of regulation as a mark of basic standards.

### Transparency

Each regulatory tier would be required to be signalled by a transparent 'standards mark' displayed on electronic programme guides (EPGs) and in print; similarly the relevant standards mark would be clearly flagged on websites or other electronic media. The standards mark would provide not just mainstream providers but, significantly, new brands, with transparent messaging for the public. It would readily identify providers subscribing to each tier, and also attach to individual content provided via online content aggregators.

### An inclusive framework for new media providers

The ambition of the proposed settlement would be both to manage transition by establishing a framework that first introduces consistency of regulation for those providers currently subject to statutory or self-regulation, but secondly provides sufficient flexibility so that the framework can be developed and offered to emerging providers (on a voluntary basis) over time.

It would be open to any media provider not caught by the compulsory regulation of Tiers 1 and 3 to 'opt in' to any of the three tiers of regulation. A blogger could, for example, seek accreditation through voluntary affiliation with a chosen tier. Similarly a commercial provider subject only to minimal requirements could elect to join a tier offering enhanced regulation if that were considered advantageous to their offering. Going forward, newspapers, as their online content becomes an increasingly significant part of their offering, could seek association with any of the three tiers. Broadsheets and tabloids could, for example, elect regulation under different tiers depending on which most closely reflected their values and content. The proposed framework is not limited to audiovisual material, but would be offered to any electronic media provider as the media landscape develops.

## 1.4. Chapter summary

This report is specifically concerned with the regulation of UK journalism, within a context of wider content regulation, though it considers a variety of international examples of developing regulation and responses to converging content. It also explores the context of European Union legislation within which UK regulation must operate. It draws on a series of interviews conducted in May 2011. Interviewees, from a range of regulatory, broadcast, print, and academic backgrounds, were invited to reflect on the interconnected nature of the media and its future regulation. My analysis and

recommendations have benefited from their insightful responses to the challenge of media convergence. While the interviews do not reflect on the subsequent repercussions of the phone-hacking revelations, they provide thoughtful, informed contributions on the underlying challenges facing UK standards regulation as well as international perspectives.

In the first part, Chapters 2 to 6 explore the regulatory requirements placed on broadcasting, print media, video on demand content, and wider online regulation. These chapters consider how these differing requirements have emerged, and how they are challenged by the convergence of media content. In particular they examine requirements for, and expectations of, impartiality. They explore where regulatory requirements are beginning to buckle under the strain of an increasingly blended media environment, in which spectrum scarcity and information scarcity are no longer the prime movers in determining the regulatory framework.

These chapters are informed by the observations of interviewees, illustrated by a range of case studies and supported by relevant consumer research set out in Chapter 7. Chapter 8 concludes with observations on current regulatory inconsistencies and uncertainties, arguing that content regulation has fallen out of step with the pace of convergence and with the understanding, expectations, and requirements of both the public and of content providers. As Richard Sambrook put it: 'technology is running ahead of our ability to manage it'.<sup>13</sup>

*We are moving from a world where you've had limited provision – and therefore greater responsibilities that could be placed upon those limited providers through regulation – to a world of enormous supply and choice where regulation really is going to be very difficult to enforce. And therefore we are moving from a world where the consumer can be protected through regulation to a world where they are going to have to be far better educated in understanding what they consume and how they consume it. And the difficulty at the minute is that we are caught in the kind of rapids in the middle.*

The final part seeks a way out of the 'rapids' in which we find ourselves. Chapter 9 considers key reports and lectures from the last decade that have contributed to our understanding of the challenges posed by media converging on the same space. It then outlines ideas and perspectives contributed by those interviewed. It includes lessons from international ambitions for a unified 'cross-media' code, and consideration of the importance of cultural expectations, consumer awareness, and of voluntary aspirations for ethical standards in journalism.

Chapter 10 argues that we must negotiate a period of managed transition as we move on from the familiar protections of television and radio and navigate the blurred world of regulated and unregulated content. It seeks to consider how the underlying democratic function of journalistic content can best be enhanced, and the public and providers best served, in a new approach to its regulation. It outlines a tiered and targeted framework, which is transparently messaged for the consumer across media platforms, and provides a combination of statutory and independent, voluntary requirements both for existing and new providers. It takes as its starting point the objective of *enabling*, rather than *protecting*, the public and, in addition, incentivises providers to see regulation as a selling point – a way of differentiating their offering in an increasingly competitive, global market – rather than as a burdensome constraint.

<sup>13</sup> Interview May 2011.

The next Communications Act and, more immediately, the inquiries set up in recent months to consider aspects of journalistic values and practice, face the difficulty and opportunity of distilling what we value about the public space and regulating it, consistently and proportionately, across platforms. The aim here is to carve out, at the heart of debate on the future communications framework, this democratic agenda.