

Media Response Unit

Part 1: Know your rights

Guidance to help support student officers and activists to effectively engage with the media

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NUS Press Office

Website: www.nus.org.uk

Email: pressoffice@nus.org.uk

The MediaWise Trust

Website: www.mediawise.org.uk

Email: mediawisetrust@btinternet.com

Independent Press Standards Organisation (IPSO)

Website: www.ipso.co.uk

Email: inquiries@ipso.co.uk

Office for Communications (Ofcom)

Website: www.ofcom.org.uk

Tel: 0300 123 3000 or 020 7981 3000

IMPRESS (regulates smaller independent publications)

www.impress.press

info@impress.press

Tel: 0203 325 4288

Disclaimer

The information in this document is for general guidance on your rights and responsibilities and is not legal advice. If you need more details on your rights or legal advice about what action to take, please contact an adviser or solicitor. To find a solicitor or other legal adviser in your area, you can use the [Civil Legal Advice \(CLA\) Legal Adviser Directory](#).

Foreword

The digital age has undoubtedly ushered in countless exciting opportunities for student campaigners to engage with the press, and wider public, to generate much needed awareness around issues, affect positive action and create lasting social change.

However, there have been several high-profile incidents where students' union officers or activists have been denigrated by inaccurate, intrusive or sensational media coverage.

I myself have been pursued and suffered personally, so I know first-hand how the prospect of being targeted in this way can turn many bright campaigners off engaging with and participating in the student movement. Sadly, this is preventing many students from realising their potential.

“A bit of advice on how to navigate these hostile waters and how to harness the power of the press could make a real difference”

In my case, the press used naive comments I made as a young girl and made them seem far more sinister than they were ever intended. When I wrote those tweets in 2012, I was just 16 years old and struggling with my view of the world and my place in it. I was grappling with the deep injustices I could see around me and trying to figure out how I could make the world a better place.

I'm not the only person who's been a victim of this type of reporting of course. In recent years we've become more conscious of the intrusive and unpleasant depths that certain media will stoop to gain that scoop, all in the name of selling papers. High profile inquiries into press behaviour have uncovered the unfair and



unnecessary treatment various people and groups have experienced. This has included highly racialised reports against people of colour, trans students and condescending articles towards women, and inaccurate reports attacking the student movement, often for being inclusive and supporting diversity.

Seeing or experiencing this type of hostile journalism is obviously difficult but the good news is there are also reporters and media outlets that want to provide balanced, informative pieces that make sure different voices are heard. For this reason, we must continue to campaign unapologetically for the radical transformation we need to make our world a better place.

A bit of advice on how to navigate these hostile waters and how to harness the power of the press could make a real difference. That's what my Media Response Unit aims to do; to educate, inform and support student activists about how to engage effectively and appropriately with the media.

I'm delighted that NUS has partnered with The MediaWise Trust to deliver this guidance for you. I hope you find it helpful and wish you ever success with achieving action on the issues we care about.

Zamzam Ibrahim
Vice President (Society & Citizenship),
National Union of Students

Press freedoms and responsibilities

Sweden was the first country in the world to fully adopt freedom of the press into its constitution. The concept of a 'free press' is based on the principle that communication and expression through various forms of media should be treated as a right to be exercised freely.

Moreover, there should be no interference or censorship from the overarching government but instead, media integrity should be preserved through constitutional or other legal protections.

"There can be no press freedom when journalists exist in conditions of corruption, poverty or fear." – International Federation of Journalists¹

Does the UK have a free press?

According to the *New York Times*, "Britain has a long tradition of a free, inquisitive press", but "unlike the United States, Britain has no constitutional guarantee of press freedom."²

Freedom of the press was first established in Great Britain in 1695. Up until 1694, England had an elaborate system of licensing; evidenced in the 'Licensing of the Press Act' of 1662.³ During this era, no publication was allowed without the accompaniment of a government-granted license.

Media responsibilities

Media regulation refers to a variety of 'media accountability systems' ranging from statutory controls to 'self-regulation' and informal measures such as codes of conduct and pressure groups, which influence the way in which print and broadcast media operate.⁴

In the UK, only broadcasting is covered by statutory regulation. The BBC operates under a Royal Charter and is now also supervised by

Ofcom (see below) which licences and regulates radio and tv broadcasters.

The printed press operates under a system of self-regulation, with the mainstream national and local press agreeing to abide by the Editors' Code of Practice⁵ which is policed by the Independent Press Standards Organisation (IPSO) see below.

The Leveson Inquiry and Report

In 2011 the government set up a public inquiry into the culture, practices and ethics of the press. This followed dissatisfaction with the ineffectiveness of the [Press Complaints Commission \(PCC\)](#) in dealing with revelations about unlawful activities by a number of national publications over many years, culminating in the 'hacking scandal' that led to the closure of the News of the World.

Chaired by Lord Justice Leveson, the Inquiry invited written evidence and held a series of public hearings at which 'victims of the press', journalists, editors and proprietors were cross examined.

The [Leveson Report](#), published in November 2012, made recommendations for a new, more independent regulator to replace the PCC.⁶ A [Press Recognition Panel](#) (PRP) was established under a Royal Charter to judge whether press regulators meet Leveson's recommendations.

Statutory regulation

Ofcom

Broadcast media are regulated by Ofcom. It monitors television, radio, video on demand services, telecommunication and postal services. The [Ofcom Broadcasting Code](#) outlines the rules which programmes broadcast on television and radio in the UK must abide by.⁷

Press Recognition Panel

The PRP was established in the wake of the Leveson Inquiry under the Royal Charter on self-regulation of the press to judge whether press regulators meet the Leveson's recommended criteria for recognition under the Charter.

IMPRESS

So far, the Independent Monitor for the Press (IMPRESS) is the only regulator recognised by the PRP in 2016. It regulates a range of small independent and 'alternative' publications. They agree to abide by the [IMPRESS Standards Code](#) devised through public consultation to assist journalists and protect the public from invasive journalistic practices and unethical reporting.⁸

Self-regulation

NUJ code of conduct

The National Union of Journalists' (NUJ) [Code of Conduct](#) first set out the main principles of British and Irish journalism in 1936.⁹ The code is part of the union's rules and all members must sign that they will strive to adhere to it.

Student journalists are entitled to NUJ membership at reduced rates and are expected to abide by the code.

The NUJ Ethics Council will consider complaints about its members but usually the complaint must also be made through an NUJ member. The latest version of the code seeks to define what a journalist is by setting out the professional principles its members are expected to abide by. A journalist:

1. At all times upholds and defends the principle of media freedom, the right of freedom of expression and the right of the public to be informed.
2. Strives to ensure that information disseminated is honestly conveyed, accurate and fair.
3. Does her/his utmost to correct harmful inaccuracies.
4. Differentiates between fact and opinion.
5. Obtains material by honest, straightforward and open means, with the exception of investigations that are both overwhelmingly

in the public interest and which involve evidence that cannot be obtained by straightforward means.

6. Does nothing to intrude into anybody's private life, grief or distress unless justified by overriding consideration of the public interest.
7. Protects the identity of sources who supply information in confidence and material gathered in the course of her/his work.
8. Resists threats or any other inducements to influence, distort or suppress information and takes no unfair personal advantage of information gained in the course of her/his duties before the information is public knowledge.
9. Produces no material likely to lead to hatred or discrimination on the grounds of a person's age, gender, race, colour, creed, legal status, disability, marital status, or sexual orientation.
10. Does not by way of statement, voice or appearance endorse by advertisement any commercial product or service save for the promotion of her/his own work or of the medium by which she/he is employed.
11. A journalist shall normally seek the consent of an appropriate adult when interviewing or photographing a child for a story about her/his welfare.
12. Avoids plagiarism.

Independent Press Standards Organisation

The mainstream national and local press industry rejected the Leveson proposals and opted instead to run its own system of self-regulation.

The Independent Press Standards Organisation (IPSO) was set up in 2014 and regulates most national, regional and local newspapers (except The Guardian, The Observer, The Independent and 'i', and the Financial Times which have their own in-house accountability systems).

IPSO operates under slightly different rules to the PCC, and a revised version of the [Editors' Code of Practice](#).¹⁰

Correcting inaccurate reporting

Right of reply

Right of reply normally refers to a person's right to be given space to correct the publication of inaccurate information, including quotes taken out of context. Belgium and France have enjoyed a right to reply since the 19th century, and it exists in Austria, Denmark, Finland, Germany, Greece, the Netherlands, Norway, Spain and Sweden.

The Committee of Ministers of the Council of Europe voted for it in 1974 but there is currently no statutory right of reply in the UK, despite numerous attempts by Labour MPs to secure this over the last 40 years.

Editorial guidelines

If inaccurate information about you is published, or your quotes are taken out of context in a negative way, the current procedure is to contact the publication or broadcaster concerned at the earliest opportunity. You will find details of the different editorial guidelines used by different media below:

- [BBC](#)¹¹
- [Channel 4](#)¹²
- [ITV](#)¹³
- [Daily Mail](#)¹⁴
- [The Guardian](#)¹⁵
- [The Independent/ i News](#)¹⁶
- [The Mirror](#)¹⁷
- [The Sun](#)¹⁸
- [The Times](#)¹⁹
- [The Telegraph](#)²⁰

If you are not satisfied with their response you can take the matter up with the print or broadcasting regulators (see pages 4 and 5).

Defamation

Defamation covers spoken or written words which are likely to lower the reputation of an

individual and cause them serious harm. If you believe you have been defamed, you have 12 months in which to start proceedings.

Defamation law can be intricate and complex. UK legislation around defamation is outlined in the [Defamation Act 2013](#).²¹ In the [European Convention on Human Rights](#) under Article 10(2), defamation is one of the valid reasons for limiting a person's freedom of expression.²²

Slander

Slander is defamation of a person through a transient form of communication, generally speech, and evidence of actual damage must be proved.

Libel

Libel is defamation of a person through a permanent form of communication, mostly the written word. However, it is also possible to defame someone through images (photographs, paintings, illustrations, etc).

The offending words must have been communicated to a third person (that includes remarks on social media) and it must be clear to whom the words refer.

This does not mean a specific person has to be named – for example, saying “There are drug-takers on the NUS senior leadership team” would libel all the members since it is a small group of easily identifiable people. Whereas, to say the same about a university department is less likely to be actionable.

Defending defamation claims

A statement can be both defamatory and true. Verifiable evidence that a statement is true is the main defence against a libel action.

However, an honest opinion, robustly expressed, is also a defence, providing it is clear that it is an opinion based on fact. It's also a defence to demonstrate that publication is in the public interest (to prevent or expose crime, harm or hypocrisy, or to protect public health).

Dealing with unwanted media attention



This section was authored with the help of **The MediaWise Trust**, a voluntary organisation set up to provide free, confidential advice and assistance to members of the public affected by inaccurate, intrusive or sensational media coverage.

To find out more about their work and how you can support the delivery of their services by donation, please visit www.mediawise.org.uk.²³

Your right to a private and family life

The [Human Rights Act](#) protects your privacy, your family life, your home and your correspondence.²⁴ As referenced by Liberty, it has been used by families who've been unlawfully spied on by councils, won crucial rights for LGBT+ and Trans people – and defended our fundamental freedoms in the face of increasingly authoritarian mass surveillance.²⁵ Your privacy is closely linked to many other fundamental rights such as freedom of expression and association. Learn more about this [here](#).

Dealing with media attention

If you are approached by journalists for information, you are under no obligation to cooperate. If you would prefer not to get involved, simply tell them, politely but firmly.

Don't be surprised if they persist – that is their job. However, if they refuse to leave your premises or to stop pestering you on the phone, you are entitled to call the police.

If your refusal to co-operate is used against you unfairly; if falsehoods are published about you,

or what you say or do is not reported accurately, you have every right to complain.

If you think a journalist, a publication or a broadcaster has behaved unethically or unfairly, it is important to complain by referring the matter to IPSO, IMPRESS, Ofcom or via the publication's own editorial complaints process as outlined in the previous section of this guide.

If you think a publication or programme has broken the law or published a libel, consult a specialist lawyer.

Making a complaint

Before making a complaint, be clear about the nature and fundamental arguments of your complaint. If it is about accuracy, make sure your facts are correct.

Check for accuracy

List the factual errors and the evidence to back up your claim. If you think the presentation of the story implies something improper, find out if others share your interpretation before complaining.

Registering your complaint

Now register your complaint. Call the editor or the producer, identify the offending item and outline your objections. Most broadcasting stations have a Duty Officer who will pass on your views to the producer.

Formally submit your complaint

Then write to the editor or producer in more detail and request that a correction and/or an apology be published.

Consider involving regulators

If you are unhappy about their response, contact the appropriate regulatory body. They will inform you of their procedures, and any time limits for submission of complaints. You may be asked to show how a publication or programme has breached the formal codes of practice. You can still complain even if you cannot make a direct link.

Keep a record of evidence

Keep copies of cuttings and letters and make notes about any telephone conversations.

Be clear and concise

When writing a letter for publication, make your points clearly and briefly. You do not have to accept this as your only means of redress.

Advice available to you

NUS Press Office

If you are an elected student officer, volunteer officer or student journalist in need of advice in relation to a media enquiry or matter specifically about your students' union, please contact the NUS Press Office.

pressoffice@nus.org.uk

The MediaWise Trust

The MediaWise Trust provides confidential, free, professional advice for those with legitimate complaints about print and broadcast journalism.

mediawisetrust@btinternet.com

National Union of Journalists

Are you a student journalist under pressure to work on a compromising story? The NUJ believes a journalist has the right to refuse an assignment or be identified as the author of editorial that would break the letter or spirit of the NUJ code of conduct.

info@nuj.org.uk

Endnotes

¹ International Federation of Journalists, [Press Freedom](#)

² The New York Times (2013), [British Press Freedom Under Threat](#)

³ Wikipedia (2017), [Licensing of the Press Act 1662](#)

⁴ Media Act, [Media Act](#)

⁵ Editors' Code of Practice Committee, [Editors' Code of Practice](#)

⁶ UK Government (2012), [Leveson Inquiry - Report into the culture, practices and ethics of the press](#)

⁷ Ofcom (2017), [The Ofcom Broadcasting Code](#)

⁸ IMPRESS (2017), [IMPRESS Standards Code](#)

⁹ National Union of Journalists (2013), [Code of Conduct](#)

¹⁰ Independent Press Standards Organisation (2016), [Editors' Code of Practice](#)

¹¹ BBC, [Editorial guidelines](#)

¹² Channel 4, [Right of reply guidelines](#)

¹³ ITV, [Complaints department](#)

¹⁴ The Daily Mail, [How to complain](#)

¹⁵ The Guardian, [Response](#)

¹⁶ The Independent/ i News, [Code of Conduct](#)

¹⁷ The Mirror, [How to complain](#)

¹⁸ The Sun, [Editorial complaints](#)

¹⁹ The Times, [Editorial complaints](#)

²⁰ The Telegraph, [Editorial Complaints Policy](#)

²¹ UK Government (2013), [Defamation Act 2013](#)

²² European Court of Human Rights (1950), [European Convention on Human Rights](#)

²³ The MediaWise Trust (1999-2018), [What you can do when a journalist gets things wrong](#)

²⁴ UK Government (1998), [Human Rights Act 1988](#)

²⁵ Liberty, [Article 8 Right to a private and family life](#)

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