

Leicester Stories Editorial Standards

Rob Watson, Wednesday 10th March 2021

1 Editorial Standards Policy

As a community-focused project Leicester Stories approach to sourcing, gathering, editing and sharing stories will be determined by a clear code of practice that is co-written by the participants, the project advisors and partners. Transparency and accountability are essential principles in building trust for local and alternative forms of media, and while much of this can be achieved through trusted relationships, it is essential that Leicester Stories applies appropriate standards and processes if members of the public have a complaint or problem with the content that is produced and shared.

1.1 Ofcom Broadcast Code

Each participating community radio station is obliged in UK law to ensure their programming complies with the [Ofcom Broadcast Code](#). The Broadcast Code is applied to all UK broadcasters, except for the BBC, which is subject to its own editorial standards in addition to the Broadcast Code. Ofcom reminds community radio stations that “when applying the Code to content, broadcasters should be aware that the context in which the material appears is key. In setting this Code, Ofcom has considered (as required by section 319(4) of the Act) the following:

- a) The degree of harm and offence likely to be caused by the inclusion of any particular sort of material in programmes generally or in programmes of a particular description.
- b) The likely size and composition of the potential audience for programmes included in television and radio services generally or in television and radio services of a particular description.
- c) The likely expectation of the audience as to the nature of a programme’s content and the extent to which the nature of a programme’s content can be brought to the attention of potential members of the audience.
- d) The likelihood of persons who are unaware of the nature of a programme’s content being unintentionally exposed, by their own actions, to that content.
- e) The desirability of securing that the content of services identifies when there is a change affecting the nature of a service that is being watched or listened to and, in particular, a change that is relevant to the application of the standards set under this section.

- f) The desirability of maintaining the independence of editorial control over programme content.

These criteria have informed Ofcom's approach to setting the Code and must be taken into account by broadcasters when interpreting the rules."¹ The provider of the service (the license holder) is responsible for ensuring all content that they broadcast is compliant with the regulations, and is not likely to cause general offense or distress. The regulations define reasonably clearly and unambiguously what Ofcom considers is, and isn't, likely to cause offense to the general population.

1.1.1 Applying the Broadcast Code

When applying the Code to content, broadcasters should be aware that the **context** in which the material appears is key. In setting the code, Ofcom has taken into account the following:

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- The likely size and composition of the potential audience for programmes included in television and radio services generally or in television and radio services of a particular description.
- The likely expectation of the audience as to the nature of a programme's content and the extent to which the nature of a programme's content can be brought to the attention of potential members of the audience.
- The likelihood of persons who are unaware of the nature of a programme's content being unintentionally exposed, by their own actions, to that content.
- The desirability of securing that the content of services identifies when there is a change affecting the nature of a service that is being watched or listened to and, in particular, a change that is relevant to the application of the standards set under this section.
- The desirability of maintaining the independence of editorial control over programme content.

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1.1.2 The Broadcast Bulletin

Under the Communications Act 2003, Ofcom has a duty to set standards for broadcast content to secure the acts objectives. Ofcom reflects these requirements in its codes and rules. The [Broadcast and On Demand Bulletin](#) reports on the outcome of Ofcom's investigations into alleged breaches of its codes and rules, as well as conditions with which broadcasters licensed by Ofcom are re-quired to comply.

¹ <https://www.ofcom.org.uk/tv-radio-and-on-demand/broadcast-codes/broadcast-code/how-to-use>

² <https://www.ofcom.org.uk/tv-radio-and-on-demand/broadcast-codes/broadcast-code/how-to-use>

Ofcom publishes regular alerts to broadcasters of any key changes or information that are relevant to the Broadcast Code. Stations are expected to keep up to date with these bulletins, and to be aware of recent adjudications and outcomes of decisions. The station has a responsibility to ensure that training and awareness raising of the Broadcast Code is in place, and that individual presenters and programme contributors understand where to find information and guidance.

<https://www.ofcom.org.uk/about-ofcom/latest/bulletins/notes-to-broadcasters>

1.1.3 Record of Transmission

Under the terms of every broadcast radio licence, Ofcom can require a station to provide it with a tape, datafile and/or transcript of broadcast material at any time up to forty-two days after the broadcast was made. If Ofcom receives a complaint about anything a station has broadcast, it must be submitted as an unaltered copy of the broadcast for their consideration and judgement. If a station is unable to do this, they are likely to face a heavy fine, and possibly lose their licence, or at least find it unlikely to be renewed.

1.1.4 Programme Makers Responsibility

It is the responsibility of the broadcaster to comply with the Code.

- Programme makers who require further advice on applying the code should, in the first instance, talk to those editorially responsible for the programme, and to the broadcaster's compliance and legal officers.
- A presenter may take an opposing view to the mainstream on a topic/subject, providing that it is made clear that it is the presenter's own view, and the output of the station is balanced.
- The audience must not be fooled into thinking the viewpoint is irrefutably true.

Programme makers should ask themselves when planning a programme:

- Is this something that is likely to upset children?
- Is this likely to mislead?
- Are the facts accurate if presented as facts?
- If they there isn't 100% certainty of any facts, ensure the source clearly attributed.

1.1.5 Programme Makers Should Apply this Rule of Thumb:

- Clean
- Uncontroversial
- Honest
- Fair

1.2 IMPRESS Independent Standards Code

IMPRESS aims to build trust in journalism by providing journalists and publishers with a programme of protection and support for a code of practice that enables independent news and media

organisations to speak with confidence and security. The IMPRESS code also provides the public with the reassurance that they can rely on the news and information sources that inform them, entertain them and represent their interests. <https://impress.press/regulation/>

IMPRESS is a voluntary scheme for independent publishers to subscribe. The 'code' requires publishers to uphold and adhere to the IMPRESS Standards Code and use it in their assessment of complaints in respect of all material first published and acts occurring from 24 July 2017. IMPRESS requires publishers to use the Editors' Code in their assessment of complaints in respect of material first published and acts occurring before 24 July 2017. Publishers may include additional requirements in their own editorial guidelines; however, IMPRESS will only accept complaints that engage the Code.

Publishers are required under the IMPRESS code to maintain adequate and speedy in-house complaints procedures in relation to editorial standards that are

- Convenient and easy to use (in particular for those that are vulnerable or have disabilities)
- Transparent, clear, well publicised, free, and allow complaints to be made by any reasonable means
- Prompt and fair, with decisions based on sufficient investigation of the circumstances, and (where appropriate) offer a suitable remedy.

Publishers are also required to provide a written or emailed acknowledgement of complaints within seven calendar days of having received a complaint. Within twenty-one calendar days of receipt of the complaint, and they must tell complainants in a final decision letter that they have the right to refer their complaint to IMPRESS, stating the applicable time limits and how to contact IMPRESS.

1.3 IMPRESS General Principles

1.3.1 Accuracy

- Publishers must take all reasonable steps to ensure accuracy.
- Publishers must correct any significant inaccuracy with due prominence, which should normally be equal prominence, at the earliest opportunity.
- Publishers must always distinguish clearly between statements of fact, conjecture and opinion.
- Whilst free to be partisan, publishers must not misrepresent or distort the facts.

1.3.2 Attribution and Plagiarism

- Publishers must take all reasonable steps to identify and credit the originator of any third-party content.
- Publishers must correct any failure to credit the originator of any third-party content with due prominence at the earliest opportunity.

1.3.3 Children

- Except where there is an exceptional public interest, publishers must only interview, photograph, or otherwise record or publish the words, actions or images of a child under the age of 16 years with the consent of the child or a responsible adult and where this is not detrimental to the safety and wellbeing of the child. While a child should have every opportunity to express his or her wishes, journalists have a responsibility to consider carefully the age and capacity of the child to consent. Unless there is a detriment to the safety and wellbeing of a child, this provision does not apply to images of general scenes.
- Except where there is an exceptional public interest, publishers must not identify a child under the age of 16 years without the consent of the child or a responsible adult unless this is relevant to the story and not detrimental to the safety and wellbeing of the child.
- Publishers must give reasonable consideration to the request of a person who, when under the age of 16 years, was identified in their publication and now wishes the online version of the relevant article(s) to be anonymised.

1.3.4 Discrimination

- Publishers must not make prejudicial or pejorative reference to a person on the basis of that person's age, disability, mental health, gender reassignment or identity, marital or civil partnership status, pregnancy, race, religion, sex or sexual orientation or another characteristic that makes that person vulnerable to discrimination.
- Publishers must not refer to a person's disability, mental health, gender reassignment or identity, pregnancy, race, religion or sexual orientation unless this characteristic is relevant to the story.
- Publishers must not incite hatred against any group on the basis of that group's age, disability, mental health, gender reassignment or identity, marital or civil partnership status, pregnancy, race, religion, sex or sexual orientation or another characteristic that makes that group vulnerable to discrimination.

1.3.5 Harassment

- Publishers must ensure that journalists do not engage in intimidation.
- Except where justified by the public interest, publishers must ensure that journalists:
 - Do not engage in deception;
 - Always identify themselves as journalists and provide the name of their publication when making contact; and
 - Comply immediately with any reasonable request to desist from contacting, following or photographing a person.

1.3.6 Justice

- Publishers must not significantly impede or obstruct any criminal investigations or prejudice any criminal proceedings.
- Publishers must not directly or indirectly identify persons under the age of 18 who are or have been involved in criminal or family proceedings, except as permitted by law.
- Publishers must preserve the anonymity of victims of sexual offences, except as permitted by law or with the express consent of the person.
- Publishers must not make payments, or offer to make payments, to witnesses or defendants in criminal proceedings, except as permitted by law.

1.3.7 Privacy

- Except where justified by the public interest, publishers must respect people’s reasonable expectation of privacy. Such an expectation may be determined by factors that include, but are not limited to, the following:
- The nature of the information concerned, such as whether it relates to intimate, family, health or medical matters or personal finances.
- The nature of the place concerned, such as a home, school or hospital.
- How the information concerned was held or communicated, such as in private correspondence or a personal diary.
- The relevant attributes of the person, such as their age, occupation or public profile; and
- Whether the person had voluntarily courted publicity on a relevant aspect of their private life.
- Except where justified by the public interest, publishers must:
- Not use covert means to gain or record information.
- Respect privacy settings when reporting on social media content; and
- Take all reasonable steps not to exacerbate grief or distress through intrusive newsgathering or reporting.

1.3.8 Sources

- Publishers must protect the anonymity of sources where confidentiality has been agreed and not waived by the source, except where the source has been manifestly dishonest.
- Publishers must take reasonable steps to ensure that journalists do not fabricate sources.
- Except where justified by an exceptional public interest, publishers must not pay public officials for information.

1.3.9 Suicide

- When reporting on suicide or self-harm, publishers must not provide excessive details of the method used or speculate on the motives.

1.3.10 Transparency

- Publishers must clearly identify content that appears to be editorial but has been paid for, financially or through a reciprocal arrangement, by a third party.
- Publishers must ensure that significant conflicts of interest are disclosed.
- Publishers must ensure that information about financial products is objectively presented and that any interests or conflicts of interest are effectively disclosed.
- Publishers must correct any failure to disclose significant conflicts of interest with due prominence at the earliest opportunity.

1.4 Steps to becoming an IMPRESS Regulated Publisher

In order to be regulated by IMPRESS, publishers need to comply with the requirements of our Regulatory Scheme. IMPRESS regulated publishers need a complaints policy that includes whistleblowing provisions. A complaints policy should require complaints to be assessed against the IMPRESS Standards Code, to be acknowledged within seven days, and a final decision letter to be sent within twenty-one days. Recent editions or URLs of the publications must be made available to check that the member is a “relevant” publisher as defined by the Crime and Courts Act 2013, and that a Statement of Arrangements Questionnaire has been completed for each title published.

1.5 Media Law

The Ofcom Broadcast Code and the IMPRESS standards code should be considered in addition to other legal codes, such as slander and libel in the courts, the Official Secrets Act, and emergency regulations in a time of crisis. The broadcasting code has specific sections relating to specific topics, including, harm and offence, privacy, protecting the under eighteens, religious programming and commercial messages.

1.5.1 The Law - Libel

<http://www.communityradiotoolkit.net/on-air/regulation/>

If anyone says anything which defames an individual or organisation, the presenter and the station could both be sued for libel. A successful lawsuit could bankrupt a station overnight. A statement is considered defamatory if it 'unfairly damages reputation by exposing a person to hatred, contempt, shame or ridicule or makes a person likely to be avoided or shunned.' The legal benchmark is whether a 'reasonable person' or 'right thinking member of society' would consider the victim less favourably as a result of the comment.

There are many misconceptions about libel.

- Libel does not prevent a broadcaster from reporting facts about an individual or organisation, providing they can prove them to be true (and the burden of proof lies with the accused).
- A comment is no less libellous just because it has already been made elsewhere. If a newspaper makes defamatory comments and a radio station reads the story on air, the radio station can be held to account – whether or not the newspaper is also sued.
- A comment can still be libellous even if it is reported as a rumour – or even if it is reported as being untrue. So the comment 'Someone has just phoned in to say that Joe Bloggs the window cleaner has been washing windows with dirty rainwater, but we know for a fact he fills his bucket from the tap' could still be held to be libellous as it is repeating a defamatory comment.
- The word 'allegedly' is no defence. In fact the opposite is true, a court may well consider it proof that the broadcaster was aware that the comment may be unjustified.

A comment can be libellous even if the victim has the immediate right to reply and deny.

- Specific (and true) allegations are not libellous, but generalising from them can be. If presenter A says 'Joe Bloggs washed my windows with dirty rainwater this morning' that would not be libellous (if true). If presenter B adds 'yeah, he's always doing that' this is a libel, if Joe Bloggs can demonstrate that at least sometimes he uses clean water.
- You can libel someone without naming them. If a presenter says, 'we hear a certain local tradesman has been filling his bucket with rainwater again, if you see someone armed with a ladder and bucket in the High Street area, watch he doesn't splash your shoes.' If Joe Bloggs can convince a court that a reasonable person would take this to be referring to him, he can successfully sue.

- Context is everything. A joke made on a comedy sketch show is much less likely to be considered libellous than a report on a news broadcast. However this is unreliable – if a court judges that the listener may not have realised the show was meant to be funny (and we’ve all heard comedy shows like that) the libel could still stand. Context also applies to the programme or programme part – the court will not take a statement out of context if the whole of the rest of the item or programme would have undermined the reasonable person’s belief in the contentious statement.

The defence against a libel claim can take three forms:

- **Justification.** ‘We were justified in saying this because it was true in substance and fact.’ – If the substance is sufficiently true, a court may overlook minor details of fact.
- **Fair comment.** If the contested remarks are statements of opinion rather than fact, it’s an acceptable defence to say that the comment was based on fact and made in good faith, without malice and on a matter of public concern.
- **Privilege.** A complex legal defence based on public interest, which normally only applies to the reporting of parliament, court activities, public inquiries etc. In common law it is based on the principle that a person may have a moral, legal or social duty to inform others about a third party. Defences of privilege rarely succeed in court.

British libel law is so complex and nuanced that not even specialist lawyers can always be sure which way a court would decide. The consequences of a libel can be so severe that the only sensible approach is to play safe at all times. Drum the following motto into your presenter’s heads:

- “If in doubt, leave it out.”
- “Engage brain before opening mouth.”

A final fact may serve to strike the fear of court into the most radical amateur shock jock – the person committing the libel can be sued in the same sitting as the radio station.

1.5.2 Contempt of Court

Most people are broadly aware of the libel laws, even if they are vague or confused about the legal details. Contempt of court on the other hand is easily forgotten about, even by experienced broadcasters. This is rather frightening, as contempt is a criminal, not civil offence and you can not only be heavily fined for it, but you can also be sent to jail.

In general terms, contempt of court law is there to ensure that the media do not prejudice fair trials. Most obviously this refers to court reporting – what journalists say about the day’s events at a trial. Court reporting is a specialised journalistic skill that should not normally be undertaken by a community radio volunteer without extensive professional training. But contempt of court can be committed by any broadcaster at any time between a person being charged with an offence and the end of a trial. It happens whenever someone passes judgement on a current court case or broadcasts information which may prejudice jurors – for example revealing the defendant’s previous convictions.

Presenters can easily forget that the type of comments made daily in every pub and bus queue in the land can land a broadcaster in deep trouble.

As with libel, the only safe approach is extreme caution. It is a good idea to forbid outright your presenters from discussing any on-going court cases in process or pending. Hosts of phone-in shows need to understand the importance of cutting off a contributor at the first hint that they might be about to comment on a case.

2 Leicester Stories Standards Policy

2.1 Leicester Stories Complaints Policy

1. Leicester Stories ('We' or 'Us') view complaints as an opportunity to learn and improve the quality of our journalism and the contents of our publication(s) for the future, as well as a chance to put things right for the person (or organisation) that has made the complaint.

2. Our policy is:
 - To provide a fair complaints procedure that is clear, convenient and easy to use for anyone wishing to make a complaint (in particular those that are vulnerable or who have disabilities).
 - To uphold and adhere to the Standards Code ("Code") <https://impress.press/standards/> set out in the IMPRESS Regulatory Scheme in our assessment of all complaints.
 - To publicise the existence of our complaints procedure so that readers know how to contact us to make a complaint.
 - To make sure everyone working for us knows what to do if a complaint is received.
 - To make sure all complaints are dealt with promptly and fairly, with decisions based on sufficient investigation of the circumstances and (where appropriate) offer a suitable remedy.
 - To make sure that complaints are, wherever possible, resolved and that trust in our journalism and our publication(s) remains strong.
 - To gather information about all the complaints we receive to help continually improve the quality of our journalism and our publication(s).
 - To submit an annual report to IMPRESS of all complaints received and their outcomes.
 - To submit any complaint that is not resolved by us in a timely or satisfactory way to IMPRESS and to comply with directions issued by IMPRESS relating to its Regulatory Scheme.

- To make available to all our employees a confidential whistleblowing hotline which is independently operated by IMPRESS and not to take any action to the detriment of anyone who uses the hotline or declines to breach the Code.

2.2 Definition of a Complaint

A complaint is any expression of dissatisfaction, whether justified or not, about the editorial content, standards of journalism or conduct of employees or contributors involved in production of our publication(s) that engages the standards set out in the Code.

2.3 Who Can Complain and How?

Complaints may come from any person or organisation who is:

- Personally and directly affected by an alleged breach of the Code.
- A representative group affected by an alleged breach of the Code, where there is public interest in the complaint.
- A third party seeking to ensure accuracy of published information.

A complaint should be received by email or in writing although complaints are accepted by other reasonable means where it is not convenient or practical for the individual complainant to complain in writing. A complaint should be clearly marked as such. General enquiries and requests for corrections will not normally be dealt with as a complaint under this policy unless the complainant makes it clear that they wish to make a complaint.

2.4 Whistleblowing Rights of Employees and Contributors

Employees or contributors are encouraged to contact the IMPRESS confidential whistleblowing hotline (“the Hotline”) if they are being pressurised to breach the standards set out in the Code or if they have concerns that the standards set out in the Code are not being adhered to more generally by Us. We will publicise the contact details of the Hotline to all our employees and contributors.

Any employee or contributor of who uses the Hotline does so with Our full support and in the knowledge that they will not be sanctioned as a result of doing so. We guarantee to protect all whistleblowers from possible reprisals, victimisation or sanction if a disclosure has been made in good faith even if a subsequent independent investigation carried out by IMPRESS into our journalism finds there to be no breach of the Code or of the IMPRESS Regulatory Scheme. For the avoidance of doubt, We will not take any action to the detriment of anyone who uses the IMPRESS whistleblowing hotline or declines to breach the Standards Code adopted by Us as part of our compliance with the IMPRESS Regulatory Scheme.

2.5 Confidentiality

All complaint information will be handled sensitively, telling only those who need to know and following any relevant data protection requirements.

2.6 Compliance Records

In respect of each title We will maintain a written record of all complaints, to include the name and contact details of the complainant, the material or conduct in respect of which the complaint is made and the alleged Code breach. For each complaint record, We will include any steps taken by Us to address the complaint, and the outcome of the complaint. This record will be made available to IMPRESS and to the public (in a redacted form, where necessary), for publication by IMPRESS in its annual report. We will report to IMPRESS all compliance failures of which We become aware (whether complained about or not). Monitoring and learning from complaints are reviewed quarterly by Us to identify any trends which may indicate a need to take further action.

2.7 Responsibility

Overall responsibility for this policy and its implementation lies with our [e.g. the board of directors/trustees, the management committee]. Responsibility for ensuring that complaints are managed in accordance with this policy lies with a nominated senior legal and compliance standards individual for each title. Each title shall include a statement of arrangements which includes details of the internal authority structure, where responsibilities for Code compliance lie, to whom notice of failure in compliance would be reported (whether complained about or not), together with steps to deal with any failures in compliance.

2.8 Procedure

2.8.1 Stage One: Making a Complaint

1. Information on how to make a complaint is clearly publicised in Standards section of our website.
2. Complaints may be sent in writing to us at Leicester Stories, Public Engagement, De Montfort University, The Gateway, Leicester, LE1 9BH, by e-mail at admin@leicesterstories.uk or telephone on 07817720688 or other reasonable means where this is more convenient and practical for the complainant.
3. Complainants should provide the following information before their complaint will be considered:
 - The complainant's name, address, e-mail address and telephone number

- If the complaint is about a news article it must include:
 - The name and date of the publication and page reference of the specific article being complained about plus the URL.
 - URL/Link to any visual or audio element of the complaint.
 - A written account of what is being complained about with clear reference made to (i) any specific words or phrases in the article that are relevant to the complaint; and (ii) any clauses of the Standards Code adopted by IMPRESS (“Code”) that the complainant believes to have been breached
 - The desired outcome or remedy sought by the complainant

- If the complaint is about the conduct or behaviour of an employee or contributor it must include:
 - The name(s) of the individual(s) being complained about (if known) or any other information which may identify the individual (s)
 - A written account of what is being complained about with clear

Reference made to (i) the nature of the behaviour or conduct being complained about including any relevant times, dates, correspondence or other evidence to support the complaint; and (ii) any clauses of the Code that the complainant believes to have been breached

- The desired outcome or remedy sought by the complainant

We will make reasonable efforts to contact a complainant by telephone, e-mail or in writing to ensure that sufficient information is provided to respond to the complaint.

2.8.2 Stage Two – Recording, Investigating and Resolving the Complaint

The complaint information should be passed to the person we have nominated as being responsible for legal standards and compliance. They will record it in the complaints log and will acknowledge receipt of the complaint by e-mail or in writing within 7 calendar days of receipt of the complaint.

The acknowledgement of receipt of a complaint should say who is dealing with the complaint and when the person complaining can expect a reply. Any conflicts of interest should also be declared at this point. A copy of this complaints policy should be attached.

The legal standards and compliance contact is responsible for ensuring that the circumstances of the complaint are investigated fairly and that any conflicts of interest are managed. This may require the complainant to provide additional information, documents or other evidence to support their complaint.

Complainants should receive a final decision letter within 21 calendar days from the date of the receipt of the complaint. The final decision letter will inform complainants that they have the right to refer their complaint to IMPRESS, stating the applicable time limits, set out in clause 4.4 of the IMPRESS Regulatory Scheme, and how to contact IMPRESS. Whether the complaint is justified or not, the reply to the complainant should describe the action taken to investigate the complaint, the conclusions from the investigation, and any action taken as a result of the complaint.

2.8.3 Stage Three – Escalating the Complaint to IMPRESS

If the complainant feels that the problem has not been satisfactorily resolved by Us at Stage Two or if the complainant feels that there are justifiable reasons why the complaint is so urgent that they cannot wait for Us to respond, they can request that the complaint is reviewed by IMPRESS in accordance with its Regulatory Scheme, by contacting IMPRESS using the following details.



**Regulated by IMPRESS:
The Independent Monitor
for the Press CIC**

IMPRESS, 16-18 New Bridge Street,
London, EC4V 6AG

T 020 3325 4288

E complaints@impress.press

W impress.press

2.9 Review

This policy is reviewed regularly and updated as required.

Adopted On: 10th March 2021

Annual Review: 9th March 2022