

## Response to “McCarthyism in Bad Wigs and Fishnets”

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### Introduction

This document is a response to Hacked Off’s report “McCarthyism in Bad Wigs and Fishnets”. It corrects inaccuracies about IPSO’s independence, complaints process and standards monitoring; and clarifies the basis for IPSO’s forthcoming research on changes in editorial standards in the coverage of transgender issues.

The way the media covers transgender people and gender transition has a significant impact on both individuals and public attitudes and continues to generate wide debate on all sides. It raises difficult questions about the balance between being aware of the impact of reporting and commentary on potentially vulnerable individuals, whilst ensuring it is still possible to inform, scrutinise and challenge on important social issues.

IPSO recognises this challenge and has shown a continued commitment to supporting those who have concerns about reporting in this area. Our guidance on reporting transgender individuals and issues was the first piece of guidance we developed for editors and journalists in 2016. During and since its publication, we have engaged widely with individuals and groups interested in reporting of this issue, as well as supporting them and others to use our complaints process and other services.

We strongly reject any implication that we do not take this issue seriously – we continue to work to protect the public and uphold high standards of journalism and are certainly not complacent about editorial standards in this area.

### IPSO’s independence

IPSO is the independent regulator of the majority of the UK’s newspapers magazines and their websites. Our model is one of voluntary independent self-regulation underpinned by legally enforceable contractual agreements with our regulated entities.

We are completely independent of government, politicians, our member publishers, or any one wealthy individual.

Like many self-regulators, we are funded via our members. We have an arms-length body, the Regulatory Funding Company (RFC), which raises a levy on regulated entities. To ensure our complete independence we have an agreed five-year budget to ensure our financial freedom. The RFC have no involvement in any of our work.

It is important that we benefit from the experience of the industry. Our Board and Complaints Committee include industry members but none are serving editors. They do not have a veto over our work. Both the Board and Committee have lay majorities and our Chairman, Sir Alan Moses is a former high court judge of unimpeachable independence.

## **Our work**

We protect individual rights, uphold high standards of journalism and help to maintain freedom of expression for the press.

We enforce the Editors' Code of Practice, which sets out the rules that the newspapers and magazines which we regulate have agreed to follow. The Code covers, amongst other things, accuracy, harassment and discrimination.

A free press will, properly, produce a variety of views and journalistic approaches including content that some people may find challenging or even offensive – especially in areas of contentious debate like the reporting of transgender issues. IPSO's role is to balance this freedom of expression with the protection of individuals. It is right, that the press should inform, scrutinise and challenge such an important, developing topic – but they must do so in line with their obligations under the Editors' Code.

### **Supporting reporting of transgender issues: Guidance, monitoring and wide engagement**

Our guidance supports editors and journalists to comply with the Editors' Code.

When developing our guidance on the reporting of transgender issues, we engaged with journalists, transgender people and organisations interested in transgender matters. All About Trans hosted two events with us: one brought together staff at IPSO and transgender volunteers, whilst the other brought together senior staff at national newspapers and transgender volunteers. Both occasions provided insight into both the challenges facing the transgender community and the impact of both supportive and challenging media coverage. We also met with Mermaids for a rich discussion about the particular challenges that trans-children and their families face.

As an independent regulator, we have a broader commitment to press standards which goes far beyond complaints handling. We use knowledge and data from daily work with complaints, wide monitoring of the media landscape and engagement with groups interested in coverage of particular issues to track patterns and identify areas of potential concern to provide targeted interventions to raise press standards.

We publish information on a quarterly basis about instances where we have received more than ten complaints under Clause 12 (Discrimination) about the same issue. This monitoring can be seen at <https://www.ipso.co.uk/monitoring/clause-12-monitoring/>. We also publish quarterly, our wide monitoring of the editorial standards <https://www.ipso.co.uk/monitoring/editorial-standards-monitoring/>

We engage widely with groups interested in the reporting of particular issues, including transgender matters, on all sides of the debate. We are in regular contact, working with them on our guidance and research, as well as providing support through our complaints process and harassment services when needed.

### **About our forthcoming research**

IPSO has commissioned Mediatique, who undertook well-received research to support the Cairncross Review, to carry out independent and robust research into changes in editorial standards in the coverage of transgender matters.

The research will involve quantitative mapping of coverage in the last ten years, as well as qualitative interviews with industry figures, groups representing the transgender community

and other relevant stakeholders. It will explore what changes there have been in editorial standards and what the most successful drivers for any change have been.

As a regulator whose role is to promote and uphold high editorial standards, we are particularly interested in understanding how editorial standards in relation to a specific topic change over time. We believe that this research will offer valuable insights both to IPSO and to other groups seeking to raise standards in specific subject areas.

The coverage of transgender matters is currently under-researched and there are gaps in the evidence base around the standards of reporting and impact on individuals. This research will create a new evidence base for discussions of media coverage in this area.

We hope to publish the research in early 2020.

## **Complaints**

We take all complaints seriously and deal with them thoroughly and appropriately.

Any individual can complain about a significant inaccuracy under Clause 1 of the Editors' Code (although we will need to consider the position of the party affected). The most effective way to challenge any significant inaccuracy is to make a complaint to IPSO.

Clause 12 of the Editors' Code protects individuals. It says the press must avoid prejudicial or pejorative reference to an individual's, race, colour, religion, sex, gender identity, sexual orientation or to any physical or mental illness or disability; and that details of an individual's race, colour, religion, gender identity, sexual orientation, physical or mental illness or disability must be avoided unless genuinely relevant to the story. Any individual who believes they have been discriminated against in this way should complain to IPSO.

## **Prominence**

Decisions on the level of prominence are made on the basis of the particular facts of any breach of the Editors' Code. We consider the following when deciding on the prominence either separately or in combination:

- the seriousness of the breach of the Code
- the position of the breach of the Code within the publication
- the prominence of the breach of the Code within the article
- the extent of the breach of the Code within the article
- the public interest in remedying the breach of the Code
- the consequences of the breach of the Code
- any actions taken by the publisher to address the breach of the Code.

There are good reasons why "equal prominence" should not be an overriding rule. Sometimes, for example, the breach of the Code may be a small part of a larger article, in which case it would be disproportionate to make the correction the same size as the original. It may also be the case that the breach of the Code concerns the behaviour of a journalist or photographer where no article has been published.

IPSO's legally enforceable power to force newspapers or magazines to publish a correction or an adjudication removes an editor's right to choose the content they are publishing in that space. IPSO fills that space, choosing the words that must be used, specifying their size and placement. This space is used to tell their readers about the publication's editorial failure. Not

even the courts have such a power; it has never existed before. This has a punitive impact and is a serious matter.

### **Apologies**

Clause 1.2 of the Editors' Code states that a significant inaccuracy, misleading statement or distortion must be corrected, promptly and with due prominence, and — where appropriate — an apology published.

If a publication has offered to publish an apology, IPSO's Complaints Committee can require that this is published. However, if a publication has not offered to apologise, and the Committee finds this is necessary to remedy a breach of the Code, it would not force the publication to apologise, as this would be disingenuous. Instead, this would represent a breach of Clause 1 (ii). The likely outcome of this would be that the Committee would enforce a stronger sanction and require the publication to publish an adjudication.

### **Conclusion**

Some of the most contentious and sensitive issues handled by IPSO relate to the reporting of transgender matters. These are important issues which are rightly of great concern.

IPSO is certainly not complacent about editorial standards in these areas and our work in this area will continue to be high priority. We reject whole-heartedly the implication that we are condoning transphobic hate and disinformation in any way.