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Mass surveillance 'unlawful', Human Rights Court rules

The European Court of Human Rights has ruled that the UK Government's mass surveillance programmes are unlawful and have damaged the freedom of the press.

This is a ground-breaking ruling. The ECHR Judges found, by five votes to two, that the UK's mass interception regime revealed by NSA whistleblower Edward Snowden in 2013 violated the Article 8 right to privacy under the European Convention on Human Rights.

This is because the necessary confidentiality of journalistic information and communications were not being properly protected. The bulk surveillance was "effectively indiscriminate, without basic safeguards and oversight" and it did not have sufficient legal basis under the Regulation of Investigatory Powers Act (RIPA) 2000.

The court also ruled there had been a breach of Article 10, the right to freedom of expression, due to the "potential chilling effect that any perceived interference with the confidentiality of journalists' communications and, in particular, their sources might have on the freedom of the press." There were insufficient safeguards in respect of confidential journalistic material.

The case was brought by a number of parties, including the Bureau of Investigative Journalism, campaign groups Big Brother Watch and English PEN, and human rights groups including Amnesty International.

Cornerstone of democracy

The Strasbourg ruling demonstrates that the British state has failed to provide constitutional protection to the freedom of the press as a vital cornerstone of democracy. British law has failed to protect journalists' sources from exposure by state surveillance, and the bugging of electronic communications.

The court has also fully recognized that this vista of state surveillance has had a chilling effect on whistleblowers who want to expose wrongdoing.



European Court of Human Rights, Strasbourg

In April this year the English High Court ruled against the government in a judicial review of new versions of the Investigatory Powers Act legislated for in 2015 and 2016. The judges said the legislation allowed the state access to people's phone and internet data without any proper suspicion of serious criminal offending. This was judged to be a breach of European Union law and the government was given six months to reform the 2016 Investigatory Powers Act to provide the necessary safeguards.

In January 2016, the Court of Appeal Civil Division ruled that the Terrorism Act used to detain David Miranda, the Guardian's courier for Edward Snowden, and seize data he was carrying at Heathrow Airport was "incompatible with article 10 of the Convention in relation to journalistic material in that it is not subject to adequate safeguards against its arbitrary exercise."

These three rulings show that journalists' rights and freedoms in the United Kingdom are being repeatedly breached and violated on a massive scale.

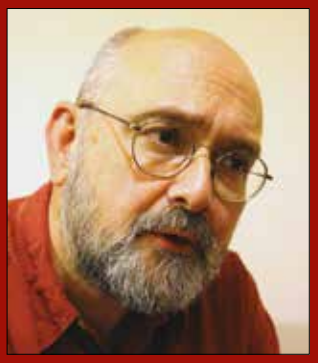
Declaration of media freedom

In 2012, the Institute's AGM called on the government to urgently legislate for a declaration of media freedom. Six years later it is clear that in addition to such a declaration, the role of journalism needs much greater constitutional protection. It is not enough to say in Section 12 of the Human Rights Act that freedom of expression should be given a "particular regard" when courts decide the balancing exercise with other rights such as privacy.

Journalism and freedom of expression, both in conduct and in publication, require something much stronger; something akin to the First Amendment to the Constitution of the United States of America, where professional journalistic freedom of expression in the public interest is accorded pragmatic and just priority.

See pages 6 and 7 for Professor Tim Crook's analysis of this judgement

Andy Smith
Editor



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Editor's Comment

We are now well and truly in the conference season – and not just the TUC and the political parties but also the annual gathering of our own Chartered Institute of Journalists and IOJ(TU). Yes, the Institute's AGM is almost upon us, and, despite our Head Office in Surrey Quays having closed earlier this year, we are returning to our old home in Docklands for, perhaps, one last time. The venue chosen for our 2018 conference is the Canada Water Library, conveniently located above the Jubilee Line underground station and just two minutes' walk from our old HQ, Dock Offices.

My first Institute conference was Liverpool, 1987. In those days there were debates about many contentious topics, but none generated more heat (and less light!) than the seemingly routine arguments between full-time employed staff of media organisations – at that time the majority of Institute members – and self-employed, freelance journalists. Nowadays most CIoJ members, and indeed the great majority of journalists generally, are self-employed, but it was the reverse in those days. Some staffers at the Liverpool conference had an unfairly scathing opinion of freelances, to which they gave vent on the conference floor. A particular target were the "hobbyists". This was used as a pejorative term for journalists on "special interest" publications. So, if you were working for, say, Pigeon-Fancier's Gazette or Knitting Pattern Monthly, you were likely to face a certain amount of disdain from some of the other conference delegates! Officially, of course, the Institute maintained no distinction between an economics correspondent working for the Financial Times and the traction-engine correspondent of Vintage Vehicles Weekly, but professional snobbery creeps into every organisation, to some extent, and the Institute of Journalists back in the 1980s was no exception.

Of course, in those days the established career path in the journalistic profession was fairly clear. For most it began with a stint on a local newspaper, an NCTJ proficiency certificate, and on into a large-circulation regional weekly or daily, or a glossy magazine – and then, eventually, a national daily or Sunday paper. In broadcasting it was even more cut and dried as the BBC was then, as to a great extent it still is, the dominant organisation in the UK broadcast media, and the BBC's graduate entry programme has been the favoured route into the industry for many thousands of journalists over the years. Now, though, we also have a plethora of different training and work opportunities for those seeking a journalistic career, and the nature of the profession has changed almost beyond recognition since that Liverpool conference in the mid-'80s. It is hard to see why "proper journalists" in 2018 would have the nerve to sneer at those who write for online media or broadcast only on the web – although I'm sure some do! Similarly, those "hobbyists" – part-time and self-employed writers whose work appears in specialist publications for anglers or stamp-collectors, or who have a regular gardening slot on local radio – would surely not need to justify themselves to staff reporters on the Daily Mirror or the Yorkshire Evening Post.

In fact, journalism is, and always has been, an incredibly diverse profession and, in consequence, the Chartered Institute of Journalists is an exceptionally "broad church". If you don't believe me, come along to our annual conference at Canada Water and find out!

Andy Smith

LETTER TO THE EDITOR

Dear Editor,

I would like to thank the Chartered Institute of Journalists for its unswerving support for me during a recent time of work-related and financial crisis. I cannot recommend the Institute's services highly enough.

The Chief Executive single-handedly ran a detailed and difficult case against a party, which I believed had treated me unfairly and unjustly. As a result of bringing my problems to the attention of the Institute, and receiving such valuable guidance and support, I felt that I was being supported, and this made the impasse more bearable.

Often, it is the support which matters, rather than the outcome, and fellow members should not hesitate to apply to the Institute if they are seeking redress, or simply advice. The latter is second to none, and would cost a vast amount if one contacted a solicitor.

J.B.

Officers of the Institute:
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Belmarsh whistleblower case goes to Strasbourg

The European Court of Human Rights has asked the UK Government to address the claim by Belmarsh Prison officer Robert Norman that he was prosecuted for a crime that did not properly exist in law, and experienced grave breaches of his protection of journalist source rights under Article 10 Freedom of Expression.

Professor Tim Crook, Vice-President of the Chartered Institute of Journalists, has written a 21,000-word affidavit in support of Robert Norman's case. The Institute has consistently supported the only public official source arrested, prosecuted and jailed in Operation Elveden who has legally challenged what happened to him.

Over five years Norman provided public interest stories on the decline of prison security and mismanagement to Daily Mirror reporter Stephen Moyes and continued to do so when Mr Moyes went to work for the News of the World. He was paid around £10,000 for his information.

The prison officer was promised protection of source confidentiality and always believed that if his whistle-blowing was ever exposed the worst that would happen to him would be disciplinary action and dismissal. But the Daily Mirror handed over digital files to the Metropolitan Police identifying Robert Norman, without any scrutiny by an independent judge of his protection of source rights.

Police raids

Like most of the more than 30 sources – and more than 30 journalists – investigated and charged by the Met Police's Operation Elveden, Robert Norman was arrested by a large team of detectives raiding his home, conducting intrusive searches when family and children were present. This was all done with a sense that the crime of misconduct in public office was being treated as seriously as terrorism or murder.



With all the Operation Elveden suspects, the arrests were followed by very long periods of police bail, sometimes as much as two years, before decisions were taken to charge and proceed to trial. In Norman's case, he was eventually jailed for 20 months and lost his home and pension.



Misconduct in public office has since been discredited as a criminal offence by the Law Commission and was not used against journalists and their sources until at least one year after Robert Norman began providing public interest information to the Daily Mirror.

Even though all the journalists who pleaded not guilty and denied breaking the law were acquitted or had their charges dropped, the prosecutions, Prof Crook says, had a "chilling effect" throughout the profession of journalism.

In 2013 the BBC's Home Affairs Correspondent, Guy Smith, concluded in a survey he had carried out of police and journalist relations that Operation Elveden had "destabilised the relationship and caused significant damage."

In 2016 Gavin Millar QC and barrister Andrew Scott reported in their influential legal textbook on newsgathering law that although Lord Justice Leveson had urged in his report "that 'remedial action' has the potential of going too far in battening down the hatches", retrenchment has in fact developed. They said the College of Policing's 2013 guidance on police and journalist relations "pays little heed to Lord Justice Leveson's warning." All officers or civilians who meet a journalist, are interviewed, or provide information on a matter for which they are responsible should record "a note of the meeting or disclosure… in a diary or pocket book."

Chief Officers should "record all contact with the media where policing matters are discussed." Millar and Scott further observed that a simple rule on contact would discourage contact by junior officers in deference to senior officers heading investigations and to force press officers.

Loss of trust

The guidance was derided by one experienced crime reporter as "a top-down, paranoid, defensive over-reaction by officers [who] are not accountable to anybody." She also highlighted the fact that it had caused the suspension of one Metropolitan Police Officer for "sending texts to a journalist", and another for having "a journalist's number on their mobile phone." The upshot has been a significant loss of trust between journalists and the police.

The Guardian's veteran and retired crime correspondent and author, Duncan Campbell, described the response of a senior serving detective in March 2015 whom he had asked to interview about media/police relations: '"Much as I would like to, I cannot speak to journalists without a senior press officer present and they only give permission to comment factually on jobs. The world is a very different place. Sorry."'

Robert Norman's case under Article 10 (Freedom of Expression) and Article 7 (No punishment Without Law) of the European Convention on Human Rights is "in the context of a national regime of law, state body practice and judicial decision-making that disrespects and violates the democratic and constitutional necessity of confidential journalistic source protection under Article 10", says Prof Crook.

"Neither existing law, nor judicial intervention and scrutiny offered the necessary protection to him and the other

Continued on page 4

Continued from 3

source and journalist suspects targeted in Operation Elveden. The Police were operating in a culture where Article 10 rights for sources and journalists were irrelevant, ignored, and given no effective and proper consideration."

The scale of improper acquisition of communications data by the police using their powers under the Regulation of Investigatory Powers Act (RIPA) 2000, and which enabled the identification of confidential sources without a Police & Criminal Evidence Act 1984 style production order hearing that respected the status of "Excluded Material", is evidence of public authority antipathy to the purpose and importance of Article 10.

There is no evidence that the United Kingdom has shown sufficient interest in safeguarding Article 10 rights for journalists and sources through the legislative provision of public interest defences for the purposes of journalism.

It is absent from the 2010 Bribery Act. It did not exist when common law misconduct in public office was conjured to operate as an old Section 2 Official Secrets Act, Trojan Horse, Catch-all that criminalized any public official seeking to leak public interest information to journalists and their news publishers.

The Leveson and Filkin reports have demonized and problematized public official and journalistic exchange and encounter. The collective trauma of Operation Elveden arrests, prosecution, and convictions has not served the essential vital public interest that underpins the purpose of protecting journalists' sources; namely the public interest in free communication of news and opinions.



Unprecedented

The overall message presented by Operation Elveden is that journalist sources on a massive scale were not protected by the UK legal system, they were disproportionately criminalized, and they will not be protected in the future. The fact that the British state has failed to protect journalist sources in this unprecedented police inquiry means UK journalists are not going to be able to obtain information enabling them to uncover matters in society that constitute the heart of political, social and cultural debate and hold powerful government bodies and private corporations to account.

Prof Crook concludes: "The sourcing of Robert Norman's information for story publication was in the public interest for journalistic purposes. No crime for providing such information to a journalist when working as a public official was properly prescribed by law at the time.

"The engagement of criminal investigation for what had been regarded in law as an employment disciplinary matter was wholly disproportionate to any harm in relation to the rights of others. None of what happened to the applicant was necessary in a democratic society."

This has all taken place in the context of a continued heavy-handed approach towards the press - often in the name of national security - together with increased threats to investigative reporters and unprecedented verbal attacks on the media.

Children's Media Forum

Central London – Thursday 11 October 2018 (08:00- 13:00)

With the government recently announcing £60m funding to help increase the range of Children's TV, our timely forum will not only provide you a platform to keep pace of all key developments but will also help you understand the unprecedented challenges and opportunities faced by the sector.

Coinciding with Ofcom's Children's Content Review, published this July, Westminster Insight will host an exclusive forum on Children's Media to debate the implications of this scheme and the conclusions made in the report. The forum has been shaped after in-depth research with experts, leading advocates, and other key stakeholders and past delegates.

Key points to be addressed:

- Pathways forward for Children's Content with a spotlight on material, range and quality
- A focus on public service broadcasters and the provision of children's content: The impact of a changing industry and audience dynamics
- Commercial incentives and disincentives to produce content, regulatory landscape, and opportunities for synergy with evolving technologies
- Online, on-demand and streaming platforms - building strong support structures for accessing age appropriate content

Expert speakers include:

Ben Dean, Deputy Director, Head of Media Policy, DCMS

Greg Childs, Editorial Director, Children's Media Conference

Vicki Shotbolt, Chief Executive Officer, The Parent Zone

Professor Jeanette Steemers, Trustee, Voice of the Listener and Viewer

Rosina Robson, Director for Nations, Regions and Children, PACT

For further details or to book a place, please contact Bridgette Anderson, Senior Event Producer, Westminster Insight, tel 0845 647 9000, email bridgette.anderson@westminsterinsight.com.

Basic English

By Norman Bartlett

At a recent Council meeting, members complained about how verbose language and technical words used today had made comprehension so much more challenging.

"Do you remember BBC News bulletins on the old Home Service?" I asked the colleague next to me. "I remember hearing 'Here is the 6 o'clock news being read in Basic English by Alvar Liddell'."

He said 'no' but he may have said that as it would have admitted to his age; this kind of announcement was in the 1940s. Many foreigners serving in the allied armed forces were in the country then and it was thought important to make news accessible to as many as possible.

Basic English had appeared about ten years earlier in the book Basic English: A General Introduction with Rules and Grammar by Charles Kay Ogden.

He was a Lancashire man and graduate of Cambridge. He was a journalist and something of an eccentric. His by-line was Adelyne More. (say it very slowly) His first enterprise was as editor of The Cambridge Magazine. This appeared between 1912 and 1922.

It contained what must have been unique at the time: a digest of the foreign press compiled from about 100 European newspapers. This was provided by Dorothy Buxton, married to a wealthy philanthropist and reformer.

During his time at Cambridge, Ogden co-founded the Heretics Society which questioned authority and religion. Speakers at its debates or lectures included G. K. Chesterton, George Bernard Shaw, Bertrand Russell, Rupert Brooke, J.B.S. Haldane, Virginia Woolf and Ludwig Wittgenstein.

When he came down from Cambridge he worked as an editor for Kegan Paul on learned publications. He was a translator too. He was a great bibliophile and built up an impressive library with an emphasis on philosophy and became a specialist on Jeremy Bentham.

From 1925, the main thrust of his intellectual activity was Basic English. Ogden tried to simplify English while keeping it as normal as possible as an aid to foreign students learning the language. He restricted grammar severely and only allowed a vocabulary of 850 words that included just 18 verbs. The basic word list was extended with a supplementary list of affixes. Then, if you were a member of an intellectual or technical elite, you could add a 150-word list for your own particular field. But there was more relaxation for the better educated as they were assumed to know a set of around 200 'international' words as well.

Keep it simple

The Rules of Basic English are like ordinary English but much simpler. Thus, plurals are formed by adding 's' or 'es' on the end of the word. For adjective relativity, two permitted word endings are 'er' and 'est'. There are just 150 adjectives that can be given negative meaning by prefixing with 'un'. Adverbs evolve from adjectives by adding 'ly'. Questions are formed with the opposite word order, and introduced by 'do'.

That gives a flavour of what Basic English was all about. The word list can be found in the Wikipedia on-line dictionary at https://en.wiktionary.org/wiki/Appendix:Basic_English_word_list The words are divided by purpose: Operations – 100 basic verbs, prepositions, articles etc.; Basic – 400 nouns; Things – 200 nouns; Descriptive – 100 adjectives and 50 opposites.

Initially it was favourably received – hence its use by the BBC. But later its limitations became more apparent and various attempts were made to adapt it. Ogden was criticised that the choice of words was a personal one and the selection had not been objectively tested. Dr Michael West, a linguist who worked extensively in India formulated his General Service List of about 2,000 words published in 1953. These had some objectivity as they were the most frequent words drawn from a corpus of written English works.



Alvar Liddell: "Here is the 6 o'clock news being read in Basic English."

The concept was emulated in France with the development of "Français fundamental", approved by the Ministry of Education for use in French schools in the 1960s.

Garbled

International industry bodies – notably marine and aerospace – have developed standard English language specifications to reduce ambiguity, make technical writing clearer, make it easier for people whose first language is not English and above all mitigate against mistakes that could lead to disaster. Sadly, the rules don't apply to marketing documents used in those industries.

Otherwise English just seems to take root everywhere in strange and garbled forms reflecting local culture and local language. Nevertheless, the need for global communications and the ubiquity of international media means that the underlying simple structure of our native language is bruised but not broken.

Understand?

CWA appoints new Libraries Champion

The Crime Writers' Association has appointed a new Libraries Champion for Scotland – John Dean, the creator of the DCI John Blizzard and DCI Jack Harris series.

Key elements of the Libraries Champion's role include linking libraries who want crime writers as speakers with the CWA's local chapter convenors; encouraging libraries to spread the word about the Crime Readers' Association; supporting libraries under threat via social media where appropriate, while remaining apolitical; seeking further ways to build closer links for the good of libraries and CWA members and including independent libraries in our efforts wherever appropriate.

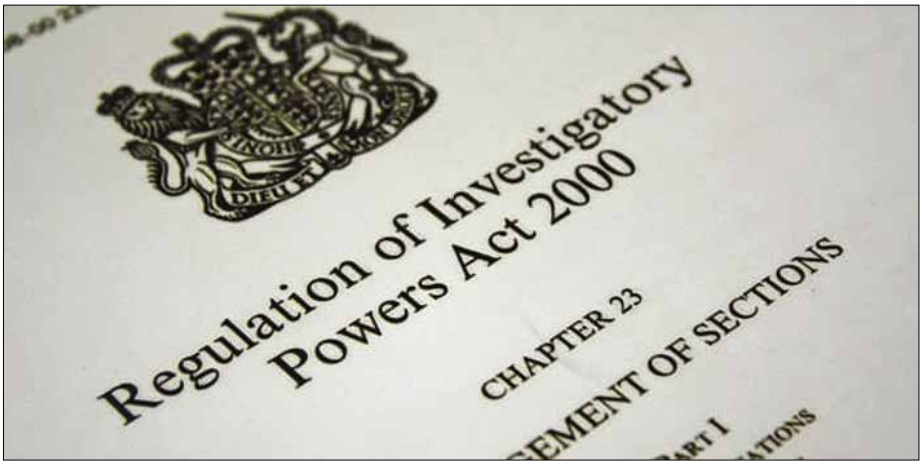
Blizzard is one of three CWA Libraries Champions, the others being crime writers Priscilla Masters and Jan Newton. Masters lives in Staffordshire and writes about DI Joanna Piercey and coroner Martha Gunn. Newton, like her character DS Julie Kite, is based in Mid Wales.

The trio take over from Ruth Dudley Edwards, the CWA's very first Libraries Champion.

"Creating the role of Libraries Champion was an important and practical signal of our commitment to and support for libraries," explains CWA chair Martin Edwards, CWA. "Ruth Dudley Edwards has done sterling work in building closer relations between libraries and CWA members nationwide, and we're now moving into an exciting new phase of the programme, as John, Cilla and Jan seek to build on those firm foundations."

The Crime Writers' Association was established in 1953 by John Creasey to support crime writers of both fiction and non-fiction and to promote their work.

The end of the line for the Snoopers' Charter?



By Professor Tim Crook

September's European Court of Human Rights ruling is a devastating indictment on the failure of the British state to protect journalists from unlawful surveillance and interference with their electronic communications by government intelligence agencies and police forces.

This is in fact the fifth significant legal defeat of the UK Government on this issue since 2016. In January 2016 the English Appeal Court ruled that the Terrorism Act did not have sufficient safeguards protecting journalists' source rights under Article 10 freedom of expression.

In December 2016, the European Court of Justice said the indiscriminate collection of data under investigatory powers legislation was against EU law. The ECJ said this could only be justified under certain conditions and "solely for the purpose of fighting serious crime."

In January this year the English Court of Appeal ruled that in light of the ECJ ruling Section 1 of the Data Retention and Investigatory Powers Act 2014 was inconsistent with EU law. Access to the data held for the government was not restricted solely to fighting serious crime. Furthermore, access was not subject to prior review by a court or an independent administrative authority.

In April, the English High Court ruled against the government in a judicial review of the new versions of the Investigatory Powers legislated for in 2014 and 2016.

It ruled that Part 4 of the Investigatory Powers Act 2016 is incompatible with fundamental rights in European law in that, in the area of criminal justice:

(1) access to retained data is not limited to the purpose of combating serious crime;

and

(2) access to retained data is not subject to prior review by a court or an independent administrative body.

The High Court judges gave the government six months to amend the legislation and put things right. The deadline is November 1, 2018.

Hacking of journalists' phones

It is almost inevitable that since the passing of the Investigatory Powers Act 2000, any and every significant leak by public officials to journalists that reached publication in newspapers and broadcasting channels was secretly investigated with the sources being identified.

All the police and intelligence agencies had to do was obtain approval from a senior official in their own organization, and order mobile phone companies and Internet Service Providers to give them the data in terms of times, dates, and sending and receiving addresses and URLs.

This was happily achieved by state investigatory bodies without any of the frustrations they would have had if obliged to go to an independent judge and make a production order under the Police and Criminal Evidence Act 1984.

Under the PACE legislation they would have had to override the excluded status of journalistic confidential material protected in the act and subsequently strengthened by the Human Rights Act and ECHR case law. This gives a special importance to the protection of journalists' sources to guard against the chilling effect of whistle-blowers being frightened off and silenced.

In September 2014 the UK Press Gazette spotted that the Metropolitan Police had somewhat triumphantly revealed their use under the RIPA 2000 legislation to obtain, without any court hearing, the phone records of Sun newspaper journalists in contact with unauthorized police sources in a dispute between the leading politician Stephen Mitchell and officers on security duty at the gates of 10 Downing Street.

Press Gazette's subsequent investigation through Freedom of Information Act requests revealed large-scale use of such powers to identify largely police and public official sources suspected of leaking stories to the media over many years.

In February 2015, the then Interception of Communications Commissioner's Office reported that in an investigation going back the previous three years they had established that detectives had been able to obtain the communications data of 82 journalists using these RIPA 2000 powers.

A separate non-attributable source disclosed to me: "Think of any significant police and civil servant leak since the Act was passed and assume that the name of the journalist's source and much more was found out by the police being able to access data without having to go to a judge for a court hearing."

In the three year period, there were 242 suspected sources investigated by police under 34 investigations, with 233 having their communications data taken. The IOCCO concluded that police forces generally "did not give the question of necessity, proportionality and collateral intrusion sufficient consideration." It said that while generally Article 8 (Privacy) of the European Convention on Human Rights was considered, Article 10 (freedom of speech) was not.

The IOCCO's report also stated that 80 per cent (484 out of 608) RIPA applications in this three year period related to Operation Elveden, the Metropolitan Police's investigation into alleged inappropriate payments to public officials. The Office recommended that Parliament legislated so that "judicial authorisation is obtained in cases where communications data is sought to determine the source of journalistic information."

The Institute is convinced that the IOCCO's investigation reveals the tip of an iceberg of journalist source rights violation stretching back 18 years and perhaps even longer.

The ECHR ruling in detail

The ruling by the European Court of Human Rights reported the "deep concern" of the UK Media Lawyers' Association that domestic law was moving away from the strong presumption that journalistic sources would be afforded special legal protection. Since the protection of journalists' sources was one of the core components of Article 10, more robust protection was required.

The Strasbourg judges agreed with the Media Lawyers' Association, saying: "The Court reiterates that freedom of expression constitutes one of the essential foundations of a democratic society and that the safeguards to be afforded to the press are of particular importance."

They added: "The protection of journalistic sources is one of the cornerstones of freedom of the press. Without such

protection, sources may be deterred from assisting the press in informing the public about matters of public interest. As a result the vital public-watchdog role of the press may be undermined, and the ability of the press to provide accurate and reliable information may be adversely affected."

The judges said: "The Court has always subjected the safeguards for respect of freedom of expression in cases under Article 10 of the Convention to special scrutiny. Having regard to the importance of the protection of journalistic sources for press freedom in a democratic society, an interference cannot be compatible with Article 10 of the Convention unless it is justified by an overriding requirement in the public interest."

The Court recognised the more drastic impact of the authorities carrying out searches at a journalist's home and workplace with a view to uncovering his or her sources. Investigators who raid a journalist's workplace have access to all the documentation held by the journalist.

The court decided: "… in view of the potential chilling effect that any perceived interference with the confidentiality of their communications and, in particular, their sources might have on the freedom of the press and, in the absence of any 'above the waterline' arrangements limiting the intelligence services' ability to search and examine such material other than where 'it is justified by an overriding requirement in the public interest', the Court finds that there has also been a violation of Article 10 of the Convention."



European Court of Justice

What happens next?

As with the European Court of Justice in Luxembourg, the ECHR judges in Strasbourg decided that permitting access to retained data for the purpose of combating crime (rather than "serious crime") and, save for where access was sought for the purpose of determining a journalist's source, it was not subject to prior review by a court or independent administrative body. This was a violation of Article 8 in terms of journalists' confidentiality.

The next chapter in the Snoopers' Charter saga is how the government is going to amend the current Investigatory Powers Act. At the moment the system does not recognize that the journalist has a right to be party to any review of a police or intelligence agency request to access their data.

The Act appoints a Judicial Commissioner to adjudicate applications and journalists have no rights to be informed about the applications or access to their information. The Investigatory Powers Commissioner's Office is now being run by High Court judge Sir Adrian Fulford and he plans to use around 15 current and recently retired High Court, Court of Appeal and Supreme Court Judges as Judicial Commissioners.

Everything will be conducted in secret with no public scrutiny at all and absolutely no due process of legal representation. Protections for sensitive categories such as "confidential journalistic material" and "sources of journalistic information" are invalidated where the "information is created or acquired for the purpose of furthering a criminal purpose."

Criminal activity is defined as a situation where an accused "who has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of 3 years or more." This means any public official trying to leak anything to a journalist will be furthering a criminal purpose because the maximum sentence is life imprisonment for misconduct in public office and will be 14 years for leaking info under a proposed Espionage Bill.

The Institute believes the current regime is too administrative and not judicial and transparent enough. The continuing use of misconduct in public office to criminalize public official journalist sources is just a ruse to put a fake cloak of "serious crime" over whistle-blowing to journalists by civil servants.

There is every reason to suspect that the Snoopers' Charter has many more performances to run in the UK courts and at Strasbourg before professional journalists acting in the public interest get the legal protection they need and deserve.

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COPYRIGHT – What's going on?

The EU Copyright Directive

Unusually, there's a lot going on in the Copyright world, and potentially it could affect just about everybody. Let's look first at the much-discussed EU Copyright Directive, currently in what they call the 'trilogue' stage.

On September 12, the British Copyright Council demonstrated its delight that a new copyright directive for the digital age had moved a step closer, following a vote of MEPs in the European Parliament. After two years of thorough and careful debate, Parliament had adopted a mandate to take the draft reforms into final negotiations with the Council and Commission. This was great news for Europe's creative community and for all who enjoy and take inspiration from creative works.

The new directive is designed to make the internet fair for all by properly valuing creative works online, supporting freedom of expression and ensuring a balance with the rights of internet users. Contradicting some claims, even spread as 'false news' by well-resourced exploitative parties, the free and vibrant internet we all appreciate is not under threat. If the Directive is passed in its present form, individuals will still be sharing hyperlinks and parodies and posting content as they always have, as long as the upload platforms obtain the necessary licences, as is standard in the offline world. Although the best of internet companies will be unaffected, some of the largest resent any suggestion that they pay appropriate compensation to creators, whilst zealously guarding their own copyrights.

The trilogue discussions involve the three major groupings of the EU; the Parliament of MEPs, the Council of Ministers and the Commission of permanent civil servants. CIoJ members who went on our International Division's fact-finding mission a few years ago, organised by EU expert John Szemerey, will remember our hard-hitting interviews, where each of these groups claimed the 'key' role in EU organisation. In fact each is important and we trust that collectively they will produce a fair, honest and workable final text. The CIoJ supports the BCC's hope that this will further strengthen protection for creators and right holders and ensure a sustainable future for creativity.

BREXIT

Unsurprisingly, the plans, problems and predictions accompanying Brexit have become a matter of detailed discussion between the IPO (the Intellectual Property Office) and BCC members, and occupied much of the discussion time at the September joint meeting of the two organisations. The IPO had compiled a lengthy checklist of what might happen between the UK, the EU and the rest of the world, based on various scenarios and negotiations. If you're interested, you can find the detailed documentation (also covering such things as patents, trademarks and design rights) on the IPO website, where you'll have the opportunity to put your own ideas, comments and representations to the UK Government.

Ken Brookes

New music for BBC World Service

BBC World Service has introduced a new signature tune and complementary music for key programmes.

A new specially composed signature tune will be played at the top of the hour, every hour, and new theme tunes for individual programmes will then be rolled out across the Service over the coming weeks.

The music has been composed by Mcasso, one of the UK's leading music and sound companies, and was recorded at Mcasso Studios in London's Carnaby Street, with the string section of the BBC Concert Orchestra added at Angel Recording Studios in Islington.

Mary Hockaday, Controller BBC World Service English said: "We are absolutely thrilled to introduce audiences across the globe to the brand new sound of the BBC World Service. The dynamic music will set a fresh, contemporary and distinctive tone for the network, providing the perfect backdrop to support our news and other programmes. Even on a speech network, careful use of music can help create an identity for the station and build a closer relationship with our listeners. Our composers have done a wonderful job, with a spirit of curiosity, quality and warmth which I hope our audiences will come to love."



The BBC Concert Orchestra recording the new music for the World Service.

The main theme features synths and percussion, embellished by a live orchestra, giving a rich, warm sound. It begins and ends with a sound design audio motif, inspired by and echoing the sound of the pips – the series of six short tones broadcast at one-second intervals and recognisable around the world for being synonymous with BBC Radio. The main musical theme also appears in the music for other individual programmes, arranged in different styles.

Individual programmes using the new music include Newsday, World Update, OS, Business Matters, Business Daily, Weekend Tech Tent and Sportsworld.

BBC World Service delivers news content around the world in English and 41 other language services, on radio, TV and digital, reaching a weekly audience of 279 million.

Sir Cliff Richard v BBC ruling is a significant precedent and damaging to media freedom

By Professor Tim Crook
Vice-President, CIoJ

The political fall-out from Mr Justice Mann's ruling in Sir Cliff Richard's successful privacy action against the BBC, over their naming of him as a suspect in a sexual assault inquiry, has had the flavour of the Brexit debate. Partiality, polemicism, win or lose, right or wrong, good and evil. It's either one way, or the other.

There are many who say the BBC deserved to lose the case, should never have defended it, and the judge's ruling poses no threat whatsoever to press freedom. In short: "Shame on the BBC!" The judge's reasoning and interpretation of the law is fully supported and so is his assertion that "It is simply wrong to suggest there is now some blanket restriction on reporting investigations."

The BBC had been strongly urged not to appeal.

Even the Director-General Tony Hall accepted that "I felt we overdid it to be blunt…if we were to appeal we'd be unlikely to win, cost licence fee money and prolong what Sir Cliff had been through, so I felt on those counts we should not appeal."

On the other hand there has been consensus among mainstream media publishers in press and broadcasting that the ruling does set a disturbing precedent, is a significant blow to media freedom, and needs to be resisted.



Royal Courts of Justice in the Strand. Photo by Tim Crook

Why professional journalists disagree with the judge's ruling

Professional journalists at the BBC and elsewhere are aggrieved it has been ordered to pay £210,000 in damages and much more in legal costs for reporting accurately that Sir Cliff Richard had been investigated by the police for historical child sexual assault claims.

They had repeatedly reported his side of the story and only said they were allegations. They reported that the police interviewed him, did not arrest him, and later fully exonerated him. They always reported his position that there was no truth whatsoever in the allegations. They think it unfair that damages have to be paid for a story that was true and when they consistently and repeatedly reported his denials, expressions of innocence, and final exoneration.

They do not understand why it was not in the public interest to name him when there was an intensive and widespread political and public debate about well-known celebrities being subject to historical child sexual allegations some of whom were later tried, convicted and jailed, and others later cleared but complaining their reputations had been unfairly destroyed.

There have been significant judge-led inquiries into the issue and multimillion pound police investigations.

They honestly cannot understand or accept why it was not in the public interest to publish the truthful information that the police were investigating Sir Cliff Richard – one of Britain's pre-eminent and powerfully influential entertainers whose public interest status par excellence has always been heavily defined by his avowed Christianity.

In this context, even if it was accepted he had a reasonable expectation of privacy when suspected of crime, professional journalists believe they had a public interest duty to report that the police were investigating Sir Cliff Richard for sexually assaulting a child at a Billy Graham meeting in Sheffield in 1985.

The BBC were truly shocked by the ruling largely because they considered it as a retrospective penalty for doing something at the time that custom, practice and law had always permitted.

> The professional news and journalistic culture of this country has not come to terms with how the law on media privacy has been developed by the courts

Privacy law and culture

The professional news and journalistic culture of this country has not come to terms with how the law on media privacy has been developed by the courts and apparently supported by public and political opinion over the last 18 years.

There is a severe dislocation in values and understanding between journalistic culture and the legal, public and political spheres.

Sir Cliff Richard v BBC was a contested media privacy case involving two of the most powerful parties you could ever find in British public life.

It is an action that would not have been possible prior to the year 2000, the year the 1998 Human Rights Act came into force, and which introduced into English primary law Article 8 of the European Convention on Human Rights: "Everyone has the right to respect for his private and family life, his home and his correspondence."

Long ago in the early 1960s there was case law making it clear that reporting that somebody had been helping the police with their enquiries when they were subsequently neither arrested nor charged was not libellous.

The media had always recognised that they had a public duty to publish stories about individuals who were suspected of crime, had had their home and premises searched as a result of a police enquiry, and when they were being interviewed by the police whether or not they had been formally arrested.

The public interest intensified where an individual was well-known, powerful, had



BBC Headquarters in London

public figure status, or was part of a public interest set of circumstances and narrative. The law protected publication if the facts were accurate.

But the developing law of privacy as evidenced by Mr Justice Mann's ruling fundamentally changed this situation.

Most of the commentary on the Sir Cliff Richard case has failed to acknowledge that Parliament in the 2011 Education Act provided statutory life-long anonymity for teachers accused of criminal conduct against the students they teach unless and until such time they were formally charged by the police.

Teachers became the first group of professional people in British legal history to be given automatic anonymity when they are accused of a criminal offence at work.

There was a short period between 1976 and 1988 when men accused of rape offences had statutory anonymity unless and until they were convicted by the jury in a crown court trial.

Mr Justice Mann confirmed that the Sir Cliff Richard and BBC case was legally significant in advancing a reasonable expectation of privacy for criminal suspects. It was not something which been "clearly judicially determined, though it has been the subject of judicial assumption and concession in other cases." (Judge's ruling at paragraph 234).

Four rulings at High Court and Appeal Court level in 2014, 2015, 2016, and 2017 had developed the case law: PNM v Times Newspapers Ltd, Hannon v News Group Newspapers Ltd, ERY v Associated Newspapers Ltd, and ZXC v Bloomberg LP.

He cited the importance of other extra-judicial views justifying suspect anonymity such as from the Leveson Inquiry. More recently Sir Richard Henriques when investigating the Met Police's handling of historical sex abuse crimes commented that well-known entertainers "are all victims of false allegations and yet they remain treated as men against whom there was insufficient evidence to prosecute them. The presumption of innocence appears to have been set aside."

Critical analysis of Mr Justice Mann's ruling

Mr Justice Mann questioned the capacity of the public to accept legal exoneration and not guilty verdicts.

It could be argued he was treating the media and its general public audience as a prejudiced, rabid and witch-hunting mob incapable of respecting and acknowledging the very justice inherent in the due process of the law.

Mr Justice Mann's reasoning in paragraph 248 of his ruling is contentious: "The fact of an investigation, as a general rule, will of itself carry some stigma, no matter how often one says it should not."

It can also be argued the judge made a fundamental mistake in law in making the risk of some stigma as justification for reasonable expectation of privacy in these circumstances to take precedence. He was wrong to decide that the inevitability of some stigma residing in some people should trump the public interest of a media publication reporting the criminal justice process and identifying an individual suspected of a criminal offence.

Lord Devlin in Lewis v Telegraph 1964 said: "Suspicion of guilt is something very different from proof of guilt […] A man who wants to talk at large about smoke may have to pick his words very carefully if he wants to exclude the suggestion that there is also a fire; but it can be done."

Sir Cliff Richard said in interviews after his High Court victory that he believed the BBC "took it upon themselves to be judge, jury, and executioner."

But Sir Cliff Richard was not being tried by the BBC. He was simply the subject of reporting about a police enquiry investigating an allegation against him that the police eventually decided did not merit arrest, charge and criminal proceedings.

Failure to give weight to UK Supreme Court Precedent

It can also be argued that Mr Justice Mann did not give sufficient weight to the powerful authority in the UK Supreme Court rulings of In re Guardian News and Media Ltd in 2010 and PNM v Times Newspapers Ltd in 2017.

In 2010 case Lord Rodger said: "… the law proceeds on the basis that most members of the public understand that, even when charged with an offence, you are innocent unless and until proved guilty in a court of law. That understanding can be expected to apply, a fortiori, if you are someone whom the prosecuting authorities are not even in a position to charge with an offence and bring to court."

In 2017 Lord Sumption said: "The sexual abuse of children […] is a subject of great public concern. The processes by which such cases are investigated and brought to trial are matters of legitimate public interest. The criticisms made of the police and social services inevitably reinforce the public interest in this particular case."

Lord Sumption added that the public interest in the identity of individuals involved in the criminal justice process "depends on (i) the right of the public to be informed about a significant public act of the state, and (ii) the law's recognition that, within the limits imposed by the law of defamation, the way in which the story is presented is a matter of editorial judgment, in which the desire to increase the interest of the story by giving it a human face is a legitimate consideration."

Lord Nicholls in Reynolds v. Times Newspapers in 1999 said: "… it should always be remembered that journalists act without the benefit of the clear light of hindsight. Matters which are obvious in retrospect may have been far from clear in the heat of the moment. Above all, the court should have particular regard to the importance of freedom of expression.

"The press discharges vital functions as a bloodhound as well as a watchdog."

Mr Justice Mann's rejection of the BBC's case

There is no doubt that public and political opinion are strongly sympathetic and supportive of Sir Cliff Richard's successful action against the BBC. His position on anonymity for criminal suspects is backed by an opinion poll conducted by YouGov where 86% of respondents support the anonymity of suspects under investigation and 62% favour anonymity for those on trial who have not yet been found guilty of an offence. The poll was conducted on July 19-20, 2018, with a sample of 1,669 adults in Great Britain.

Paragraphs 20 to 28 of Mr Justice Mann's ruling offer a withering deconstruction of the reliability of the BBC's witnesses.

There is no doubt that public and political opinion are strongly sympathetic and supportive of Sir Cliff Richard's successful action against the BBC

Of the BBC's reporter Daniel Johnson, he said: "He was capable of letting his enthusiasm get the better of him in pursuit of what he thought was a good story so that he could twist matters in a way that could be described as dishonest in order to pursue his story."

Of the BBC's deputy to the Director of News, Fran Unsworth (who was later promoted to Director) he observed: "Her acts and thinking on the day, like the acts and views of others, were affected by the desire to protect the scoop." She was "tinged with wishful thinking and a bit of ex post facto convenient rationalization."

The judge decided on the balance of probabilities to accept the South Yorkshire Police case that they felt pressurized into agreeing to tell the BBC when they were going to search Sir Cliff's apartment in Berkshire. They said they made that offer in order to prevent Mr Johnson publishing a

story prior to the search, thereby potentially compromising it.

Mr Justice Mann decided the BBC did not give sufficient consideration to Sir Cliff's reasonable expectation of privacy when they decided to name him as the suspect while at the same time using spectacular helicopter coverage of the search, which he condemned as a "significant degree of breathless sensationalism."

He highlighted the content of emails between news editors and reporters that revealed the crassness and competitive hubris of journalists when working under pressure to deliver coverage that was entered for and received a nomination for the Royal Television Society award in the category "Scoop of the Year".

In the light of a previous Law Lord recognizing the public interest in journalists discharging vital functions "as a bloodhound as well as a watchdog", and acting "without the benefit of the clear light of hindsight", is it possible the Judge has not evaluated the BBC's conduct with the proper perspective?

Has the judge properly taken into account Lord Rodger's view that judges should accept that "editors know best how to present material in a way that will interest the readers of their particular publication and so help them to absorb the information"?

The rejection of the BBC's position on public interest

Mr Justice Mann rejected the BBC's argument that it had a public interest duty to identify Sir Cliff Richard as a suspect when covering the police search of his home. What is also significant is that in the absence of the hullaballoo helicopter sensationalism a boring copy read by a presenter in the studio naming Sir Cliff Richard would still have been a serious breach of his privacy: "A lower key report of the search and investigation (for example, done merely by a measured reading of the relevant facts by a presenter in the studio) would, on my findings be a serious infringement, and would not be outweighed by the BBC's rights of freedom of expression."

> Mr Justice Mann decided the BBC did not give sufficient consideration to Sir Cliff's reasonable expectation of privacy...while at the same time using spectacular helicopter coverage...which he condemned as a "significant degree of breathless sensationalism."

In cross-examination BBC deputy editor of news Fran Unsworth identified two BBC editorial guidelines on public interest that she believed applied in this case: "exposing or detecting crime" and "protecting people's health and safety". But the judge said it was "not clear to me whether she actually considered them at the time," and added "while I am prepared to accept that a journalist's views on the justification of publication (or his/her absence of views) might assist the court in detecting the public interest in the balancing exercise, the ultimate question is one for the court, not for the journalist. So, it does not help much if Ms Unsworth did not consider the guidelines, considered the wrong ones, or misinterpreted the right ones."

Is it significant that when listing the BBC's editorial guidelines on public interest in his judgement, he omitted "There is also a public interest in freedom of expression itself."

Can it not be argued that Mr Justice Mann has not given fair consideration to the public interest defence position of journalists and editors who have to make decisions in the heat of competitive deadline pressures and without the benefit of hindsight? Even the 2013 Defamation Act imposes a statutory duty on courts under section 4[4] to 'make such allowance for editorial judgement as it considers appropriate' when determining whether it was reasonable for a media defendant to believe that publishing the statement complained of was in the public interest.

Is Mr Justice Mann's ruling a significant precedent?

> Mr Justice Mann seemed to take exception to the mainstream media coverage of his ruling and said: "It is simply wrong to suggest there is now some blanket restriction on reporting investigations."

Mr Justice Mann seemed to take exception to the mainstream media coverage of his ruling and said: "It is simply wrong to suggest there is now some blanket restriction on reporting investigations."

Close reading of his ruling proves that he does set a precedent on a wide range of issues. He says so himself when declaring at paragraph 322: "I agree that the case is capable of having a significant impact on press reporting." At paragraph 248 he says: "It seems to me that on the authorities, and as a matter of general principle, a suspect has a reasonable expectation of privacy in relation to a police investigation, and I so rule. As a general rule it is understandable and justifiable (and reasonable) that a suspect would not wish others to know of the investigation because of the stigma attached."

His ruling creates a chilling effect for any news publication that wishes to name a suspect under police investigation. Editors now know that to do so will run the risk of an action for breach of privacy and this could be costly.

- The position is inhibiting.
- The legal cost liability is estimated to be in terms of millions of pounds.
- We may be revisiting the chilling effect of disproportionate costs to damages that led the European Court of Human Rights in 2011 to decide in the Naomi Campbell case that the level of legal fees was a breach of Article 10 freedom of Expression.
- The award of an additional £20,000 in aggravated damages for pursuing professional awards recognition of a breach of privacy story is certainly unprecedented.
- It means that news publishers face being awarded damages against them for being competitive in the pursuit of scoops and awards for stories that could turn out to be breaches of privacy.

Mr Justice Mann stated more clearly than any previous case that in breach of privacy damages can be collected for harm to reputation – a remedy usually encompassed by libel law. But in privacy, unlike libel, claimants are not required to prove that their reputations have suffered "serious harm, or a likelihood of serious harm." This is creating a telescoping and inequitable overlap between libel and privacy; particularly when privacy can be a remedy for truthful and untruthful information.

The case breaks new ground in making clear that there is a special damages liability for the consequences of a media breach of privacy when this triggers further problems for a claimant as a result of the behaviour of other people. Special damages are to be assessed for the costs involved in employing lawyers and public relations experts to deal with the fall-out from the BBC's coverage. This includes a Facebook page called "Christians against Cliff" which contained "a large number of outrageous, highly offensive and defamatory allegations and remarks about Sir Cliff."

His lawyers had to also head off attempts by other newspapers and broadcasters to publish false allegations, there was an attempted blackmail, potential US immigration difficulties, and a lost book deal.

The future

There is one immediate lesson that all professional journalists, the BBC and media could learn from the case. Absolute care

and caution needs to be taken in electronic communications between journalists in the newsroom. The kind of communications that have been traditionally commonplace between reporters and their editors should never be allowed to be funnelled into the public arena of judgment and condemnation of media legal litigation. The gallows humour, satire and irony that relieves stress and tension should be kept analogue, ephemeral and unrecorded.

The decision by the BBC not to appeal the case after Mr Justice Mann refused leave to appeal means that until another case emerges the issues and problems identified here will remain unresolved. There is the possibility of a future direction of travel in reasonable expectation of privacy and anonymity in the criminal process that could well extend to the identity of people arrested, charged, put on trial, acquitted, and released after the completion of their sentences. This is because of the emphasis Mr Justice Mann has placed on the problem of stigma never being checked by the presumption of innocence and indeed its legal declaration and confirmation through public exoneration and not guilty verdict.

It is unusual for all mainstream media publishers, including the Society of Editors, to join in a consensus about the judge's ruling damaging media freedom and all the more disappointing that these concerns cannot be addressed by the higher courts. While public and political opinion appears to support the ruling and Sir Cliff Richard's campaigning for suspect anonymity, the situation could change. Would the public be content if the leader of one of the main political parties, or key members of the Royal Family found themselves suspects in a serious criminal investigation and the media were prevented from making any identification?

During his lifetime the entertainer Sir Jimmy Savile was protected by the libel laws when over a 54 year period between 1955 and 2009, 500 people aged between five and 75 complained that he had sexually assaulted them. With the burden of proof in libel on the media defendant news publishers were unable to publish allegations made against him. It was feared that the credibility of his vulnerable and often disturbed victims would not have survived aggressive cross-examination in adversarial trials. He was interviewed and investigated by the Surrey and Jersey police forces in 2007 and 2008 over indecent assault allegations, but the cases never proceeded to charge.

It can certainly be argued that Mr Justice Mann's ruling will not assist any media investigation into another case like it. It should not be the role of any judge or court to change laws that are strictly matters for Parliament, and in particular, for its democratically elected chamber, the House of Commons.

Something as serious as the right of any criminal suspect prior to formal arrest and charge to anonymity is a constitutional issue that should be decided by Parliament; not by some single judge in the Chancery Division of the High Court who has not addressed and followed binding previous precedent from the United Kingdom Supreme Court. Any party to legal proceedings should be subject to robust public criticism; particularly where the issue will not be tried by lay jury.



The Oldie scoop that exposed Jimmy Savile by Miles Goslett. But libel laws meant Savile was shielded while alive. Image: Screengrab of The Oldie online.

However, the BBC had come under vituperative public and political pressure not to appeal the matters of legal principle arising. It is disturbing that rather than use the legal system, it has felt the need to directly contact the government and Parliament for redress. The financial consequences of pursuing an appeal were clearly disproportionate in terms of the rising and accruing costs compared to the actual amount of general damages awarded. The English legal system does not assist here in having so many levels and layers of appeal and potential redress.

Any freedom of expression and privacy dispute has the potential of six legal forums: High Court to Appeal Court to UK Supreme Court for injunctive relief, and the same three-part staircase for any trial of the substantial issue. This sorry case is a worrying precedent and there is no doubt that freedom of expression and the rights of the media have been left bruised and compromised.

We are a long way from the judicial rhetoric of the courts recognising that in a democracy the media must be allowed to perform their watchdog role as bloodhounds.

Time will tell if Sir Cliff Richard v BBC has replaced the bloodhound with a poodle.

A lifeline for members

Freelance work always gives a buzz to writers and journalists – especially if such commissions constitute the bulk or indeed the entirety of their output. Jeffrey Bernard (always a freelance) famously observed that his Spectator column, Low Life, though popular – and even giving rise to a West End play – was not really a living. He was also sceptical of those who would reward him, not with a fee, but with a bottle of vodka. "I can't take that to the bank manager at the end of the week," he once remarked!

Freelance work can have its downside. Sometimes you suffer from a mental blank; at other times, there may be thin pickings. It could even be that a magazine or newspaper upon which you rely suddenly changes editor, changes management – or location, or closes down entirely. At that moment, bonhomie at the bar goes out of the window, holiday plans are abandoned and you find yourself confined to quarters. Just where is the next cheque coming from?

Fortunately, in the Chartered Institute of Journalists, lifelines and lifeboats are available if the drought continues or life's difficulties begin to overwhelm. For many years, our organisation has set down a solid foundation for charity and for benefits – and benefice – for members. Thanks to careful stewardship, investment and husbanding of our funds, the General Secretary and Council have provided the Institute with its own welfare state: a useful safety-net if you find yourself facing the farewell state! Hardship can be reduced by a simple application to Headquarters, perhaps a small payment to see you through, or an interest-free loan if you are confident that the creative and financial juices will soon flow again.

The Institute looks after its own, young or old, pensioner or writer still engaged in the life of journalism. And it is this spirit which, surely, sets this Institute out from the crowd. With such a positive and caring outlook for our members, we need to spread the good news about membership and participation.

Farewell, This England

There has been quite a lot of coverage in the media recently about the Beano, the children's comic that this year celebrates its 80th anniversary. The much-loved home of Dennis the Menace, the Bash Street Kids and many other famous characters is published by D.C. Thomson, the Dundee-based, multimillion pound organisation which is also responsible for a number of Scottish newspapers, the magazines My Weekly and Commando, and the website Friends Reunited. David Thomson, one of the company directors and a descendant of David Coupar Thomson who founded the business in 1905, was interviewed on BBC Breakfast, explaining why he thought the Beano has enjoyed such longevity and describing the success of the company as a whole. D.C. Thomson also publishes a popular weekly, The People's Friend, which in 2019 reaches a notable milestone: 150 years of providing its readers with a Scotch broth of short stories, recipes and knitting patterns. From the company's massive, fortress-like offices in the city, celebrations have already been planned, and it looks like being the equivalent of Empire Day, with representatives and employees from all corners of the vast D.C. Thomson domain paying homage, sharing memories and making their own contributions.

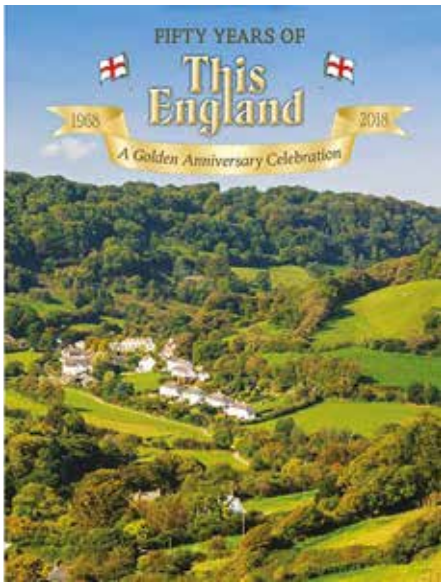
It is all very exciting, but there is another publication, a part of the D.C. Thomson empire since 2009, whose landmark year has, regrettably, been marked by a rather different attitude from its Scottish overlords. In 2018, This England magazine, the patriotic quarterly magazine that celebrates all that is best about England and the English way of life, reaches its half-century – 50 glorious years of entertaining readers all over the world with an informative, lively and attractive mixture of fascinating articles, stunning colour photographs, uplifting pieces of poetry and enthusiastic readers' letters. Unfortunately, worrying recent events mean that the future of this much-loved magazine is now very much in doubt.

It was in the spring of 1968 – in a very different England from the country we live in today – that the first copy of This England appeared on newsagents' shelves. Launched with the appealing slogan, "As refreshing as a pot of tea", the magazine was the brainchild of Lincolnshire businessman and publisher, Roy Faiers. From his offices in Grimsby, then the world's leading fishing port, Roy had already enjoyed modest success with six county magazines. His idea was to apply the same formula to a national quarterly publication, with articles about all things English – her history and heritage, countryside and customs, famous sons and daughters – complemented by beautiful photographs of England and a sprinkling of meaningful pieces of poetry and readers' contributions. All inspired, of course, by John of Gaunt's memorable lines in Shakespeare's play Richard II: "This royal throne of kings, this sceptred isle…"

Crucially, from the outset, This England was also imbued with certain values and standards. This meant articles and pictures of the highest quality, with nothing ever offensive or sordid on the magazine's pages (and with correct spelling and punctuation at all times!), regular features supporting our Royal Family, Armed Forces and Church, and a commitment to treat subscribers and contributors honestly and politely, with a willingness to answer any queries they might have efficiently, patiently and punctually. These might be dealt with over the telephone or through - what seems strangely old-fashioned now - by letter, written by the editor's secretary. This all helped to create a bond between the magazine and its readers that was - and is - unrivalled in the world of publishing.

Hive of activity

By the time I joined the company in 1982 it was a hive of activity located in a magnificent Regency building in the centre of Cheltenham. As well as This England (and another quarterly magazine, Evergreen, which we launched in 1985), we produced best-selling calendars, diaries, books and CDs, and sold a range of patriotic English products from flags and bunting to St. George's Day cards and car badges depicting the English flag. A very important figure in the preparation of This England was artist Colin Carr, whose unique, whimsical paintings were a much-loved feature of each issue. We also instituted the Silver Cross of St. George, an award for men and women whose actions in a wide range of fields demonstrated qualities such as charity, courage, enterprise and self-sacrifice. This commitment to supporting English traditions and opposing any move to undermine them found fuller expression in a series of high-profile campaigns spearheaded by This England and publicised through articles and letters in the magazine. These included "Save Our Shires" to preserve England's historic counties in the face of administrative reforms and widespread ignorance in the media, opposition to compulsory metrication which made selling a pound of apples a criminal offence, an ongoing drive to encourage the celebration of St. George's Day on April 23, and, at a time when euroscepticism and a desire to stop Britain becoming submerged in a United States of Europe were arrogantly dismissed by most politicians and influential people in the media as the views of cranks and "Little Englanders", a campaign that created the largest post bag This England had ever seen: "Don't Let Europe Rule Britannia". It was campaigns such as these, and the forthright views they encouraged on both sides of the various debates, that made This England unique and very special.



In due course I became deputy editor and then, in 2009, when the Faiers family sold the business to D.C. Thomson, the magazine's editor. It was a great honour to be at the helm of such a wonderful publication, with the chance to build on all that had gone before. Editorial and production continued largely undisturbed, but the alarm bells did ring when, not long into their ownership, our new management – to save money – made all our customer service staff redundant. This removed, at a stroke, years of combined knowledge and dedication and severed the close link between publication and reader. To make matters worse, enquiries, subscriptions and orders were now taken by a call centre in, of all places, Kirkcaldy. This England readers, used to friendly chats with ladies they had come to know as individuals, were less than pleased to discover they were now having to deal with men and women (often speaking with impenetrable Scottish accents) who had no understanding of the publications and no time to do anything but take payments and process orders. Not only that, but the service was appalling and resulted in a large number of complaints. Another call centre, this time in Sittingbourne, Kent, was then tried. This proved even more of a disaster and the loss of subscribers as a result (numbered in thousands) did incalculable damage. Eventually, in a desperate attempt to steady the ship, it was decided that all calls should be handled at the company's headquarters in Dundee.

Meanwhile, down in Cheltenham, the only concern of our dedicated team of seven full-time staff (all of whom had

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been with the company since the 1980s and '90s) was to continue producing high-quality publications that the readers would enjoy. A This England Annual was added to our schedule, as well as another yearly publication, Explore England. A number of one-off special publications were also produced, including a tribute to HM Queen Elizabeth II and an Illustrated History of the First World War. And the campaigning side of This England continued: for an English national anthem for purely English occasions, to get comic genius Ken Dodd a knighthood (which he subsequently was awarded) and, as the UK leaves the European Union, to rally support for a new Festival of Britain. In order to adapt to our changed circumstances, we moved to smaller offices, but they were in a nice part of the town and suited our purpose admirably.

Contributors' memories

The beginning of 2018 was a particularly exciting time and we threw ourselves into producing a special Fiftieth Anniversary publication, reproducing some of the articles, pictures and readers' letters from the previous half-century. In the spring issue, as well as looking back, with contributors' memories of how they discovered This England and sharing their thoughts of what England meant to them, we were keenly anticipating the future and the next stage of the magazine's journey.

Sadly, this was not to be. When the lease on our office expired it was decided from on high that to renew it would be too expensive, and although alternative accommodation was found, we were informed – much to our shock and dismay – that a small independent office like ours was "no longer economically viable", that we were going to be made redundant, and that editorial and production would be moved to Dundee. This was bad enough, but when I wrote my final Editor's Letter in the summer issue, explaining to readers what had happened and thanking them for all their support, I discovered, when the magazine appeared, that, without consulting me, the article had been removed and replaced by a two-page poem. The content of the article was not bitter or angry, it did not criticise D.C. Thomson or question their judgement, and yet, for some reason, it was considered too dangerous for readers to see! I felt as though I had been gagged by a strip of tartan: after all these years I was denied the chance to say farewell to our readers. The same fate befell my friend and colleague, Angeline Wilcox, editor of Evergreen: her final article and explanation of events did not get past the Scottish censor either.

So, as far as our readers are aware, I, Angeline, and all the team who cared so much, have simply cleared off without a word. People who telephone Dundee, bewildered at our sudden disappearance, are simply told that we have "left the business" or "retired". And anyone hoping to find an explanation in the recently published autumn editions of This England and Evergreen will look in vain. They will merely see a photograph of the new editor, writing about "the values of OUR founder, Roy Faiers", and blithely carrying on as if nothing unusual has happened. It doesn't seem, looking at the picture, that her neck is made of brass, but appearances can be deceptive.

It is being airbrushed out of history in this way that hurts us even more than losing our jobs. But it also raises serious concerns about the magazines, which is what all of us are most concerned about. The management's attitude, in thinking they can hide what happened and bluff and bluster their way through, has demonstrated, yet again, how they fundamentally misunderstand the special relationship This England and Evergreen have with their readers: they are wise folk who expect openness and straight-dealing and who won't be fooled easily or have the wool pulled over their eyes.

I honestly hope that This England continues to bring enjoyment to readers for another 50 years. Unfortunately, I now believe this to be highly unlikely.

Stephen Garnett, Editor of This England 2009-2018

EATING AND DRINKING

The King and Queen, East Malling

Back in the seventeenth century, the landlord of the King and Queen might have insisted on muskets being left outside. Not so in this age: the Musket in question being a local brewery offering some of Southern England's best ales. Here at the King and Queen, landlord David Drury will pour you a pint of Fife and Drum (from the Kent Musket brewers) and take your order from a menu, positively mouthwatering in its appeal – from a true steak and kidney pudding (pudding, mind you – no flaking pastry!) to local cheeses, fish, beef, steaks, lamb, pasta and many more exotic dishes – the list seems endless.



A strong runner-up in the Kent Food and Drink Awards and with some of the best-kept beer in the county (cellar-cool, and with plenty of choice – extending even to Cornish ale), the King and Queen is ideal as a stopping point for any journalistic outing involving refreshment. Service at the pub is of the highest standard. In fact, if the Institute Council needs a venue for any future meetings, the King and Queen is under an hour from Victoria Station, on the Ashford line.

Good Kentish fresh air, CAMRA-recommended ales, and a wine cellar to cheer the heart of any journalist: what more could anyone want?

Stuart Millson



"The liberty of the press is the birthright of a Briton and is justly esteemed the firmest bulwark of the liberties of this country." - John Wilkes (1725-97)

Risks to quality journalism 'present a threat to democracy'

The Chartered Institute of Journalists (CIoJ) has warned that "quality journalism is at risk" and that this "presents a threat to democratic accountability" in the UK. In its submission to the Cairncross Review into Sustainable Journalism, the CIoJ says that "neither the newspaper industry nor our wider society should give up on the printed medium as the primary platform for sustainable income generation in journalism" but expresses "serious concerns" about understaffing of newspapers due to cost-cutting by industry management.

Here is the full text of the Institute's submission:

The CIoJ welcomes the opportunity to submit views to the Cairncross Review into Sustainable Journalism, which comes at a time when journalism as we know it has never been under greater threat.

The review's objective is to establish how far and by what means we can secure a sustainable future for high-quality journalism, particularly for news. Looking ahead to 2028, how will we know if we have been successful, in relation to:

Publishers

It can only be judged by expansion of print and online services, increase in print circulation and reliably measured online visiting, preferably by subscription, increased competition between news services at all levels, and increase in professional remunerated journalist positions.

Consumers

This can only be judged by measured surveying of trust and appreciation of standards of reporting, informative and analytical journalism and in increase in the consumption and financial engagement by payment for local, regional and national newspaper and online journalism. The critical breakthrough will be the effective education and engagement of printed newspaper literacy by younger generations of readers and subscription to online platforms. A free and competitive press needs participation in a commercial market-place and a willingness for consumers to buy and invest at cover price and contact as well as advertisers to buy advertising in the printed form and online.

A short conclusive answer is that the closures will halt and the redundancies will stop in local newspapers, and there will be reverse in decline of circulation in all sectors including regional and national titles.

The Institute believes neither the newspaper industry nor our wider society should give up on the printed medium as the primary platform for sustainable income generation in journalism. Books have not been replaced by Kindle and electronic publishing. We believe the printed word can become trusted and valued again and can help to restore the damaged reputations of professional journalists as well as re-establish the democratic and scrutinising role of independent media.

Do you consider that the future of high-quality journalism in the UK is at risk – at national, regional and/or local levels?

Undoubtedly. We would agree that quality journalism is at risk. This bleak future presents a threat to democratic accountability and the quality of journalistic freedom of expression in the United Kingdom.

What are the main sources of evidence that support your view?

Many local newspapers are staffed by increasingly fewer journalists, driving down the ability to cover news properly. Not only are they understaffed, but many journalists work some distance from the area they cover. Budgets have been cut to shoestring levels, with all the resultant consequences.

This situation is now spilling over into the national newspaper arena. The Independent newspaper's print operation was shut down recently, and others are struggling to maintain their presence in the market place.

What are the main sources of evidence which support an alternative perspective?

The alternative perspectives are few and far between though significant by example. Models that have bucked the overall trend e.g. Financial Times, Economist, Spectator and Private Eye, and signs of digital sustenance through membership subscription. The Guardian culture of 'donation/subscription' or the pledge to use an American expression is the mainstay of public interest journalism in the USA where public television and public radio (NPR, Pacifica and public radio foundations) depend on listener subscription and donations, often intensified during 'pledge weeks.' It is significant that the Guardian's source of income from this genre of contribution has enabled it to reach the tipping point in 2018 of online income exceeding print publication income. Buzzfeed has engaged a similar strategy. The persuasion to donate and support in a financial way that is additional to the printed-cover price, advertising and regular subscription is an engagement with the democratic imperative as a voluntary contract of commitment.

This is how the Guardian presents its pledge to online readers: 'Your support is vital in helping the Guardian do the most important journalism of all: that which takes time and effort. More people than ever now read and support the Guardian's independent, quality and investigative journalism. Like many media organisations, the Guardian is operating in an incredibly challenging commercial environment, and the advertising that we used to rely on to fund our work continues to fall. Advertising revenues are falling. We haven't put up a paywall. We want to keep our journalism as open as we can.'

The virtues and values expressed here could be adopted by local and regional newspapers in setting out public service duties to their readers and communities. We believe that high standards of professional journalism serving the interests of local, regional and national communities represent a qualitative contract that news consumers will always appreciate. The method and terms of financial expression could be expressed in different ways. The pledge and donation model appears to be working for the Guardian and is certainly worthwhile investigating and supporting at other levels.

It is significant that Private Eye and the Spectator, both periodicals, can sustain and increase print circulation. In the case of Private Eye, they can achieve this without developing any matching online presence and certainly without giving away free content on the Internet.

It does seem to be the case that successful models of sustaining economic viability with declining print circulation is achieved through paywall structures that vary free and paid for access (e.g. the Telegraph) and online subscription only. (e.g. The Times and Sunday Times).

A successful business model might be the publishing company, Reed Elsevier, now known as Relex, that has built a hugely profitable internet publishing business over the last 20 years by putting their previously paper only scientific journals online and selling subscriptions to universities and libraries. The lesson here is in using new media as another form of legitimate commerce rather than an online promotion or advert for the printed form. The symbiosis between print and online should be commercially mutual rather than destructive.

What can the review learn from successful business models in other sectors or other countries, including those which work at scale? We are particularly interested in any organisational or business models which might promote or advance the future of high-quality journalism at the local and regional levels:

Where new and viable business models are emerging for high-quality journalism, what does this tell us about changing consumer behaviour and preferences?

The hollowing out of professional journalistic resources in other Western countries through declining circulation, the transfer of advertising to online and social media consumption, and a continued expectation that news journalism is something that can be received without payment online is a transnational pattern. There is no sign that any business model has succeeded in reversing this trend in the United States.

In some European countries there has been a longstanding culture of state subsidy in various forms and we appreciate that the Cairncross Review has quite rightly travelled to the EU zone to appreciate how this operates in the context of the drift of younger audiences from print to digital online platforms.

The essential problem facing UK news media groups is that this advertising drift to global US digital platform giants has been catastrophic. It has given business corporations situated abroad massive profits and income that previously underpinned and funded UK journalism at all levels. These global online corporations refuse to accept the responsibility of being publishers, avoid fair taxation and fail to fairly remunerate links and content generated by traditional journalistic media institutions.

We are not confident that new and viable business models are emerging as an answer to the problems identified by the Review. We do believe that new and viable business models could develop if links and content generated online by traditional print media received a proportionately supportive income and share of the global online giants' advertising bonanza.

This could be achieved by direct levies or licensing of Google, Facebook, and Twitter and their equivalents that was then distributed to professional news publishers in the same way that PPL, PRS, and ALCS distributed royalties to music publishers, composers, performers and authors.

Are different approaches needed for different parts of the market (e.g national and local; general and special interest news)?

One of the difficulties of introducing any form of state subsidy and grant-funding in the form of a national 'Journalism Council', equivalent to the national Arts Council, or regional arts boards, is that a vital and perhaps only sustaining funding stream would be subject to political interference, and the success and failure of the application process rather than the intrinsic and provable merits of demand for qualitative journalistic content.

It is very difficult for politicians to agree on what is 'the public interest' and the very process

of defining a public interest quotient that will measure qualification for subsidy could prove to be problematic in political constitutional terms.

In free market or qualitative commercial and capitalistic terms, the trend in the UK to agglomeration in ownership, and large corporate groups in local media e.g. Reach, Archant, Newsquest, and Johnston Press has been driven by the need to rationalise, share resources, and manage declining circulations through an accommodating protection of large economies of scale. A continuing retreat in the overall income context means large economies of scale cannot reverse a decline in publication and readership that undermined smaller and independent businesses.

We would argue criticising the trend to agglomeration may obscure the advantages of using tax relief and other central, regional and local government economic incentives to encourage national media groups such as Guardian Media, News UK, Associated Newspapers, The Telegraph Group and even the Financial Times to invest in local newspaper/media titles to widen and diversify their economic base of publication. These groups have the economies of scale to research and develop local journalistic resources and publications that can feed and cross-pollinate their national and international publishing activities.

To what extent do new and emerging business models such as online-only, hyperlocals and cooperative models work or mitigate issues felt by traditional players?

We are not convinced that these models are effective substitutes and have any future as working business models. We do not challenge or question the worthiness and good intentions of hyperlocal and cooperative players, but the narrative up until now is unfortunately not a solution to the problems being addressed by the Review.

The Institute fully respects how hyper local news sites and independently produced free newspapers can combat the centralisation of large publishing companies by engaging their readership in content they actually want to read and can relate to. The 'local' paper in Kensington and Chelsea for instance employed no reporter in the area who could have been able to hear and publish the concerns of Grenfell residents as to the safety of their building. Yet neither was there any effective presence of online-local, hyperlocal and cooperative operating to replace the function of professional local journalistic publication. The idealism and good intentions are not at present matched by real economic and professional sustainability.

What alternative income streams (other than advertising) are most likely to sustain high-quality journalism in the digital age? Are there barriers to their effective exploitation and if so, how could these be addressed?

We believe we have addressed answers to these questions at 2b, and 3a & b. We believe solutions can be found in creative and redistributive forms and measures of tax relief, taxation, licensing of copyright and intellectual property, and rewarding individual reader pledges and donations, in a similar way to the advantages offered to recognised charities.

What has been the impact of the operation of the digital advertising market on the sustainability of high-quality journalism in the UK?

It has been clear for some time that advertising revenue is being drained out of the traditional media sector and into the hands of global Internet giants. The loss of this revenue on traditional media has been identified by the research done for this consultation by Mediatique.

Despite the Internet giants making money from creating Ad links connected to news articles produced by traditional media outlets, they make no contribution to the news sector.

Furthermore, the Internet giants are not worried about mixing genuine and fake news sources, so long as the advertising revenue comes off the back of the link.

Recently, Google has been fined a record $5 billion by The European Commission for using its search engine to promote its own Adsense against fair competition. This is the second breach and a further one is still being considered. Google is appealing the decision but it shows that such profitable organisations are not easily kept accountable to any Government.

Twitter has shut down up to 70 million fake and suspicious accounts since May 2018, according to the Washington Post.

Facebook users post fake news extensively and the social media site has closed down 583 million fake accounts in the first quarter of the year.

Ofcom is also clear that the internet is the most popular platform for news among 16-24s (82%) and ethnic minority groups (EMGs) (73%).

Revenue is the driver for all these internet giants. Since the search engines and social media sites can direct users in any way they want – to genuine articles or fake ones – the impact they have on journalism, and readers access, is huge.

Quality news faces being drowned out by the plethora of fake news feeds.

Many consumers access news through digital search engines, social media platforms and other digital content aggregation platforms. What changes might be made to the operation of the online platforms and/or the relationship between the platforms and news publishers, which would help to sustain high-quality journalism?

Government should explore ways in which to force the big global internet giants to pay towards the cost of producing news. Internet platforms should contribute more fully to the cost of providing good journalism – by agreeing on a more realistic scale of charge received for content provided. These charges should take into account the enhanced revenues that social media outlets enjoy by virtue of being able to make use of the news and other editorial content provided by newspapers.

There is a symbiotic nature to this model in the sense that the validity of the search engine, or social media site, would be enhanced with links to quality news feeds. The news outlets would gain some income to support the costly nature of reporting news.

High-quality journalism plays a critical role in our democratic system, in particular through holding power to account, and its independence must be safeguarded. In light of this, what do you consider to be the most effective and efficient policy levers to deliver a sustainable future for high quality journalism?

Closure of local papers is reducing the sense of community in areas across the UK – and the industry is noticing.

When the bomb blast hit people attending a concert at Manchester Arena it was the coverage, by the Manchester Evening News which was held up as "a very good example of where good quality local journalism and a good quality local paper can actually be out there supporting their community." MEN raised £2.5m for the victims but what was less well known was that thirty local journalists answered the call to cover shifts for the exhausted reporters, photographers, subs and editors.

Wider international research shows that local newspaper closures are partly related to Government needing to spend more. Financing Dies in Darkness? The Impact of Newspaper Closures on Public Finance was published on May 8, 2018.

CIoJ has been instrumental in raising issues directly relevant to this.

In Scotland we objected to local authority advertising revenue being withdrawn from local print newspapers and put entirely online as complex issues such as planning applications were not accessible to people who were not computer literate or used a telephone for access.

CIoJ's other major campaign is against local authorities spending revenue on non-accountable Pravda style newspapers which give only selective information and are paid for by Council taxpayers without any legitimate opportunity to question the information.

Recently, an Essex local authority has declared it will not respond to any questions from an independent newspaper. Is that even legal when it is public money the local authority is spending?

CIoJ suggested as early as 2012 that local newspapers are given greater tax breaks. This was pinned down to business rates and there followed a joint consultation, led by the Department of Culture, Media and Sport (DCMS) and the Department of Communities and Local Government (DCLG).

The consultation was launched in order to understand the challenges currently faced by local newspapers occupying properties in their local areas and whether relief on their business rates bills could help support them.

On March 16, 2016 the Chancellor announced at the Budget that the Government will introduce a £1,500 business rates discount for the office space occupied by local newspapers in England, up to a maximum of one discount per local newspaper title and per property, up to state aid limits, for two years from April 1, 2017.

The relief is intended to be specifically for local newspapers and is delivered through local authority discretionary discount powers (under section 47 of the Local Government Finance Act) and so there are deep concerns that this will spark more closures when it concludes next year.

Especially given the dire straits of many local authority finances. There is nothing in place to replace this support, but we would go so far as to say that this should not only be extended in time, but also enhanced to offer greater support.

We believe the Review could advocate a cultural and economic call to arms to reverse what is clearly a democratic deficit in the quality of information being provided and received by UK citizens towards the end of the second decade of the 21st century.

Economic incentives and guaranteeing remunerated income streams can be achieved through creative and imaginative legislative and executive policy without generating conflicts of interest that can arise through direct subsidy.

Statutory obligations to engage with legitimate professional news publications through advertising, sponsorship and distribution of central, regional and national government and private corporate commerce in promotion, and communication all help.

Is it the case that local, regional and national government bodies regularly buy and acquire their respective newspaper media?

To what extent could schools, colleges and universities and all forms of business support the commerce of the newspaper industry by acknowledging a responsibility to subscribe, buy, and make available to their employees, students and customers?

The Institute fears that a tendency to politically problematize and critically invalidate the role of all forms of newspaper journalism has blinded general public opinion to the benefits that it provides in empowering public knowledge and understanding of how public and private bodies exercising power influence and affect the lives of everyone.

Newspaper group Trinity Mirror is changing its name to Reach. Shareholders have also approved the group's takeover of newspapers across the merged group would retain their editorial independence. The takeover deal includes the Daily Express, Daily Star, Sunday Express and Daily Star Sunday, plus celebrity magazine titles OK!, New! and Star.

Trinity Mirror's annual report is available online at: http://www.trinitymirror.com/latest/news/annual-report

‘An appalling talent’

Stuart Millson looks back at the life and work of Ken Russell, the flamboyant film-maker who always courted controversy.



In 1962, a young British director – 35 years of age – produced a documentary film for the then main BBC arts programme, Monitor. The documentary, the commentary of which was spoken by the magisterial Sir Huw Wheldon, concerned the life of the English composer, Sir Edward Elgar – a subject which, at first glance, appeared relatively conservative and safe. Yet the director was no ordinary cinematographer. Referred to as “an appalling talent”, and already known for pushing against accepted boundaries and tearing up rules and conventions, Ken Russell created in his Elgar film a new standard by which all such productions would be judged. Instead of a dry chronological biography, bound by a stiff, predictable formula of interviews and dull shots of places where Elgar lived and worked, the film set the composer in his landscape: the Malvern Hills and the towns and villages of Worcestershire and Herefordshire. Elgar came to life in the screenplay – with actors (five in total) playing the composer at different times of his career, but with no dialogue, and the central figure always seeming somewhat elusive – even distant.

An unforgettable sequence begins the story, with a boy (the young Edward Elgar) riding a white pony across the hills, with the thrilling music of the Introduction and Allegro for Strings galloping along with him. The rider than stops and looks out from the ridge of the hills at the miles and miles of countryside before him. Later on, Elgar appears as an earnest, happy-go-lucky young man, serenading with a band of fellow musicians, a group of young ladies; and strolling among corn fields and orchards with his beloved Caroline Alice (the future Lady Elgar). The more middle-aged Elgar is shown on bonfire night with his daughter, playing with sparklers, and careering downhill on a sledge – and also in a more unsettling moment, on the veranda of his large Malvern house, clearly angry about a bill or a letter that has contained some bad news – the scene hinting at the frustrations and melancholy which were part of the composer’s character.

Perhaps the most enduring image – the scene which takes the film into the mysticism and emotional fervour which would define many later projects – is the moment during a section from The Dream of Gerontius when three crosses appear on the Malvern Hills; as if Blake’s idea of Jesus setting foot on our green and pleasant land had found a modern form. For Ken Russell, who was to make many films about the lives of the great composers, this edition of Monitor would end on Elgar’s deathbed – a 78 rpm record on the composer’s bedside gramophone coming to an end… the needle clicking endlessly onward on the scratchy record surface.

Surrealism

Dramatic, psychological touches such as these marked his style – the influence of Russell’s lifelong love of art and surrealism – and the obscure, not to mention the religious (or, at times, irreligious!). In his autobiography, A British Picture, the director wrote about his time on the Elgar production: how Huw Wheldon clearly understood the mood of the film, despite warning Russell “not to use too many crucifixes”; and how it was sheer commitment which ensured that the cameras rolled:

“My enthusiasm was shared by the entire crew… of three – Higgy the cameraman, Jim his assistant and Annie my production assistant. Because Monitor was a documentary programme there was no ‘effort’ available. However, the Heads of Departments did what they could to help us, unofficially. The Chief Wardrobe Supervisor donated a hamper of Victorian clothes and washed her hands of us, a sympathetic make-up girl who was going on holiday lent us her make-up kit, and most of the props were begged, borrowed or scrounged around Malvern.”

An interesting view into the world of television production in the 1960s. But what drew Ken Russell to this medium? The director tried to make sense of it himself, explaining that people “were always chiding me for not making a film about myself”. A title did occur to him, though: Ken the Kid:

“I thought about the look of the picture… I decided on a lightning tour of scenes from my childhood in the hope that a burst of visual shock treatment would revitalise my memory. Chats to relatives with photo albums would help to complete the picture. No use looking at my birthplace for inspiration: Nazi bombs had turned it into a car park. Poor town!”

This was Southampton in the 1930s – and the Russells were certainly a large family, although numerous domestic tribulations did not always make life easy. Young Ken remembered an Uncle Jack – “a second father to me” – and an Auntie Moo, and cold houses in winter, and memories of wartime warnings of mustard gas which to this imaginative boy only served to confuse him:

“I could only imagine Sunday roast and Dad mixing the mustard and Mum manipulating gas taps as the vegetables bubbled away on the stove.”

But most important were the many visits to the cinema which Ken made – a character-forming experience which, again, he explains in his autobiography:

“I suppose some might accuse me of voyeurism, but I guess I’ve been a voyeur all my life. So is anyone who goes to the cinema or watches TV. There we sit in the dark, eyes glued to the screen, as if it were a two-way mirror, prying into the most intimate moments of others… And if you are watching Crimes of Passion [a Russell film from 1984] on a video… so what if I got some of this from the dim light of a projection booth in Nether Wallop in the middle of Salisbury Plain in 1947?”

As a young man, experiences in the forces and the merchant navy seemed at odds with his main ambitions in the arts, especially photography, film, and the quest to become a ballet dancer! Needless to say, eyebrows were raised – Ken’s mother and father having something to say about it:

“ ‘Still, ’e can’t get into films for love nor money, even as an electrician, so what else is ’e fit for?’ ” “ ‘Ballet, perhaps’, I said tentatively. ‘Ballet?’ – they echoed incredulously.”

And so began a lifelong career in the arts: the experimentation of the artistic fringe leading to contacts and new avenues, which in turn brought Russell to the door of the BBC, and eventually leading to that masterpiece in tension, Billion Dollar Brain (1967) with Michael Caine; the famous Women in Love from 1969, which starred Oliver Reed, Glenda Jackson and Alan

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Bates; and – in 1971 – the shocking and grotesque, The Devils, which again saw Oliver Reed taking the lead role in a tale of possession and insanity. Films were also made about the lives of those tortured romantics, Tchaikovsky and Liszt – and in complete contrast, a 1975 collaboration with the storming British rock group, The Who, in a production of their Rock opera, Tommy. Every genre seemed to attract Russell – every venture taking drama and music to the very limit. But perhaps one of the finest and deepest of the director's films was his portrait of the composer, Frederick Delius, made in 1968 for the BBC.

Torment and frustration

Casting the well-known actor, Max Adrian, as Delius (Adrian appeared as the Dauphin in Olivier's Henry V) and a former ballet dancer, Christopher Gable, as the composer's assistant, Eric Fenby, this black-and-white film charted the closing stages of Delius's life. Once a vigorous, romantic idealist, Delius spent the years after the First World War until his death in 1934 in a state of blindness and increasing paralysis – but with so much music still locked within his crippled body. It was a young Yorkshireman, Eric Fenby, who wrote to Delius, asking if he could assist with writing out scores and helping with orchestration – Fenby eventually travelling to the composer's home in France, and – with many moments of torment and frustration – managing to finalise some of his greatest works.

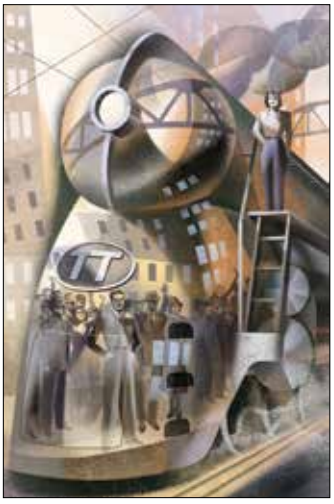
The film is entitled Song of Summer – based upon the name of an orchestral piece by Delius. Exhausted and virtually on the edge of a nervous breakdown, Fenby begins to take Delius's dictation: he asks his young friend to clear his mind, and to imagine the gentle swell of waves visible from high hills and cliffs by the sea – the sound of a seagull's cry in the distance – and to draw in an almost pantheistic view of a flawless day at the height of summer. As the music plays over Delius's words, Ken Russell's camera-work captures the gradual, gentle swell of a wave; the flight of a sea-bird – and, curiously for a black-and-white film, a sense of the warmth and air of the day and season. Somehow the lack of colour evokes the vision more effectively and fully.

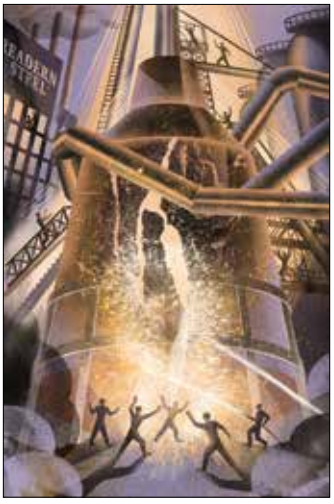
At the end of the film, when Delius's heart finally fails, his widow, Jelka, gathers flowers from their garden, and in a final ecstasy of spirit casts the petals across his dead body – the music, A Song of Summer, rising to its intense, unbounded climax. For me, this is one of the very greatest moments in Ken Russell's work – confirming the director as a true and absolute romantic, perhaps the heir to Michael Powell, but an original leader, thinker, artist and maker of cinema and television in his own right.

Russell died in 2011 but his legacy will live on: inspiring anyone who enjoys the extremes of emotion, in films which overturn the ordinary; which take us into the worlds of angels and devils, and to English soundscapes and scenery which will never seem the same again.

Tales of Dystopian USA

The Folio Society has published a luxurious edition of one of the most divided pieces of twentieth century fiction (falling between science fiction, mystery, romance, satire, philosophical dialogue, melodrama and thriller) – namely Ayn Rand's Atlas Shrugged.





The characters who rise to the top in Atlas Shrugged espouse Rand's philosophy of Objectivism: the pursuit of personal happiness and unfettered capitalism. This philosophy would, she was certain, make America – and therefore the world – great again. Her novel remains deeply controversial, fifty years after it was written, both for its ideas about economics and industry and for its popularity among libertarian movements around the world.

For all its ideology and economic theory, the novel is, at its heart, an addictive and utterly compelling thriller, fraught with explosive action, suspense and romance. In Atlas Shrugged, titans of industry are walking away from their life's work and vanishing just when the world is teetering on the edge of economic collapse. Dagny Taggart, vice-president of her family's railway company, is determined to find the mastermind behind these disappearances before her world falls apart.

The award-winning Balbusso twins were commissioned to provide the artwork for this three-volume collector's edition. The binding designs create a dynamic interconnected image across the three spines, while each volume boasts a series of striking art deco-inspired images that combine cityscapes, industry and period glamour. This landmark edition delivers an eerie vision of Rand's world of iron, sparks and steely ambition.

In his introduction, commissioned for this edition, Pulitzer Prizewinning critic and writer Michael Dirda examines Rand's obsession with uncompromising individualism and the enduring legacy of the most divisive candidate for the Great American Novel.



"Rand's prose", writes Dirda, "whether in exposition or dialogue, is always clear, sometimes a bit stiff and occasionally impassioned, but loyally in service to her thought. Above all, one still surrenders to the author's propulsive, suspenseful storytelling."

Atlas Shrugged

By Ayn Rand

Introduced by Michael Dirda

Illustrated by Anna and Elena Balbusso

Available exclusively from www.FolioSociety.com. £120.00

Three volume set. Bound in blocked metallic textured paper. Set in Warnock. Vol 1– 464 pages; Vol 2 – 480 pages; Vol 3 – 632 pages. 5 full-page colour illustrations per volume. Blocked slipcase.

Illustrations © Anna and Elena Balbusso 2018 from The Folio Society edition of Ayn Rands's Atlas Shrugged

Chartered Institute of Journalists 2018 AGM, London

DATE: Saturday 13 October 2018

TIME: 1.30PM

The Institute's Annual General Meeting and Conference will take place in London on Saturday October 13, at Canada Water Library, London SE16.

All members are invited to attend and play a full part in the proceedings.

The day will start at 1.30pm with a buffet lunch, followed by the formal agenda at 2.00pm. Check online for the full programme, agenda, annual accounts and other agm documentation - www.cioj.org/AGM.

We hope you will be able to attend, and maybe have dinner with us afterwards.

The Annual Report on the activities of the Institute through the last year, and accounts for the Institute and our charities, may be found on pages 20-24 of this Journal. The may also be found online at cioj.org/agm.



Annual Dinner

On the evening of the Conference, members will be having dinner at the Mayflower Pub - https://www.mayflowerpub.co.uk. If you wish to join us you will be more than welcome. The venue is the site of the original departing of the Pilgrim Fathers onboard the Mayflower in 1620 - a short cab ride from the AGM venue. The cost will be £30, which will be payable in advance.

Please let Diane know if you wish to attend - memberservices@cioj.co.uk .

See all details at www.cioj.org/AGM



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Saturday

13 October 2018

Venue:

Canada Water Library
21 Surrey Quays Road,
London
SE16 7AR

For details on how to find Canada Water Library, see https://www.southwark.gov.uk/libraries/find-a-library?chapter=5

Make sure you book your place at the AGM with Diane:

020 7252 1187.

IMPORTANT DEBATE

This year's AGM will have the final vote of the potential merger of the Institute's charities.

Come along and have your say.

Full merger details, links to the proposed trust deed and the change of Institute rules may be found online at www.cioj.org/agm .

A year in review - 2017

Our year was shaped by the long-running theme of our charities merger. At the Institute's 2016 AGM it was agreed o investigate the possibility of merging our Benevolent, Orphan and Pension funds into one 'welfare' fund, in the hope that this would make it more relevant in today's society.

During the year the Institute's Council sought a legal review of all Institute charities. That review came up with a number of recommendations that should be implemented in order to bring the charities in line with current guidelines. Some of these have already been dealt with and others will be resolved either through the merger, or separately if that proposal is rejected at this coming AGM.

In the wider industry, two significant concerns were fought through the year. The first was the attempt to implement Section 40 of the government's Crime and Courts Act, and, Leveson Two. Section 40 related to the implementation of a cost penalty, linked to defamation, which would be imposed on publications which had not signed up to a recognised Press regulator. The problem was that most publications had not signed up to the Governments Press regulator, for legitimate reasons, which meant that they could be ruined by vexatious litigants. Leveson Two was the proposed inquiry into the links between the Press and the Police. We pointed out the exorbitant costs of the original Leveson Inquiry (in excess of £40 million), and the relative failure to secure any convictions off the back of it. Another inquiry would simply cost a significant amount of money to learn what we already know. We are pleased to say that both campaigns were successful: Section 40 was not implemented and the Leveson Two inquiry has been scrapped.

Towards the end of the year, the Institute was approached by British Land, the new owners of Dock Offices in Surrey Quays (home of the Institute office), with a view to purchase part of the Institute's holding. This was because the proposed development of the immediate area meant that there was a need to purchase the car parking area of the building. The offer was significant enough for Council to inquire about an offer for the Institute's entire holding at the building. Through negotiations, which stretched into 2018, the offer received was, in Council's view, too good to be ignored. However, one of the consequences was that we would have to move quickly. Arrangements were made to move all the Institute's working practices so that they may be accessed through the internet. This would mean that, in the short-term, the Institute could service the needs of members while working remotely. In April this year (2018) the sale was finalised.

FINANCE:

This was another challenging year for the Institute's finances. Income dropped once again through 2017, even though we made a small surplus for the year of £590. This drop was once again due to the fall in subscription income. The outgoing expenses were successfully managed in order to limit the affect of the reduced income.

The industry has been struggling for a number of years now, and recent studies have shown that in the last ten years income across the national and major local newspapers has dropped by 50 percent. The number of journalists has similarly fallen. This has undoubtedly had an affect on membership.

The disbursement to the IoJ (TU) was £63,000. Although this was a drop in support from 2016, we were able to maintain a healthy balance in the TU account. However, this reduced sum meant that the fund shows a small deficit for 2017 of £3,619.

The Institute's charitable funds have supported members and their families with financial help totalling £41,465 (2016 - £58,064).

The Institute's Council is confident that the organisation is able to continue to fulfil its obligations to its members.

ANNUAL GENERAL MEETING:

The Institute's AGM took place at Goldsmiths, University of London on October 14.

Members discussed the proposed merger of the Institute charities and amendments to the Institute's code of conduct.

Other motions, including one to create a 'Chartered' status for journalists, had to be held over because the debate on the Institute's charities dominated the time at the meeting. Council dealt with the remaining motions at a meeting in December.

In the evening, members enjoyed an informal dinner.

PROFESSIONAL PRACTICES BOARD REPORT

The CIoJ's Professional Practices Board (PPB) has campaigned on a wide range of journalism issues and threats to media freedom over the past year.

Open Justice Campaign

Throughout the year the Chair and members have been engaged in pursuing the CIoJ's campaign:

The Institute called on Parliament and the judiciary to sustain the vitally important principle of open justice which is under continuing threat from an expanding culture of reporting restrictions and a decline in media reporting facilities in the legal system.

Open Justice depends on ensuring there are reasonable conditions to make professional reporting of court proceedings viable and accessible.

The Institute supported a campaign to:

- improve notice and information about court listings for professionally accredited journalists;
- improve relations and understanding between the judiciary and journalism industry through the setting up of regular meetings between editors and judges, particularly at regional court centres;
- improve understanding by HM Court Service and the Ministry of Justice on the needs of professional journalists to be able to do their work effectively in court buildings and court-rooms;
- and, convince Parliament and judges that the imposition of speculative, unprecedented and unjustifiable reporting restrictions makes reporting the legal system prohibitively expensive and journalistically purposeless.

When professional journalists as the eyes and ears of the public are unable to attend and offer public interest scrutiny of this vital aspect of the constitution, there can be no Open Justice and judicial accountability to the public.

In February this year, the Chair, along with a group of postgraduate Goldsmiths Students (some of whom are working professional journalists, and all of whom were CIoJ members) carried out an audit of the disconnection between media publication and newsworthy court

hearings taking place at the Royal Courts of Justice.

The report was produced in the Journal (and may be found on the Institute's website) and had significant impact. It was reported on by the Press Association's Legal Editor Mike Dodd and was also covered by UK Press Gazette, too.

The Institute's report received a favourable reaction from senior figures in the UK legal system and other dimensions of national politics with invitations for consultation and discussion.

We believe our briefing could have had an influence on the recent Court of Appeal Criminal division ruling of the BBC's challenge to reporting restrictions in a case at Worcester Crown Court.

In particular the Court of Appeal judges acknowledged that even where a reporter is in court, they are unlikely to be in a position to immediately respond to an application. Judges should therefore consider whether an application should be adjourned to give proper notice to the media.

The court further noted that the practical effect of even a short postponement order is to reduce the chances of any reporting at all, highlighting that in the modern era, 'stale news is no news'. Postponement orders therefore risked the damaging effect on the important public interest in reporting proceedings in the courts.

These points were strongly made in our first Open Justice report which was sent to the senior judiciary.

The Chair and PPB are working on more research and investigations into the problems of declining Open Justice. Despite writing to the relevant civil servant organising the working party on Open Justice at the Ministry of Justice, and being assured that the gentleman would be in touch with us, nothing has happened.

We are content to continue carrying out our investigations and reporting accordingly.

Mayor of London and Greater London Authority knife crime secrecy

The Institute protested vigorously at a decision by the Mayor of London and Greater London Authority (GLA) to hold two key meetings on the problem of increasing murders through knife crime in private.

The decision was taken on the grounds that there were election purdah restrictions based on the fact that some GLA members were standing in local London Borough elections.

The PPB Chair put in a Freedom of Information Act request for all documents and communications concerning the decision to exclude media and public from these meetings. Mayor of London's office and GLA released many communications indicating professional media disquiet and protest at the decision. The material indicates the GLA and the Mayor of London's office believed the undermining of freedom of information as a result of the exclusion would be served by the release of the electronic recording of both events.

However, after follow-up questions by the PPB Chair, it transpired that an electronic record of one of the meetings was not preserved. We have asked for an internal review of the decision by Mayor's Office and GLA to reject access to the legal advice on election purdah and up until now there has not been a response to the review request within the recommended 20 working day period. We intend to put in an appeal to the Information Commissioner's Office.

The involvement of the CIoJ in this matter received significant coverage in UK Press Gazette.

Save Our Newspapers

The PPB is conducting a campaign aimed at halting and reversing the decline in journalist employment and newspaper publication in the UK.

The Institute is committed to a campaign of research and development to find new ways of sustaining qualitative local and regional journalism in newspaper and multimedia publishing.

The campaign will track and analyse news media closures and start-ups, promote the concept of literacy and the social value of reading printed newspapers and magazines with readers of all generations and investigate ideas for redressing the imbalance in advertising revenue gained by global social media businesses (which has undermined the viability of printed newspapers).

We hope the campaign will engage with local, regional and national politicians and public bodies to assert the public interest and public sphere role of professional, qualitative and independent journalism that holds power to account and supports properly remunerated professional journalists.

Protection of Journalists' Sources

PPB Chair played a central role in a special seminar held at Garden Court Chambers in the Robert Norman Belmarsh Prison whistle-blower case in November 2017.

The Institute's leading role in this campaign to protect journalists' sources received coverage in UK press gazette and in the legal profession's Counsel magazine.

Mr Norman's case has been accepted by the European Court of Human Rights at Strasbourg which has asked the UK government to respond to the terms of his application. Here is the latest report on the progress of the case by Keir Montieth:

'As ever thanks so much for your continued support and in particular your April article. Meanwhile the President of the First Section has invited a Government response to the application. I hope that I will be able to properly update you once we have received it. Myself, Lucie, Henry and Bob will be meeting in July and the organisation of another event will be on the agenda. Timing is so hard to predict with the ECtHR so I suspect we should just find a date that is convenient to us all and fits in with something significant in the chronology of the case.'

The PPB Chair's online discussion and analysis of press and media regulation resulted in publication in UK Press Gazette and the Conversation.

All of these activities and this level of campaigning demonstrates that the Institute is performing well above its weight and scale in intervening and having influence on the key professional issues concerning the rights and conditions of journalists everywhere.

We intend to maintain and build on this as much as we can in future years.

CHARITIES:

At the Institute's 2016 AGM members were asked to vote on a motion which sought to merge the Benevolent, Orphan and Pension Funds. The motion was amended to ask Council to investigate the proposal and provide more detail on what would be involved. During the course of 2017, Council has held a consultation with members to seek their views on the merger. The response, while members were generally in favour, was wide ranging and occasionally contentious with some strongly voiced opinion against. In addition, during Council's investigation into the possibilities, the Institute's solicitors identified a number of issues that needed to be resolved either as part of the merger, or, if that didn't go ahead, separately in order to bring the Fund's rules and trust deeds in line with current law. One of the more essential issues to resolve was to update the deeds of appointment for all Institute charities (this has now been rectified). The matter was returned to the 2017 AGM for further discussion.

At that meeting members agreed to merge the Institute's Benevolent, Orphan and Pension Funds, subject to agreement by the Charity Commission. The matter would be finally returned to the 2018 AGM where members would have to formally agree to amendments to the Institute's rule book.

Orphan Fund

While many people think it is charming to have a benefit for the children of deceased members, the real work of the Orphan Fund is the issues and concerns of each individual child who now needs serious help to stay positive about their future after such a sad loss.

It is not possible to discuss such private matters in any public forum but the three children and young people we have supported to the tune of £25074 are delighted we are there.

The remaining parents have also spoken of the relief they feel as two incomes suddenly become one and for older orphans this included a significant contribution to pay for their student education.

This year we have had the additional challenge. To make sure the Orphan Fund meets the original purposes of the charity set up in Victorian times, alongside the strenuous legal framework of The Charities Commission and the ever moving financial, data protection and welfare measures which will protect children, trustees and our members fully in these contemporary times.

Adding in the proposed changes to the overall charity arrangements at the CIoJ, had left some trustees feeling unsure about their future involvement. This was despite the Orphan Fund investments at the highest level in their history because of their combined prudent management.

The consistent assurance that these proposals will not reduce the support to our members sand especially the children, means that most of the trustees now remain working with this rewarding charity.

I thank each of them and our Chief Executive, Dominic Cooper, for their financial management combined with heartfelt and continuing care for this crucial work. And I also praise them for the care, challenge and assurance they have provided over the year of change. Ultimately whatever happens we are assured that this ongoing work will continue to support our members' children for many years to come.

Liz Justice, Chairman

Oak Hill & T P O' Connor Fund

The Oak Hill & T P O'Connor Fund and the Pensions Fund were administered by an unchanged committee of Trustees during the course of 2017. Seven grants were made to members, compared with only four in the previous year, Income for the year was £8,556 (2016 - £7,064) and the total value of the Fund now stands at £240,799 (2016 – £220,845).

Although the Fund was called upon to help CIoJ members just a few times a year, the rapid assistance that was provided was always much appreciated. However, the continued worry is that journalists in need, whether because of health problems or any other reason, are just too embarrassed to ask for help, though this is an important function of an organisation like the Chartered Institute. I discussed this problem at greater length in my 2017 report and we have notably increased and improved publicity through the Journal and online.

As a result of the potential merger of most CIoJ charities - the Pensions Fund and Benevolent Fund will become part of the new Welfare Fund - the Oak Hill and T.P. O'Connor is likely to spend more time and resources on its wider remit, which is to ALL journalists, whether members of the CIoJ or not. We are likely to see more publicity for this aspect, though it would clearly be foolish to organise a publicity campaign that greatly diminishes the fund's ability to assist sick or hard-up journalists. Nevertheless, expect to see and hear more from Oak Hill in coming years, and perhaps even a campaign for additional finance.

Pension Fund

Sadly, deaths had reduced the number of pensioners to four. However, three new pensioners were agreed in March 2018 to fill vacancies, making the current total seven, with at least one further vacancy.

A total of £5,690 (2016 – £5,490) was shared by pensioners in 2017. Income for the year was £8,425 (2016 – £8,123). The total value of the Fund is currently £256,180 (2016 - £242,364).

Kenneth J A Brookes, Chairman & Senior Trustee

Benevolent Fund

Trustees of the Fund discussed the future of the Fund following the motion passed at the 2017 AGM, which proposed a merger. Trustees recognised that, although there was no financial need, beneficiaries today would be better addressed if the proposed merger was to go ahead. The proposal should be subject to the agreement of the Charity Commission, however.

The fund supports members, and their dependants, through times of financial hardship. For a number of years now, the Fund's income has exceeded the call upon it from members. This means the Fund's reserves increased again in 2017.

In all, the Fund supported a total of four members during 2017 (2016 – 6 members) with grants totalling £7,847 (2016 – £9,449). One loan of £2,000 was also provided to a member (no loans were provided in 2016).

Incoming resources for 2017 were slightly increased to £12,922 (2016 - £12,287), and the total value of the Fund increased through the year to just over £326k (2016 - £304k).

During the year, Trustees became aware of the need to update the Fund's Deed of Appointment to reflect the elected Trustees. This was completed earlier this current year (2018).

Dominic Cooper, Trustee

DEATHS:

It is with great sadness that your Council reports the deaths of 17 members during the year. Among those who passed away were some significant stalwarts of the Institute including Vic Barnes, Daljit Sehbai, Roger Ryan and Clare Hollingworth.

Signed

Janice Shillum Bhend, President

Dominic Cooper, Chief Executive

23 September 2017

Have you renewed your subscription

Links for the payment of your subs may be found on our webiste. Don't forget you can pay by cheque, credit/debit card, direct debit, direct transfer and paypal.

The **Chartered** Institute of **Journalists** - audited accounts

Report of the Independent Auditors to the Members of The Chartered Institute of Journalists

We have audited the financial statements of the Chartered Institute of Journalists for the year ended 31st December 2017, which comprise the income statement, the balance sheets and the related notes. The financial reporting framework that has been applied in their preparation is applicable law and United Kingdom accounting standards (United Kingdom Generally Accepted Accounting Practice), including Financial Reporting Standard 102 'The Financial Reporting Standard applicable in the UK and Republic of Ireland.'.

This report is made solely to the Institute's members as a body. Our audit work has been undertaken so that we might state to the Institute's members those matters we are required to state to them in an auditor's report and for no other purpose. To the fullest extent permitted by law, we do not accept or assume responsibility to anyone other than the Institute's members as a body, for our audit work, for this report, or for the opinions we have formed.

Respective responsibilities of Council and auditors

As explained more fully in the Statement of Council Responsibilities set out on page 3, the Council is responsible for the preparation of the financial statements and for being satisfied that they give a true and fair view. Our responsibility is to audit the financial statements in accordance with applicable law and International Standards on Auditing (UK and Ireland). Those standards require us to comply with the Auditing Practices Board's Ethical Standards for Auditors.

Scope of the audit of the financial statements.

An audit involves obtaining evidence about the amounts and disclosures in the financial statements sufficient to give reasonable assurance that the financial statements are free from material misstatement, whether caused by fraud or error. This includes an assessment of: whether the accounting policies are appropriate to the Institute's circumstances and have been consistently applied and adequately disclosed; the reasonableness of significant accounting estimates made by the United Kingdom Committee; and the overall presentation of the financial statements. In addition, we read all the financial and non-financial information for the Report of the Council to identify any material inconsistencies with the audited financial statements and to identify any information that is apparently materially incorrect based on, or, materially inconsistent with, the knowledge acquired by us in the course of performing the audit. If we become aware of any apparent material misstatements or inconsistencies we consider the implications for our report.

Opinion on financial statements

In our opinion the financial statements:

- give a true and fair view of the state of affairs of the Institute as at 31st December 2017 and of its incoming resources and application of resources, including its incoming resources and expended resources, for the year then ended; and

- have been properly prepared in accordance with United Kingdom Generally Accepted Accounting Practice.

Matters on which we are required to report by exception

We have nothing to report in respect of the following matters where our engagement letter requires us to report to you if, in our opinion:

- adequate accounting records have not been kept; or
- the information given in the Report of the Council is inconsistent in any material aspect with the financial statements; or
- the financial statements are not in agreement with the accounting records and returns; or
- we have not received all the information and explanations we require for our audit.

Sam Narula (Senior Statutory Auditor)
for and on behalf of
Samuels LLP
Statutory Auditors
3 Locks Yard, High Street, Sevenoaks, Kent, TN13 1LT

	notes	2017 £	2016 £
INCOMING RESOURCES			
Incoming resources from generated funds			
Activities for generating funds	2	112,905	115,802
Other incoming resources		1,440	1,080
TOTAL INCOMING RESOURCES		114,345	116,882
RESOURCES EXPENDED			
Institute activities	3		
Journal		4,560	3,146
Conference		1,282	1,620
Travelling and Meeting		2,970	4,083
CIOJ (Trade Union)		63,000	69,300
Administrative costs		36,943	34,544
Governance costs	4	5,000	5,000
Total resources expended		113,755	117,693
NET INCOMING/(OUTGOING) RESOURCES		590	(811)
RECONCILIATION OF FUNDS			
TOTAL FUNDS BROUGHT FORWARD		71,138	71,949
TOTAL FUNDS CARRIED FORWARD		71,728	71,138

NOTE: Full accounts, with auditors' notes, and accounts for the Institute's smaller charities may be obtained from head office.

The Chartered Institute of Journalists - 2017 FUND ACCOUNTS

NOTE: Full accounts, with auditors' notes, and accounts for the Institute's smaller charities may be obtained from head office.

Orphan Fund

STATEMENT OF FINANCIAL ACTIVITIES
FOR THE YEAR ENDED 31st DECEMBER 2017

	2017 £	2016 £
INCOMING RESOURCES		
Investment Income	108,477	104,223
RESOURCES EXPENDED		
Charitable Activities	48,847	61,453
Unrealised gains/(losses) on Investments	162,399	167,630
NET MOVEMENT IN FUNDS	222,029	210,400
BALANCE BROUGHT FORWARD 1st JANUARY	2,666,732	2,456,332
BALANCE CARRIED FORWARD 31ST DECEMBER	£2,888,761	£2,666,732

Continuing operations
All income and expenditure has arisen from the continuing activities.

NOTE: Full accounts, with auditors' notes, and accounts for the Institute's smaller charities may be obtained from head office.

Benevolent Fund

STATEMENT OF FINANCIAL ACTIVITIES
FOR THE YEAR ENDED 31st DECEMBER 2017

	2017 £	2016 £
Income		
2* Investment income	12,598	11,975
Bank interest	4	12
Loan repayments	300	300
Other	20	-
TOTAL	12,922	12,287
Payments		
Grants (6 grants (2016 = 6))	7,240	9,449
Loans (one (2016 = 0))	2000	-
Administrative charges	1,400	1,400
Miscellaneous & recharged Expenses	1,102	380
Total	11,742	11,329
INCOMING RESOURCES EXCEEDED RESOURCES EXPENDED	1,180	958
OTHER RECOGNIZED GAINS AND LOSSES		
Unrealised changes in asset values	18,206	18,851
Changes in creditors	-	-
Changes in debtors	1,700	(300)
NET MOVEMENT IN FUNDS	19,906	19,509
OPENING BALANCES	304,999	285,490
FUND BALANCES AT YEAR END	326,085	304,999

Oak Hill & TP O'Connor Fund

STATEMENT OF FINANCIAL ACTIVITIES
FOR THE YEAR ENDED 31 DECEMBER 2017

	2017 £	2016 £
INCOME		
Investment income	8,552	7,047
Bank interest	4	17
Other income	-	-
TOTAL INCOMING RESOURCES	8,556	7,064
PAYMENTS		
Grants (7 grants (2016 = 4 grants))	1,461	2,125
Administrative charges incl audit fee	900	960
Trustees' Expenses	170	302
TOTAL	2,531	3,387
INCOMING RESOURCES EXCEEDED RESOURCES EXPENDED	6,025	3,677
OTHER RECOGNIZED GAINS AND LOSSES		
Unrealised changes in asset values	13,929	38,551
Less investment during the year	-	(25,000)
NET MOVEMENT IN FUNDS	19,954	17,228
OPENING BALANCES	220,845	203,617
FUND BALANCES AT YEAR END	240,799	220,845

Pension Fund

STATEMENT OF FINANCIAL ACTIVITIES
FOR THE YEAR ENDED 31 DECEMBER 2017

	2017 £	2016 £
INCOME		
Investment income	8,418	8,114
Bank interest	3	9
Other	4	0
TOTAL	8,425	8,123
PAYMENTS		
2 Grants to 4 pensioners (2016: 5)	5,690	5,490
3 Administrative charges	1,610	1,678
Trustees' Expenses	0	0
TOTAL	7,300	7,168
INCOMING RESOURCES EXCEEDED RESOURCES EXPENDED	1,125	955
OTHER RECOGNIZED GAINS AND LOSSES		
Unrealised changes in asset values	12,692	16,666
Creditors	0	250
NET MOVEMENT IN FUNDS	12,692	17,371
OPENING BALANCES	242,364	224,993
FUND BALANCES AT YEAR END	256,180	242,364