



HOUSES OF PARLIAMENT

Joint Committee on Human Rights

Oral evidence: [Violence against women and girls](#), HC 594

Wednesday 19 November 2014

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Written evidence from witnesses:

- [Ending Victimisation and Blame](#)

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Members present: Dr Hywel Francis (Chair); Baroness Berridge; Lord Lester of Herne Hill; Baroness Lister of Burtersett; Baroness O’Loan; Mr Virendra Sharma; and Sarah Teather

Questions 93-111

Witnesses: **Charlotte Dewar**, Director of Complaints and Pre-publication Services, IPSO, **Tony Close**, Director of Content Standards, Licensing and Enforcement, Ofcom, **Alison Marsden**, Head of Complaints Licensing and Enforcement, Ofcom, and **Jo Costello**, Ending Victimisation and Blame gave evidence.

Q93 Dr Hywel Francis (Chair): Good morning and welcome to this evidence session of the Joint Committee on Human Rights in our inquiry into violence against women and girls. For the record, could you introduce yourselves, please?

Jo Costello: I am Jo Costello and I am from Ending Victimisation and Blame.

Alison Marsden: I am Alison Marsden from Ofcom.

Tony Close: I am Tony Close. I am also from Ofcom.

Charlotte Dewar: I am Charlotte Dewar. I am the Director of Complaints at the Independent Press Standards Organisation.

The Chair: Thank you very much and welcome. Could I begin by asking the first question, which is about the Leveson inquiry? It is two years since the inquiry. What, in your consideration, has changed in the media’s depiction of women and violence against women?

Charlotte Dewar: From my perspective the biggest change is the regulatory infrastructure that is in place to consider these issues. As I am sure you all know, the Press Complaints Commission closed as of 8 September and simultaneously IPSO launched. It has new powers to consider this issue more broadly, and I would say from my perspective that this is the start of a new conversation and a new ability to consider these issues systematically. As is widely understood

and appreciated, the Press Complaints Commission lacked the powers and the remit to look at such systematic questions across publications, across the industry and across complaints. We are really starting fresh now with the standards function in place to start looking systematically at that. I would say that we will look in a year or two years at these questions, but for now it is really difficult to say.

Jo Costello: We would have issues with the new press regulator with regard to the fact that not all media outlets are part of that. As we understand, the *Guardian*, the Financial Times Group of newspapers and the *Independent* do not take part in IPSO. One thing that is difficult for our supporters is knowing where to make a complaint in the first place.

Q94 Lord Lester of Herne Hill: Could I, before I ask my questions, say to Charlotte Dewar how personally glad I am that the new regulator has been set up? The newspapers that do not belong will, I hope, have equivalent mechanisms—the *FT*, the *Guardian* and so on. I am a lawyer, and I am going to ask you a very lawyerlike question if you will forgive me.

The Equality Act 2010 exempts altogether from the discrimination provisions in services the electronic media, so the BBC in law is exempt on grounds of free speech. The print media are not exempt in the same way, no doubt because self-regulation is considered to be the way forward. Have you thought about the balance to be struck and maintained between equality, free speech, human dignity and so on when dealing with the kinds of questions you will be facing this morning?

Charlotte Dewar: The simple answer is that we spend time thinking about that almost every day. That is at the core of what we do. There are two arenas in which to consider this. One is the day-to-day practice of providing a non-discriminatory service and a service that effectively assists individuals in making complaints about breaches of the editors' code of practice as it is currently written. I am aware that there are concerns about the terms of the editors' code of practice. Lord Justice Leveson recommended in his report that consideration should be given to amendments to the editors' code of practice that fully protect freedom of expression and freedom of speech that would allow IPSO now to intervene in cases of allegedly discriminatory reporting, and in so doing reflect the spirit of equalities legislation. We are, at this very moment, advertising both for members of an appointments panel and for three lay members of the editors' code of practice committee. Applications close on Sunday and we will then move forward as soon as possible to get those members appointed, because the editors' code of practice committee will then be doing exactly that.

Tony Close: Could I offer one minor clarification? The BBC as an institution is subject to the Equalities Act, but you are absolutely right; its creative output—its broadcasting—is exempt on journalistic grounds. It is subject to statutory regulation.

Q95 Baroness O'Loan: The media are sometimes accused of having victim-blaming attitudes, where the victims and not the perpetrators of violence are held responsible. Could you tell us the actions that you have taken within your organisation to ensure that your staff act positively to counter these attitudes and to respond to such allegations?

Tony Close: Shall I go first on that one? The regulation of television and radio is largely underpinned by a broadcasting code that contains a comprehensive set of rules. One of those rules, or one of the areas that it touches upon, concerns offence or potentially harmful material. Gender discrimination, victim blaming, violence or violence against women would fall clearly within the category of potentially offensive content. We require broadcasters to ensure that if they do include potentially offensive content of that nature they do so in a manner that is

appropriately justified, and that they can provide proper context to enable viewers to understand what is being said within the programme and to understand that there is more than one perspective. If a broadcaster did provide demonstrably offensive material of that nature without justification, Ofcom is in place to act, to enforce against them, and ultimately to impose sanctions against them.

Jo Costello: I have been doing some research in anticipation of appearing here, and I just took a snapshot of the newspapers yesterday. There was the HMIC report into sex offences, and the media insist on reporting them as “sex offences” rather than “sexual offences”. They use the term “sex crime” in quite a lot of cases, conflating sex with sexual violence, including on the front page of the *Metro* yesterday. We have also had a 13 year-old girl who was pursued aggressively by up to 200 men. This was a case of sexual exploitation. Under the *Telegraph* headline, “13-year-old befriended 200 men online”, yesterday, was, “A 13-year-old girl from Fife in Scotland is at the centre of a paedophile probe after contacting around 200 men online and exchanging indecent images”. She is being sexually exploited and yet the media are reporting it as something she has instigated. We are aware that some of that reporting is direct quotes from the courts, which is where these statements have been made, but we do feel that newspapers have a responsibility to report responsibly with regard to violence against women and girls. We have perpetrator erasure in the case of April Jones. The property was described as the “house from hell”, so erasing Mark Bridger, who was the perpetrator of April’s murder, and “The Wales cannibal killer”, so erasing Cerys Yemm. This is how the descriptions are. It is very salacious, it is sensationalist, and it is really disrespectful to a woman who has been killed by a man. We should be able to name it as such.

Charlotte Dewar: Can I just answer that? Just on a personal level I would say that victim blaming is not an abstraction to me, because some of the most difficult kinds of complaints that I dealt with as a complaints officer when I was a complaints officer were complaints framed under clause 7 of the editors’ code of practice, on children and sex cases, and clause 11, on victims of sexual assault. It is extremely rare for them to be identified as such, but information could be published, in breach of the code, that contributes to a local community becoming aware of who they are. Honestly, in terms of losing faith in human nature there is really nothing like the community finding out the identity of an 11 year-old or 12 year-old girl who has been the victim of grooming or sexual assault by a teacher or another trusted person and that child being subject to ostracism and blame and shaming. I am aware of a number of those cases and I am sure that Jo is as well. It is absolutely shocking. Once it gets to the stage of making a complaint, to an extent that process is already under way and it is very difficult because you cannot put that rabbit back in the box. What IPSO can do, and to give it credit what the Press Complaints Commission did, is enforce those provisions of the code very strictly and try to make editors as aware as possible through training and other means of the extreme danger of reporting around this area and the fact that often acts of reporting court cases in good faith—this goes back to the same point—can have effects that no one would have hoped for in doing that.

Jo Costello: We would agree with that as well. There was a recent breach of anonymity of a victim of sexual violence by Sky News, which they apologised for immediately. However, we have numerous concerns about journalists who are live-tweeting court cases. They are in court hearing the evidence and tweeting out what they are hearing. Although that information should be anonymised, we, as women who work with broadcasters and regulators, know the identity of some of those victims because we have been able to work it out.

Sarah Teather: Do those tweets come under the regulation of IPSO or not? Is there anybody who regulates that if journalists tweet them out?

Jo Costello: We are not sure. We normally challenge the individual journalist. We will say, usually on Twitter or by e-mail, “We think that your tweets are able to identify the victim”. We are ignored or they say that they are just tweeting out non-identifiable details. We are not sure where to go next with it.

Charlotte Dewar: Identifying victims of sexual assault or alleged victims of sexual assault is illegal under the Sexual Offences Act. As we are aware from the Ched Evans case, people can be prosecuted for social media tweets. However, it is not under IPSO’s remit as such.

Sarah Teather: This is quite a grey area, is it not? Most of the way in which people now pick up their media is online, and their access into it is not necessarily by logging into a website; it is by picking up the feed from Twitter or picking it up on Facebook. I just wonder whether, given the changing nature of media and the issues that we are discussing, particularly the impact on women, your regulatory powers are adequate here. Do you have an answer?

Jo Costello: I would say that they are probably not.

Q96 Baroness Berridge: In the specific context of the tweeting of court proceedings, is any guidance given by judges at the beginning of cases that you are aware of about live tweeting and the possibility of identification?

Jo Costello: We expect so. From having contact with journalists, bearing in mind the amount of social media news and live tweeting by journalists, it looks as though they are given clear instructions on what they can and cannot report. That does not mean that breach of anonymity does not happen in some cases. Even if it is not an overt breach where someone is named, such as in the incident by Sky recently, it is more covert; you would be able to work it out if you lived in the area, if you knew the people connected to the case. That is one of the areas for our concern.

Q97 Baroness Berridge: Moving on, to what extent do you think the media reporting of recent high-profile sex offenders such as Jimmy Savile and Ched Evans has been appropriate? Has it helped to create a climate in which violence against women is condemned or condoned?

Tony Close: That is quite a challenging one. I might ask my colleague whether or not we have had any complaints about some of the reporting to see whether or not we can give an indication of the public’s view—whether it is largely condemnatory in nature or whether there is any sense that it has underplayed the seriousness of the crimes.

Alison Marsden: We have not had a particularly high number of complaints in that area. The most notable issue was the comments made by Judy Finnigan on the programme “Loose Women”, in which she gave her views on the conviction for rape of Ched Evans. We had 20 complaints about the comments that Judy Finnigan made, particularly that people were concerned that she was dismissive of rape.

Sarah Teather: Do you just act when there are complaints or do you have a more proactive response? Do you have a policy and a strategy about these issues that goes wider than the public furore? It is quite fickle.

Tony Close: Of course. Complaints are good indicators of levels of public concern, but they are not the only indicator or the only reason why we would look into a broadcaster or broadcasters for their coverage. What we are limited by though, quite correctly, is our remit. Our remit in this area focuses on preventing the provision of harmful or offensive content rather than specifically

the creation of a condemnatory or non-condemnatory environment or atmosphere. I have to say that we have not seen grounds to act either on our own initiative or in light of complaints from members of the public.

Sarah Teather: Have you spent some time considering this issue specifically? Is this an ongoing stream of work or is it something that you had to prepare specifically for this Committee? Do you get the question I am asking? I am asking you how much thought is going on behind the scenes. How much is this integral to your thinking about your role and your remit?

Tony Close: Violence, and violence against women specifically, is integral to our role and our remit on the prevention of material that is harmful or unjustifiably offensive. It is a core and continuous part of our work to ensure that our rules and the guidance that underpins them are fit for purpose, reflect public opinion and ensure that the public are appropriately protected. In the summer we carried out specific work to look at violence and to draw out key public concerns about particular areas of violence. It is clear that there are growing concerns about sexual violence and sexualised violent scenes, and it is clear that there are growing concerns about the presentation of imbalanced violent scenes—i.e. adults against children or men against women or groups of men against individual men. We continue to ensure that the rules are fit for purpose; we continue to keep an eye on it. We are currently updating our guidance to assist broadcasters to ensure that they know how to deal with issues like this.

Charlotte Dewar: If I could just answer both of you at once, in broad terms in relation to the Ched Evans case, this gets back to the same issue about social media and the real difficulties. I am sure that we are all aware of the extreme difficulties that Ched Evans's victim is in, apparently having to change her name multiple times and leave her home. That is appalling and horrific, really. I am not aware of any specific concerns with respect to press reporting in that respect. However, it is clear that the press have been a forum in which a lot of views have been expressed, including by Judy Finnigan, that people find offensive, but it has also been the means by which those views can be challenged. There is a real danger across the population at large of asking why this happened and looking at factors such as whether the woman was drinking and what she was wearing. That is pernicious, and it is still very pervasive in society. It can be the vehicle for offensive views or views that people find upsetting, and I am sure that for victims of sexual violence reading those views in the paper is very upsetting and worrying, but you also see a lot of responses to that, so ultimately it is a very healthy process.

I should just mention with respect to press reporting—you mentioned the Jimmy Savile case—that the Press Complaints Commission upheld two complaints in the last couple of months of its time. Very regrettably, both related to victims of Max Clifford, one of whom the PCC ruled had been harassed by the *Sun* in the course of attempting to get her comment following his trial, and another who had been subject to behaviour by the *Kentish Gazette*—a regional paper—as well. From the Press Complaints Commission's point of view it was certainly not a spotless record for the press in covering these, but overall I would say that it is a healthy process to have this debate.

The Chair: Mr Close, to come back to the comments that you made about your appearing to be more proactive and trying to explain the guidelines, what is the response from the press to the way in which you are doing that. Do they welcome it? Do they find it helpful?

Tony Close: Can I offer a clarification? Ofcom does not regulate the press. Ofcom regulates television and radio broadcasters.

The Chair: Okay.

Tony Close: Do they find it helpful? I hope they find it helpful, but it largely depends on the nature, size and resources of the broadcaster. We regulate around 2,000 broadcast services. There is a considerable variation in size and competence, if I am being honest. Larger broadcasters are grateful for advice but are also able and have the resource to create their own compliance advice for journalists proactively. Smaller broadcasters are, I think, very grateful and like the fact that we are able to intervene proactively and help them. Whether or not they are as able to act on that advice successfully is a different question.

The Chair: Following up on that, do you get any interaction with the trade unions that represent many of these journalists? Do they see that they have a responsibility as well?

Tony Close: Very rarely, is the honest answer. We have had some interaction with trade unions, but not on issues relating to this area. Ofcom has a direct relationship with broadcasters—licensed services—but not necessarily with journalists or their representative trade bodies.

Q98 Baroness Berridge: This question is probably more relevant for Charlotte and Jo. Are there situations in which you are proactive in the sense of providing resource to people who are victims of high-profile crime who might not just need a police liaison officer but need to know, just before hopefully, the press land outside, what their rights are—whether they have to speak to them, or whether they can ask them to go away—and need that kind of officer? Do you go out and have a proactive role like that? If not, should there be someone who in high-profile situations can go to their assistance?

Charlotte Dewar: We do. Where we become aware of huge coverage around an issue, particularly if it involves members of the public who will not have legal representatives and press representatives on hand, we will generally—because in the immediate aftermath of an event that person is going to be experiencing chaos and they are not going to really know what is going on—go via the relevant service. That could be the police in many cases if it is an issue of violence or it could be the hospital if someone has been injured and they are in hospital. We will make contact via an appropriate service. Groups that are in place that may have an existing relationship with that person already if they are part of a vulnerable community also have a really important role to play in that respect. I would be interested to hear what Jo has to say.

Jo Costello: We do not, but partly that is because of resources. We are a small, volunteer-based organisation. We would like to see something like that formalised for victims of crime. It would be really helpful and useful.

Baroness Berridge: There are some occasions when the police might somehow be involved in the incident but they are not always the right entry point.

Charlotte Dewar: Absolutely, yes. We will always consider what our best shot is at getting to someone. People are often not at their home and it can be quite difficult to figure out the best way.

Baroness Berridge: Do you publicise that at all? As parliamentarians you are sometimes called on in these situations. I think people have quite a high awareness now of police liaison. Publicising that so that people are aware of the equivalent press liaison would be really helpful, so that if it does happen there might be some awareness.

Charlotte Dewar: Absolutely. As you know, IPSO has only been going for two months, and once we gather pace, and frankly get staffed up fully, we will be doing a lot of external affairs and a lot of communications. We do a lot of pre-publication anti-harassment services. By its nature it is extremely difficult to publicise; successes cannot be publicised because the whole point is that the person concerned does not want intrusion. There is just one more point that I have not mentioned but is really important to say because I am aware that it has been raised with the Committee by previous witnesses. Leveson, and I know witnesses, called for representative groups that work with victims of sexual violence to be able to act on behalf of victims who may not be able to represent themselves or may not even be aware of a regulatory function and so are essentially not involved. That is something that IPSO does have. We do have that ability. It is specifically in our regulations. Where there is a significant public interest, we can take a complaint from, say, a group that deals with refugees about a woman who may no longer be in the country and so is not contactable or is vulnerable and not in a position to represent herself. That is a really positive change.

Q99 Baroness O'Loan: Mr Close, taking your comment that smaller broadcasters are very happy for you to come and tell them something but are finding it very difficult to comply in the context of the impact of adverse, hostile or derogatory comments about victims of sexual violence, I wondered what you do about that fact. Can you explain it to me? I do not understand.

Tony Close: To be clear, the point I was making is that the provision of good guidance is an essential part of ensuring that broadcasters are in the best place to comply, but that larger broadcasters are better able to comply than smaller broadcasters—not that smaller broadcasters do not comply, but they require further assistance from us in order to ensure that we get a good outcome from them.

Baroness O'Loan: What is the nature of that assistance?

Tony Close: Written guidance. Bringing them in in person to explain the steps that they should take in order to avoid being non-compliant with the code. If they fail to take our guidance on board and fail to stick to the rules set out in the code, we will incentivise them to comply in future by recording breaches against them, hitting them with a large financial penalty, or ultimately taking their licence away.

Baroness O'Loan: Have you take a licence away in this situation?

Tony Close: For this kind of thing? No.

Baroness O'Loan: Have you incentivised someone by imposing a large penalty?

Tony Close: For this? No, we have not.

Baroness O'Loan: Have you done anything to incentivise—

Tony Close: Yes. We have—

Baroness O'Loan: You have called them in.

Tony Close: To help them, yes.

Q100 Lord Lester of Herne Hill: As you all know, we make a distinction between the print media and the electronic media: electronic media—Ofcom, public-authority regulator; print media—self-

regulation. We maintain that for good reason, but there is an overlap. For example, newspapers are electronic as well as print, and so on. Do you operate common standards between Ofcom and IPSO when it comes to the kinds of questions that we are asking? Do you get together and see what common standards may apply both to the print media and to the electronic media?

Tony Close: The first thing that is worth saying is that the plain reading of both of our codes, although they might be different in size, indicates that at their heart they both cover the same issues in roughly the same detail with roughly the same key messages for our different sectors. There is a great degree of commonality. Over the years, Ofcom and the PCC, prior to IPSO, had a great deal of liaison with each other to ensure that we were not reaching perverse outcomes that might give rise to confusion among members of the public. I should say that IPSO has only been up and running a couple of months so our liaison has been limited, but it must be right that organisations that have a responsibility to protect the public across a range of media, where the boundaries of those media increasingly blur as technology converges, work together to ensure that there is a degree of commonality but reflect that they are different industries that do different things.

Sarah Teather: Have you formally met since IPSO has been set up?

Tony Close: No.

Sarah Teather: Have you got a meeting set up in the diary beyond our Committee?

Tony Close: We have not, no.

Charlotte Dewar: We did just discuss in the hallway that we needed to have done that already and we will be doing that.

Jo Costello: It would be really useful for us if broadcasters of whatever type referred, as mentioned previously, to the trade union guidelines. The National Union of Journalists has really basic guidance on reporting violence against women and girls. It is just over two A4 sides long and gives lots of support services at the end that journalists could refer to in order to report properly on this issue. These were set up in 2013 and had previously been on the members' area of the National Union of Journalists, so were accessible only to members, so we were not aware of their existence until somebody sent us a copy. We then contacted the NUJ and asked them to move it to the public area of their website, which they have done and they did it really promptly. We refer many journalists who report poorly on this issue to these guidelines, but there does not appear to be any kind of incentive for them to refer to them in the first place or a sanction if they choose not to adhere to them.

Q101 Lord Lester of Herne Hill: I am struggling as to how to put this question about telephone helplines and guidance given in a way that may apply to the print media as well as to the broadcasting media. Insofar as it is about programmes it is a question for Mr Close. I do not know whether it is also a question for Ms Dewar. The general question is: do you have any guidelines about information that you have to give at the end of a programme involving violence against women? That is a broadcaster question. Are you aware of examples where information is given after a programme for men who are worried because they are perpetrators? Again, that is a broadcasting question. The broader question, I think, is: what help do you generally give to guide the public about programmes or articles in newspapers in this area?

Tony Close: I will kick off. You reference broadcasting and programmes. Do we give guidance in relation to the provision of helplines or information about particularly sensitive issues, including violence against women, after programmes? Yes, we do. Our guidelines specifically state that broadcasters, when dealing with sensitive issues—and this would be a sensitive or challenging issue—should consider giving an appropriate and relevant helpline and additional information at the end of the programme. That is not just to help viewers but it is an important tool in mitigating any potential for offence that might be caused by the coverage or portrayal of sexual violence or violence against women within the programme.

The second question was whether we have any experience or evidence of there being incidents where it is directed at men as perpetrators. I do not think so. That is not to say that it has not happened, only that there are hundreds and thousands of hours of broadcasting out there and we do not watch all of it. There are some excellent examples out there of soaps aimed at young people and other programmes that proactively engage with their audiences and provide them with the kind of helpful information that the Committee is talking about today.

Charlotte Dewar: If I understood your question correctly, the sort of guidance that you are talking about is accessing specialist services by victims of violence in relevant issues. That is not something that the Press Complaints Commission did as far as I am aware, or that the Independent Press Standards Organisation has done as yet, but—and I hate to sound like a broken record—it really gets back again to the fact that it is a new organisation and the standards function, looking broadly, is very much in its infancy. This is an interesting point. The context in which we generally think about guidance currently is providing 24-hour-a-day assistance to individuals who are experiencing problems with the press in a more immediate sense of press harassment with the potential for intrusive stories to be published, and to editors who are considering publishing relevant coverage and are not sure how to do it in compliance with the editors' code.

Lord Lester of Herne Hill: Would you not be tackling this not only through your code but by encouraging newspapers through their own codes as well to be proactive in this area?

Charlotte Dewar: The editors' code of practice prohibits prejudicial pejorative reference, so in that sense it is in the code that you are supposed to avoid discrimination. I had understood that you were talking about something broader than that in terms of signposting relevant services. At the moment, that issue is not covered by the code, but it is an interesting one for discussion.

Q102 Sarah Teather: I am curious to know what Jo Costello thinks about the remark that Mr Close made a minute ago that putting a phone line up is an important tool for mitigating offence about the content. I felt a bit uncomfortable and I was just curious to know what an organisation that deals with—

Jo Costello: We would want helplines to be included at the end of every article or broadcast that is involving violence against women and girls. That should be specific for the region or the area that it is published in. We are aware that a recent story on "EastEnders", where Rape Crisis worked closely with the BBC to cover a story on violence against women and girls, generated some complaints because of the content, but this makes up a considerable part of many women's lives; this is real life, and if you are offended by it then maybe we need to be having a conversation about where that offence is coming from. We should not be pandering to that, really.

Tony Close: Can I clarify, Sarah? What I was saying was that in addition to providing something that I think is core to this Committee, appropriate information for people who have been affected by that, the provision of any information before or after a programme has the effect of contextualising the content of that programme to the extent that viewers should understand that the presentation was not intended to be gratuitous but rather that the broadcaster has thought about it and that the information at the end and beginning serves additionally to mitigate any potential for offence.

Sarah Teather: My worry is that it does not make it go away.

Tony Close: No, of course it does not.

Sarah Teather: There is a danger that you can put anything in the programme as long as you have stuck a helpline at the end. I was a bit surprised, particularly with the way in which you worded it. Perhaps that is not what you meant.

Tony Close: Clearly I was not as clear as I should have been.

Q103 Baroness O'Loan: I want to ask you a question about the impact of this kind of particularly televised media on young people. There is a nine o'clock threshold for sexual activity of certain kinds, but have you thought about imposing—or discussing, even—some sort of time before which there will not be this kind of portrayal of activity? I am thinking of this particularly because of the emerging evidence of enhanced sexual activity among very young children and the general pressure on young girls now. Have you thought about imposing some sort of threshold?

Tony Close: Sorry, could I ask for clarification? Do you mean a kind of graduated watershed—an earlier timing threshold for this kind of content?

Baroness O'Loan: Yes.

Tony Close: The honest answer is no, but I would like to say a bit more than that. The 9 pm watershed has been with us for around 50 years in the UK. It has proved to be an astonishing regulatory and media-literacy intervention. It is still known by around 94% of the population today in an environment where the media environment is very mixed and you would think that the watershed would become less relevant. It remains very relevant. It is a core piece of information that people use to make a decision about what they will watch and allow their children to watch and what they will not watch themselves or allow their children to watch. The code makes pretty clear that the explicit portrayal of sex or sexual violence and sex crimes prior to the watershed is unacceptable. That does not mean that the issue cannot be tackled; there is no prohibition on tackling challenging issues before the watershed. I know this was not what you meant, but I would hate to imagine an environment where broadcasters found it more difficult than they currently do to bring to light to a range of audiences, including young audiences, core issues around sex, sexual violence and the risks that young people are faced with in those areas before the watershed.

Baroness O'Loan: Can I ask Jo if she has anything to say on that?

Jo Costello: What we would like to see is violence against women and girls being portrayed accurately. We know that it affects many women's lives, and lots of soap operas and things like that choose not to show it at all or choose to show something that is particularly unrealistic. We think that it is okay for us to talk about these things and it is okay for us to see that these things

happen as long as they are done responsibly by the broadcaster. Our definition of “responsibly” would be working with a women’s service in order to get advice, in the way the BBC did with the recent “EastEnders” story, and then maybe giving a caveat at the beginning of the show that “some of this content might be upsetting” and that there are support services and helplines or other forms of accessing support that are available at the end. I do not think that we should hide it away.

Baroness O’Loan: I am not suggesting hiding it away. I am looking at the impact on the way in which it is presented in some of the media.

Jo Costello: Yes, and if it was presented responsibly, that would be great.

Alison Marsden: Just to follow up on that, the majority of the complaints about that “EastEnders” episode were from parents who thought it was unsuitable for children to view that material.

Q104 Baroness Lister of Burtersett: We have talked a bit about the guidelines that you have and, Jo, you talked about the disrespectful framing in the media. Are these guidelines or standards designed positively to enhance respect for women and help prevent violence against women, or are they just a bottom line? I would like to know a bit more about the guidelines. Do you think they could be improved? Do you think they could do more to enhance respect for women? That, in a sense, underlies quite a lot of what has been said.

Sarah Teather: That is very similar to the question I was trying to get at earlier.

Jo Costello: For us, the NUJ guidelines for journalists on reporting violence against women are perfectly adequate. They worked well with a women’s organisation to produce a large booklet of information, including lots of examples, and then the NUJ have précis-ed it down for journalists just as a quick reference guide. There are some things that are a little bit woolly in there: “Take care not to contribute to the sexualisation of women and girls in the media”. We could look at all kinds of different sorts of print media to talk about the objectification and sexualisation of women and girls, so we are not sure that it does anything to prevent it. The first guideline is to include helplines at the end of articles or broadcasts. That is giving women a way of getting some of the support. If we could get journalists to refer to them, we would be very happy with the guidelines that are already in place, but the difficulty seems to be making the journalists aware that they exist in the first place and then getting them to adhere to them before an article goes into print. We do make complaints about headlines and we do have headlines changed. Journalists will come back to us and say, “Yes, that is a terrible headline. We will get it adjusted”, but quite often if it has gone into the print piece, it is a bit late by then.

Baroness Lister of Burtersett: You said that you do not think they do anything to prevent. Do you think they could go a step further?

Jo Costello: They probably could, but again it would depend on whether they had resources, and the inclination, to be able to do that. We would expect them to work with women’s services in order to be able to do that, because if we are going to progress to ending violence against women and girls and ending inequality, we need to be talking about what causes it and that is quite often the difficult thing.

Q105 The Chair: Is there a situation where you would encourage them to identify examples of good practice?

Jo Costello: Yes, we do that quite a lot on our website, especially for the journalists who are responsive to us, where they will change a headline or text in an article. We celebrate those and we regularly say, “We have had a great response to a complaint. This is what they said”. We publish that information. It takes up probably about 2% of the work that we do, so it is not a huge number, which means that we are exceptionally grateful when we do get a journalist who has listened to us.

Charlotte Dewar: Part of IPSO’s work is not really going to be about individual complaints; it is going to be about a broader cultural issue. Looking at examples of other areas of reporting where there were very serious concerns and where collectively we have achieved progress, a regulatory approach is a very important part—setting that floor is very important—but it cannot just be about that. You cannot make the law best practice. They are not the same thing and you need to pursue both at the same time. Training is a very important element, and that gets to what Jo is saying, but so is having an ongoing dialogue between publications and their readers. We all know that although they have their dangers as well, social networks and social media have been an incredible means by which readers can tell editors when they think that things have gone wrong. Also, advocacy groups have a really important role to play in flagging up issues of concern as they happen and really making clear when editors have strayed. Sometimes that will mean making a regulatory complaint, but sometimes it will just mean explaining, in a forceful way, “You do not realise it, but you have screwed up here and we want you to do better in future”.

Lord Lester of Herne Hill: I assume there is no hierarchy of concern or hierarchy of rights so that, although we are taking evidence today about violence against women and girls, we could just as easily be taking it about violence against black people or British Muslims, for example. Is the evidence that you are now giving on this very important issue also relevant to other disadvantaged groups protected, for example, by the Equality Act?

Charlotte Dewar: Absolutely. Clause 12 covers a number of characteristics. As my last answer referenced, we have a very recent example. Trans Media Watch, which is a group that represents transgender individuals, has done brilliant work—it deals with many of the same issues, albeit in a different framework—trying to move the coverage along in line with the societal change but also to improve coverage while creating a floor underneath it. Gypsies and Travellers is another area, Muslims another. There are lots of groups that are trying to make progress, and there are lessons to be learnt across them. Also, from the regulatory perspective, we have an obligation to work with all those different groups that have a stake in improving press reporting.

Tony Close: That is equally true of the regulation of broadcasting. The code lays out a range of characteristics not unlike the protected characteristics laid out in the Equality Act of communities that need to be protected from discrimination, whether it be based on gender, ethnicity, faith or disability, and it is applied equally in those circumstances. People do proactively raise concerns with us either as part of our research programme or as complaints about all of those different issues.

Q106 Mr Sharma: Ofcom recently published research on violence on TV. Has the guidance issued to broadcasters about how to deal with violence on TV been updated as a result of this? How does Ofcom respond to complaints that a programme is normalising violence against women? It is two questions in one.

Tony Close: Do you mind if I deal with the first point and then ask my colleague to deal with the second point? You are right to point out the violence research that we did. We carry out a programme of research where we test the temperature in the nation on different issues. We

were interested to see that there was a slight uptick in quantitative concerns about violence generally in broadcasting, so we decided this year to have an in-depth look at people's concerns about the presentation or portrayal of violence. That involved interviewing a number of people in their homes and looking at a range of different content. The degree of concern that we saw in this in-depth research on sexualised violence and the portrayal of sex crimes, particularly before the watershed, was startling. It was not that people said they happened a lot, but people would be very concerned if they did see that kind of thing. We are in the process of updating every aspect of the guidance that underpins the broadcasting code at the moment, not just in relation to this area but in relation to other work that we have done as well, with a view to publishing it hopefully before the end of the year but if not then early in the spring. It will deal specifically with and draw broadcasters' attention to the quite clear messages coming out of the consumers who were contacted that sexualised violence, violence against women, violence against children or violence against vulnerable communities such as the elderly is unlikely to be tolerated by viewers, particularly before the watershed.

Alison Marsden: On the issue of complaints, it is probably best if I give a recent example. We received just under 100 complaints about a series broadcast on ITV2 called "Dapper Laughs". The Committee may be aware of this; there has been some press coverage of it recently. It was a comedy series broadcast after the watershed in which a comedian, Daniel O'Reilly, played the character of Dapper Laughs, who gave dating advice to other men. The 99 complainants who contacted us were very concerned that that effectively perpetrated the view that harassment and abuse of women was acceptable and promoted sexism. As a result of receiving those complaints and having assessed the programmes, Ofcom is now investigating that series to determine whether it breached our code.

Lord Lester of Herne Hill: I am a bit worried when Mr Close says "unlikely to be tolerated" before the watershed. As a free-speech person I worry about a test that turns on what is tolerated. What do you say about that?

Tony Close: I think I mentioned earlier on—and if I did not I should have done—that there is no prohibition on the broadcast of offensive content before or after the watershed, but what we would like to see in order to ensure that an environment of generally accepted standards is adhered to is broadcasters balancing their rights of freedom of expression with the specific risks of giving rise to harm or offence of particular content. In order to determine whether or not a broadcaster has got that balance right, we regularly research, and as part of that research we try to get a sense of the degree to which different types of content are likely to cause different degrees of offence. When I say, "unlikely to be tolerated", I mean within the broader context. Man-on-man violence is much more likely to be considered acceptable by viewers. Man-on-woman violence is much less likely to be considered acceptable. That does not mean that you cannot deal with it, but it is much less likely to be considered acceptable. Adult-on-child violence or sexualised violence involving an adult and a child is really challenging—the most challenging kind of content for people. In deciding whether or not a broadcaster has got that balance right, we take into account the degree of offence capable of being caused by that type of material against the freedom of expression arguments.

Lord Lester of Herne Hill: So although there is no duty to offend, you accept that there is a right to offend in certain circumstances for broadcasters.

Tony Close: I do, yes.

Q107 Baroness Lister of Burtersett: Thinking about what Jo said earlier, violence against women exists and showing that it exists in a responsible way is very different from the kind of thing that you were talking about, Alison—this comedian who, in a sense, is inciting violence against women and the bad treatment of women. How do you distinguish between those rather different forms of media representation?

Tony Close: Our answer to this probably comes down to how people understand the role of Ofcom. Ofcom is a fairly powerful statutory regulator that has a role largely to intervene after broadcast. It is a post-transmission regulator. It does all it can to ensure that there is a clear rule framework in place and guidance to assist broadcasters in complying with those rules, but it is largely designed to ensure that negative outcomes—harms or offences—are minimised or avoided. It is not principally designed to ensure that positive outcomes are mandated or encouraged. We would expect a mature broadcasting industry that is subject to comprehensive regulation to be willing to do that for themselves, but we would not prescribe how broadcasters deal with issues like this and mandate one approach over another. We are there to protect viewers when broadcasters are getting it wrong.

Baroness Berridge: I presume that under Ofcom's remit is the broadcast of satellite television transmission.

Tony Close: Yes.

Baroness Berridge: You mention that it is post-transmission. In relation to that, have you seen a rise in complaints about content on satellite television? Even looking at news coverage, you can see there is a difference in the Al-Jazeera remit compared to the BBC remit. Have you had complaints about satellite television broadcasting in this regard?

Tony Close: In this context?

Baroness Berridge: In the context of violence against women and girls, yes.

Tony Close: I do not think we have. It is worth saying that we receive fairly low numbers of complaints about this issue. We receive many more complaints about discriminatory treatment or violence against other communities with protected characteristics—many more complaints about discriminatory treatment on the grounds of disability or race or ethnicity. It is not that people do not come forward; it is that we see higher volumes in other areas. Where we see complaints or where we proactively see content that might give cause for concern under the code, it is not principally about satellite broadcasters, I would say; it is probably more likely to be higher-volume, higher-viewing mainstream broadcasters. While there are 2,000 services out there, the majority of us spend most of our time consuming channels one through five, and that is likely to be most of the content that we are consuming.

Q108 Sarah Teather: What actions have been taken to stamp out the normalisation of widespread sexual harassment and sexual violence within the media? As a supplementary to that, the Government have made a number of different attempts to try to do this—banning video on demand, for example, and criminalising the possession of pornography depicting rape. There is a whole series of different actions. I am just wondering what the perspective of the panel is on whether the Government have done enough in this area and whether you think the Government should do more.

Tony Close: Jo, do you want to go first?

Jo Costello: We think that the normalisation of all forms of violence against women and girls is a difficult issue for us to tackle. We find that when we are talking on the surface about minor changes that are made, we are not talking at the same time about the inequality that props up that violence against women and girls. That would be our main concern. We would like to see the Government talking about inequality and about responsible reporting for all broadcasters and ensuring that there is a statutory way of complaining before a broadcast is even aired, such as in “Dapper Laughs”, because how that even got through a pilot—I cannot catch my breath. I know that there is a case today going through the court that is supported by Women’s Aid where a woman who is a victim of domestic violence and has a panic room installed in her property has been subject to the bedroom tax. If we are going to address this issue properly, we need to be talking about all forms of inequality against women and girls, and that will then allow us to address the violence that props up that inequality.

The Chair: Has everyone finished?

Sarah Teather: I would quite like to hear from Ofcom.

Tony Close: There are a couple of things that I would like to say in relation to Sarah’s question. The first is that I am really pleased with the work that the Government have done in introducing legislation around video on demand. I should say that it was off the back of a report produced by Ofcom around three years ago, where we suggested that the framework was vulnerable to abuse in that area and did not provide sufficient protection.

Sarah Teather: I think I might have been the Children’s Minister at the time.

Tony Close: Yes. We are very glad that the Government have done that. I should say that we are probably less likely, as a creature of statute that does a lot of work for Parliament and with the Government, to suggest that more needs to be done or should be done in this area. It would likely fall to us, and it is a very comprehensively regulated sector already. We need to be better and the Government need to be better in how we carry out or enforce powers that we currently have in order to ensure that we reflect changing attitudes to issues like this—not that more needs to be done necessarily, but we need to do things smarter in a way that better reflects people’s changing concerns.

I did just want to pick up on one additional issue, pre-transmission intervention, in relation to broadcasting solely. I know that IPSO deals with pre-broadcast issues. Although I do not doubt the value of intervening pre-transmission, I would caution against introducing a regime where broadcasters’ freedom to choose the material that they broadcast is limited in an environment where they are uniquely comprehensively regulated. It would have a significant chilling effect on their freedom of expression, particularly if it was done by a regulator like Ofcom that has the power to take their licence away from them—the ultimate power to stop them expressing themselves. There is a balance there.

Q109 Baroness Lister of Burtersett: On this question of normalisation of sexual violence, there is a sense that a lot of this is happening in social media—a normalisation of pornography and pornographic violence of the worst sort. Is there any sense—it sounds from your research that perhaps there is not—that this is somehow shifting the boundaries of acceptability? Is it affecting the mainstream media, knowing that this kind of backwash is there? It is a very different context in which you are working now than, say, a decade or so ago.

Tony Close: I can try to answer that in the context of mainstream media, but I recognise that you started by talking about social media, an area that is not subject to—

Baroness Lister of Burtersett: I realise that. It is the effect of that on the mainstream media.

Tony Close: Yes. Do I think that it is having a negative effect on mainstream media? I do not think so. I do not think that we are witnessing that kind of a change. Do I think that mainstream media, in particular larger broadcasters, are adept at adapting to changes in attitudes among the public? They are pretty good at it. They need help sometimes, but in large part broadcasters have a valuable product in the content that they broadcast and they want people to enjoy it and they want people to come back again. They do not want to upset audiences. I believe that in a large range of circumstances they make good decisions in good faith, although they sometimes make mistakes. They try to reflect changing attitudes as best they can and often they succeed, but sometimes they make mistakes.

Baroness Lister of Burtersett: My point, if I may, is that we have had some evidence and we have seen elsewhere that for young people normal sexuality is being presented on social media in terms of violence against women. If some young people are growing up thinking that is normal and acceptable, do we want the media to reflect that change of attitudes? That is the point I am trying to get at.

Tony Close: Sorry; I did not make myself clear. I share your concern about social media and the internet more widely outside the limited regulated element of the internet that there is, and I share your concern about the normalisation of sexual violence within young people's general understanding of what constitutes healthy sex or a sexual relationship. It is part and parcel of some of the work that we were talking about earlier on limiting or prohibiting certain types of pornography because of that very damaging effect that they might have within regulated environments, but there is a lot of stuff out there that is not regulated, and as a citizen I am equally concerned about that. When I said that the mainstream media were reflecting changes in attitudes, I meant that there were increases in people becoming concerned about this kind of issue, whereas 10 years ago they were concerned about other issues. People are much more concerned about discriminatory treatment now than perhaps they were generally about sex itself 10 years or 20 years ago, rather than mainstream media adapting to young people's changing understanding of what constitutes a healthy sexual relationship.

Q110 Lord Lester of Herne Hill: If you get it wrong—that is to say, if Ofcom or IPSO gets it wrong—do you accept, as I think Sir Alan Moses has accepted already, that Ofcom and the print regulator are subject to judicial review so that there will be safeguards against your getting the balance completely wrong between free speech, dignity, equality and so on? Do you accept that that is the position?

Tony Close: I absolutely accept that, and we are routinely challenged through the mechanism of judicial review.

Charlotte Dewar: It sounds as if you may have had a conversation with the chairman of IPSO about this, which I have not, so I would be happy to write to the Committee and inform you of our position with respect to judicial review. I do not want to speak on his behalf.

Lord Lester of Herne Hill: I hope I have not said anything out of turn.

Charlotte Dewar: I am sure not.

Lord Lester of Herne Hill: Just to be clear, I am interested because if our objective is to keep judges away from this and to treat it as professional standards, self-regulation and so on, it is also important to know, if you have a regulator like yourself—it could be Ofcom but it is not—whether you accept that you are subject to the law of the land if you behave irrationally or unfairly.

Charlotte Dewar: It may be worth noting that there were attempts to judicially review the Press Complaints Commission, but none were successful. That may be a partial answer to the question. I think it is very unlikely that IPSO would be less subject to that sort of review than the Press Complaints Commission was.

Lord Lester of Herne Hill: I do not agree with you.

Charlotte Dewar: More reason for me not to go further.

The Chair: Lord Lester, you can organise a seminar elsewhere on that.

Q111 Sarah Teather: Coming back to Ruth's question, because it has come up a bit during the session, about the link between print media, broadcast media and social media and the extent to which the boundaries of your regulatory capacity are leaving unregulated a whole world out there that people are genuinely concerned about, we touched on the issue of tweeting and reporting of issues from a court case, but we have all seen examples in the media where they have incited reaction on social media partly to get people to watch and to create coverage. If you are trying to generate a story on social media, does that come within your bounds to regulate? I can think of the case involving "Benefits Street", but if the equivalent were done within a context of violence against women, what room do you have there?

Tony Close: I would like to give two parts to the answer. The first is that if the solicitation within or around the programme for people to interact in and of itself gives rise to concerns, then yes, we would have an issue with it and it would fall within our remit. The contents of messages and of social media use and the reaction itself would probably not. We have fairly clearly prescribed areas of responsibility and material jurisdiction laid out in the Communications Act set by Parliament and we do not regulate social media even if they are associated with regulated services within the broadcasting environment. However, we have long thought that there is a difficult challenge there, not just for consumers but for media outlets, for the industry, for regulators and for the Government, and we have been working for the last year, to an extent with some other regulators but under mandate from DCMS, on reducing the lack of consistency and the incoherence of the protection offered in different media—not print, I should say, but social media and other online audio-visual content that is not broadcast linear—to ensure that ultimately, whether by voluntary measures or other interventions, we reach a space, fairly shortly I hope, where people know exactly what to expect whatever they are consuming, wherever they are consuming it and know where to go to complain and what kind of level of response they might get from that outfit. The common framework for media standards is a piece of work that has been going on for a bit.

The Chair: I am very conscious of time. Charlotte, you wanted to finally make an observation.

Charlotte Dewar: Just a very brief response. Material published, including by journalists, on social networks is not as such covered by IPSO's remit and that is very clear. Nonetheless, there may be conduct by journalists that occurs over social media—for example, contacting someone persistently for comment on a story that happens via Facebook or Twitter—and that could certainly be covered as well. It is not a total wild west, but it is a difficult position.

The Chair: Thank you very much. I am very conscious of time. We have other business to deal with this morning. There may be questions that we want to ask of you in addition to what we have asked today, so we will write to you. If you feel that we have not covered all the points satisfactorily, please write to us. We do welcome that. We are very grateful to you today. It has been a very productive session. Thank you very much.