

**Brian Cathcart, Professor of Journalism, Kingston University London—  
written evidence (FOJ0060)**

**House of Lords Communications and Digital Committee  
Inquiry: The future of journalism**

**Introduction**

1. I have been Professor of Journalism at Kingston University since 2006, before which I worked as a journalist as a freelance, at Reuters, at the New Statesman and at the Independent papers, where I was on the launch staff and where I became Deputy Editor of the Independent on Sunday. I was one of the founders of Hacked Off and served as its director from 2012 to 2014, and before that I was a specialist adviser to the House of Commons Select Committee on Culture, Media and Sport. I write on journalism matters both for academic publications and as a commentator, now principally for Byline Times.
2. I focus here mainly on the two questions relating to trust, 'Why has trust in journalists declined?' and 'How could it be improved?', although some of my comments bear on other questions. My comments relate chiefly to the national press. In the UK public sphere the national press, by which I mean the journalism generated by the legacy national newspaper producers, is the dominant and most conspicuous form of journalism. It overshadows the regional and local press and in practice it usually sets the news agenda for broadcast journalism. It is also the focus of the problems of trust.

**Summary**

3. At the heart of the trust issue is the failure of standards in the national press, which itself is a consequence of very weak accountability. This urgently requires political attention because public service journalism now requires long-term subsidy. Politicians, however, should never have the power to allocate such subsidies; that should reside in a wholly-independent Institute of Public Interest News, as recommended in the Cairncross Report. At the same time, to protect the public from abuses and to ensure a level of accountability capable of raising standards and improving trust, any news organisations receiving public subsidy should be required to participate in regulation meeting the standards set out in the Royal Charter on Press Self-Regulation of 2013.

**A transformed relationship**

4. The Covid-19 crisis, by suddenly accelerating existing trends in news consumption and delivery, has brought forward the point where journalism requires public subsidy and has thus transformed the relationship between legislators and journalism.
5. Print, and the advertising it attracts, have long been the economic mainstay of much of our journalism, but even before the crisis the Sun and Mirror were already doomed soon to cease printing. On my calculation their daily print sales were declining so fast they were due to reach zero by 2025/6 (and of course the decision to end production would have come some time before then). Print sales have now collapsed and the printed newspaper, at least on the national scene, is highly unlikely to make a sustained recovery.

6. Below is a table I compiled in 2018, based on Audit Bureau of Circulations data. My article on the end of print can be read here: <https://inform.org/2017/08/04/newspapers-how-near-is-the-end-brian-cathcart/>

	Jan 2012 sale (000s)	Jan 2017 (000s)	Ave annual loss of sales (000s)	Zero sales on this trend
Financial Times	316	189	25	2024
Mirror & Record	1395	881	103	2025
Sun	2582	1,667	183	2026
Express	578	393	37	2027
Star	617	443	35	2029
Guardian	216	157	12	2030
Mail	1945	1,511	87	2034
Telegraph	579	472	21	2039
Times	398	451	+11	

7. The Covid-19 crisis has thrown a bright light on the shift among the public to reliance for news on broadcast and on online supplies frequently accessed through social media. Several of the legacy national news brands have been successful in exploiting the possibilities of social media for reach, to the point where as a platform for delivery it might be described as the new print.
8. Meanwhile some newer news brands have experienced a breakthrough. For example Byline Times, to which I contribute, has seen a jump in readership and subscriptions. In the words of Executive Editor Stephen Colgrave, on April 21:
- 'This month 1.5 million people have read articles on Byline Times Daily News Site – three times our usual amount. Also, new subscriptions in April are already higher than our best month at over 40 a day. This is enough to pay for our daily news site and keep it free to view as well as provide subscribers with a monthly newspaper. As it grows we can afford more investigations and journalists.'*
9. But it is clear that, for many news organisations, the historic revenue from print sales and accompanying advertising revenue will not be adequately replaced from online sources. The effect has been to increase the volume of appeals for additional public subsidy – a case already being vigorously made before the crisis, as shown, for example, in the Cairncross Review process.
10. Whatever the short-term government responses may be, the economic fundamentals of the industry strongly suggest that subsidised journalism is here to stay, and it is this which, in an historic fashion, transforms the relationship between legislators and journalism.
11. Legislators now have the responsibility to protect and nurture public interest journalism while scrupulously avoiding, and being seen to avoid, the abuse of power that may be entailed in distributing money to those whose job is to inform the public and scrutinise the powerful. This is both an opportunity to do good and a very dangerous gateway to corruption.

### **Closing the corruption gate**

12. Political action is essential in assuring the future of public interest journalism. It cannot be avoided. But it is possible and also necessary to take the necessary steps while minimising both the risk of corruption and the possible perception of corruption.
13. Ideally Parliament should act in this matter on the basis of cross-party consensus. As a minimum, however, whatever action it takes should be limited and should take place in the greatest possible transparency. The objective, as it was when the Royal Charter was approved, should be to achieve an effective one-off political intervention providing lasting remedies and commanding a maximum of public trust.
14. Further, no government, minister, government body, parliamentary body or working politician of any kind should ever have the power to decide on or influence the distribution of public money intended to support public interest journalism. That task should be outsourced to a body that is entirely independent of political influence and that is also subject to a transparent and independent appointment process similar to that which applies at the Press Recognition Panel.
15. A body with the appropriate remit – an Institute for Public Interest News – was proposed in the report of the Cairncross Review. That recommendation was rejected by the government in January. It should be revived and implemented.

### **Decline in trust?**

16. The call for evidence speaks of a decline in trust in journalism. I suggest that the problem is that trust is at an unacceptably low level and has been so for as long as we have evidence on the subject. Here I rely on research I published in 2017 comparing the datasets of all the professional surveys on the subject of trust in national newspaper journalism that I could find, notably those conducted by Eurobarometer, YouGov and Ipsos-Mori.  
(<https://www.radstats.org.uk/no118/Cathcart118.pdf>)
17. My conclusions were as follows. These datasets provided no grounds to speak of a decline in trust in newspaper journalism because the data from before 2011 were disparate and conflicting. On the other hand, they provided what I considered strong grounds for asserting that trust in national newspaper journalism was continuously low in the years 2011-16. I have not repeated the exercise in full since then, but I have seen nothing to suggest there has been substantive change since 2016.
18. What do I mean by a low level of trust? Notoriously, year after year, the Eurobarometer surveys conducted in 34 European countries have found the UK to be last or nearly last in the table 'Trust in written press'. Equally consistently YouGov's and Ipsos-Mori's findings show journalists, and in particular national newspaper journalists, among the lowest-scoring social groups when it comes to trust. And on the (admittedly slender) evidence, national newspaper journalists score some way below broadcast journalists and regional and local journalists, with red-top national journalists performing especially badly.
19. By any reasonable measure, therefore – when set against journalists in other countries, against other journalists and against people in other walks of life – national newspaper journalists score badly. Thus I believe we may say that trust is low.

## **Why is trust low? The problem of accountability**

20. In any walk of life where accountability is weak, bad practice is likely to thrive. There are abundant examples of this rule at work, from the corruption of monastic orders of the Middle Ages to MPs' expenses a decade ago; the national newspaper press is no exception. Accountability for journalists may take many forms and so far as national newspapers are concerned every one of those forms is either weak or absent. The consequence is unrestrained bad practice of which the public is sufficiently aware that it depresses trust. Let us review briefly the forms of accountability.

### The law

21. Journalists often complain that Britain has restrictive and even Draconian libel, privacy and data protection laws, among others, but access to justice for the public is so problematic that in practice only the wealthy can count on upholding their rights in court. Conditional Fee Agreements, or no-win, no-fee agreements, are available in principle, but in practice few members of the public have any idea of this, few solicitors offer them or are even aware of who might offer them, the solicitors who do offer them will accept only the strongest cases, and their viability has been steadily squeezed by government and Supreme Court decisions. In consequence only a lucky few can now benefit from this, while – as editors and reporters know – the vast majority of the public may be libelled or intruded upon with impunity.
22. In this context the case of Danielle Hindley is instructive. Hindley is a self-employed beautician from Kippax, near Leeds, who was grossly libelled by the Mail on Sunday and who, with her young son, suffered appalling personal consequences. She sought help from three solicitors, all of whom told her that her case was not strong enough and one of whom told her that she would need to deposit a five-figure sum before he would act. Since the Mail on Sunday had destroyed her business this was not an option. She sought redress through IPSO and was let down. Only then, thanks to the attention gained through IPSO's failure, was she introduced to a London solicitor, Jonathan Coad, who agreed to act on CFA terms. Even then Hindley had to borrow £2,500 to pay a court fee; no small matter for someone whose business had been ruined. After much delay the Mail on Sunday settled and Hindley received an apology and substantial damages – two years after the original libel.
23. Victims of libel are often traumatised by the experience and many come from vulnerable groups and backgrounds; many would lack the strength to do what Hindley did, so the law would not protect them from bad journalistic practice. And bear in mind that many victims of press abuse are traumatised by the experience and poorly placed emotionally to challenge newspaper corporations. You can read about the Hindley case here: <https://bylinetimes.com/2020/02/25/the-beautician-and-the-beast-danielle-hindley-v-the-mail-on-sunday/>
24. Finally in this context, UK libel damages are modest and although judges have the power to do so they do not award exemplary damages. The result is that even where newspaper corporations lose libel cases the penalty is often not sufficiently high to act as a deterrent against future libels. Nor do defeats shame editors; very often libel defeats and settlements go unreported.

### Regulation

25. IPSO, the complaints body designed and owned by the main national press groups, does not, by some distance, meet the criteria that Sir Brian Leveson set down in

his 2012 report for an effective, independent press regulator. This is the view of the Press Recognition Panel: <https://publications.parliament.uk/pa/cm201719/cmpublic/DataProtection/memo/dpb31.pdf>

26. IPSO fails the public in many ways, of which the most obvious is sanctions. It supposedly differs from its discredited predecessor, the Press Complaints Commission, in having powers to fine up to £1 million, to investigate, and to demand front-page corrections for front-page errors. In nearly six years it has never done any of these things. It has never imposed so much as a £10 fine; it has never investigated even the most obvious journalistic failures; it has never obliged a national newspaper to publish a front-page correction.
  27. Two cases illustrate this. During the referendum campaign the Daily Mail published as its front page lead a story headlined: 'We're from Europe. Let us in!' The people in the accompanying photograph were not from 'Europe' and a recording taken at the scene made clear that they said they were from Iraq. Although this was a highly emotive front page, used as propaganda in a very important public debate about European immigration, IPSO did not require the Mail to publish a front-page correction. <https://www.theguardian.com/media/2016/jun/17/daily-mail-publishes-correction-story-migrants-from-europe>
  28. In 2019 the Sun published a front-page lead with the headline 'Not in Meg back yard', alleging that a car park on the royal estate at Windsor had been closed to staff because the Duke and Duchess of Sussex thought it spoiled their view. This was untrue. The Sun could offer no credible evidence to support this, and was told before publication it was false. It published anyway, and shortly afterwards offered to publish a short correction on page two. When the royal couple applied to IPSO for the correction to be where the story had been, on the front page – relying on IPSO's commitment to 'due prominence', the application was rejected. The details may be read here: <https://www.byline.com/column/68/article/2513>
  29. There is abundant evidence that the Editors' Code is breached without hesitation at all the relevant national titles. Hacked Off publishes frequent updates. Editors and journalists know that IPSO, while it might occasionally require a correction on an inside page, will not hold them accountable for what they publish in any way that could constitute a meaningful deterrent. Thus, even where breaches are identified, repeat offending is common. Read here: <https://inform.org/2019/07/19/the-times-ipso-and-the-mystery-of-the-systematic-breaches-sanction-paul-wragg/>
- Peer scrutiny
30. In principle the fear of exposure in rival, competing publications should operate as a powerful deterrent to unethical and illegal conduct; in practice it does not. It is extremely rare for any national newspaper even to report on a failure of journalistic standards at another, let alone to investigate it. The case of the Guardian's Nick Davies and phone hacking is often cited, but it is the exception that proves the rule. The Guardian now takes almost no interest in the reporting of press abuses or the failures of IPSO. The other national papers, though they often present themselves to readers as fierce rivals, in practice operate a code of omertà on such matters. They cover up for one another.
  31. A case in point is a study I conducted with the journalist Paddy French, which found that the Times journalist Andrew Norfolk had repeatedly published unfounded articles which were given front-page prominence, that he had repeatedly behaved in ways in which, we asserted, no ethical or responsible journalist would behave, and that his newspaper had defended conduct of his that was beyond the Pale of decent journalism. Although our report was extremely

detailed and contained a mass of hard evidence, and although the findings of our principal case study were endorsed by a subsequent, independent BBC research team, no national paper even reported the allegations, let alone questioned the Times's conduct. In a country where peer scrutiny operated this would have been a scandal. See here: <https://www.mediareform.org.uk/blog/unmasked-andrew-norfolk-the-times-and-anti-muslim-reporting-a-case-to-answer> And here: <https://www.bbc.co.uk/programmes/p07qkd4p>

32. Another instance is the resignation of Peter Osborne from the Daily Telegraph in 2015. Osborne wrote an article criticising what he alleged was a failure to report adequately on HSBC linked with the bank's status as a major advertiser with the paper. No national newspaper would publish it, and it appeared on the OpenDemocracy site. The same was true of Osborne's 2019 attack on the use of anonymous government sources by senior political correspondents and editors. See here: <https://www.opendemocracy.net/en/opendemocracyuk/why-i-have-resigned-from-telegraph/> and here: <https://www.opendemocracy.net/en/opendemocracyuk/british-journalists-have-become-part-of-johnsons-fake-news-machine/>

#### Political scrutiny

33. Since bad journalism harms citizens it is a legitimate subject for attention by politicians, who owe the public their protection even where this may raise difficult issues in relation to freedom of expression.
34. Though in the UK there is a Department of State and two Parliamentary Committees whose remits cover such matters, no one could claim that they have been effective in making the national press accountable for its abuses on more than a very fragmentary and occasional basis. The reasons may be complex, but it is safe to say, with respect, that no editor or reporter has ever stayed his or her hand on an unethical act for fear of scrutiny from MPs or peers.
35. Political scrutiny of journalism is also blunted by the manifest and long-standing closeness that exists between the press industry and the political world. This was explored in detail by the Leveson inquiry, where four prime ministers testified that the right balance had not been struck. If leading politicians hesitate to challenge the press when it should be challenged, scrutiny further down the political ladder is weakened too.
36. The Leveson Report made some modest recommendations for change in this field. It is conspicuous that they were not acted upon.

#### The market

37. It might be suggested that editors and journalists are constrained by the fear of alienating their paying readers. There are several reasons why this is rarely the case, of which the most obvious is that, in the absence of peer scrutiny and effective regulation, paying readers are unlikely to find out about abuses. It follows that, phone hacking and the Liverpool Sun boycott aside, papers enjoy considerable insulation against reader rebellion – and bear in mind that phone hacking only affected the News of the World; though the Mirror papers have admitted industrial-scale hacking that received little coverage.
38. Another reason the market can fail to operate as a constraint on newspaper behaviour is political polarisation. Newspapers have little to lose if they abuse groups and individuals outside their target readership, especially if those groups and individuals are demonised and 'othered'. Thus the unethical treatment of

Muslims, transgender people and refugees (never constrained by IPSO) rarely provokes a market reaction of a kind that might give pause to the Daily Mail or the Sun.

39. (And this is not a complaint about political partisanship. That has a long tradition in the journalism of this country. There is nothing to prevent partisan journalism from being ethical and honest. Choice of subject, language and emphasis can all be legitimate ways of expressing a political loyalty in news journalism, but falsehood and the deliberate omission of relevant information – giving readers only a part of the known picture – are not.)

#### Contrast

40. A final point in this connection relates to the relatively low trust enjoyed by national newspaper journalism when compared with broadcast and regional journalists. Broadcast journalists are more readily accountable because they are subject to effective regulation through Ofcom and the BBC. Regional and local journalists are more accountable because they are closer to their readerships and to those about whom they write. National newspaper journalists lack these constraints.

#### **An unhealthy environment**

41. In this unhealthy environment – much of it engineered over many years by the press itself through pressure on governments and on public opinion – bad journalistic practice has thrived at national newspapers. The mechanics of this failure are probably often the obvious ones. Competitiveness and haste are inevitable and in many ways invaluable parts of the trade of journalism. Journalists want to publish stories and they naturally want to do so on their own terms. They tend to chafe at any form of restraint and it is relatively easy for them to lose sight of good reasons for caution.
42. Where they do lose sight it is the job of senior editors to step in, but they too are subject to pressures, including commercial ones. When the external obstacles to publishing wrong or harmful material are weak – as has been the case in the UK for many years – the temptation to ignore them is the greater. The greater the haste, the more eye-catching the story, the weaker will be the resistance. People feel that there is nothing to stop them.
43. After the Daily Express and its sister papers had paid damages to the parents of Madeleine McCann, as well as to their friends and to other innocent parties, for hundreds of front-page libels published over many months, the editor-in-chief of those papers, Peter Hill, was asked whether anyone in the organisation had been disciplined or reprimanded. He replied: 'I reprimanded myself, because I was responsible.' (<https://publications.parliament.uk/pa/cm200910/cmselect/cmcomeds/362/9042805.htm>) These papers (and many others) were confronted with a story commanding huge reader interest and they were accountable to no one. They did it because there was nothing to stop them.
44. Similarly, after IPSO had found against the Sun for publishing its front-page headline 'Queen Backs Brexit', the paper's editor told the BBC: 'I don't think were I doing this again tomorrow I would act in any way differently whatsoever.' That too showed the absence of accountability, as well as contempt for IPSO. <https://www.theguardian.com/uk-news/2016/may/18/queen-backs-brexit-headline-in-the-sun-was-inaccurate-press-watchdog-rules>

## **The 'press freedom' myth**

45. There is a dimension to unethical conduct that goes beyond 'doing it because they can'. Many in the industry express and clearly feel a sense of absolute entitlement, and they have been remarkably successful in convincing others of this entitlement, largely through the deployment of a false idea of 'press freedom'.
46. Journalists must be free to do those parts of their jobs that serve society and enable democracy to function, notably informing the public, holding the powerful to account and exposing wrongdoing. To help them do this they rightly enjoy a number of privileges both in law and in access.
47. These are often presented as rights, under the general right of freedom of expression, but these rights, like most others, are qualified. Journalists remain subject to the law and where matters of rights are concerned judges are accustomed to weighing the competing claims of other rights.
48. Press discourse in this country, however, offers little room for such niceties. Almost anything that impinges on the ability of a national newspaper to print whatever it wants is presented as an affront against 'press freedom'. The use of restraining injunctions, for example, is said to undermine press freedom. The activities of Stop Funding Hate, which seeks to persuade advertisers to take responsibility for where their advertisements appear, are said to undermine press freedom. Suggestions that papers should avoid discriminatory language are often presented as threats to press freedom. Where a judge upholds a complaint of breach of privacy it is very often denounced as damaging to press freedom.
49. There are, in our society, real threats to the freedom of journalists to do those essential jobs, and those threats should be challenged. However, as has been argued by Jonathan Heawood (*The Press Freedom Myth*, Biteback, 2019) and Nesrine Malik (*We Need New Stories*, W&N, 2019) among others, the 'press freedom' sledgehammer has been used so freely it has come to represent something like a divine right of editors to publish what they deem appropriate.
50. Many branches of society have been reluctant to challenge 'press freedom' arguments and unwilling to try to sift the sound ones from the unsound. Not least, I am sure, this is because those deploying the argument also hold the megaphone of public discussion and can usually count on a reflex of support across their industry. Thus 'press freedom' can often be exploited as a form of licence for unethical behaviour.

## **A dark picture**

51. The consequence of the lack of accountability and the accompanying sense of entitlement is a persistent failure of standards in the national press of which the public, despite the best efforts of the newspapers, cannot fail to be aware. This is surely the principal cause of public distrust. In other words, people do not trust journalists to tell the truth because, too often, they do not tell the truth.
52. This is not to say that there is no good journalism; there is plenty, and it deserves public support. But there is too much bad journalism. The baseline for this is the findings of the Leveson Inquiry: that was the judge's finding in 2012. Have things improved since 2012? The government has repeatedly claimed it has, but it has never produced evidence to support this, nor has it been able to explain or justify the most obvious failures of standards and the refusal of IPSO to tackle them meaningfully.

53. These failures, which I am confident are dealt with in more detail in other submissions, include: persistent discriminatory treatment of Muslims, transgender people, Travellers and other minorities; persistent failure of report suicides responsibly; persistent failure to respect victims of trauma, as for example in the cases of the Shoreham crash and the Manchester Arena bombing; cruel and intrusive reporting about individuals such as Ben Stokes, Gareth Thomas, Caroline Flack and the Duke and Duchess of Sussex; discriminatory reporting about figures such as Raheem Sterling and Fatima Manji; dishonest and damaging reporting about individuals such as Sam Allardyce and Danielle Hindley. Shockingly, there have been instances of reckless and inaccurate reporting on the Covid-19 threat. This is a mere sample.
54. These and cases like them are proof of the refusal of the national press to change and IPSO's ineffectiveness. When papers want to print stories, however inaccurate and unfair they may be, they do not hesitate to do so.

### **Remedies**

55. Only increased accountability will bring improvement, by deterring the bad and giving strength to the good. Here again the Leveson Report has done the required work and indeed Parliament has created the necessary structure in the form of the Royal Charter and the Press Recognition Panel.
56. At any time the Secretary of State might commence Section 40 of the Crime and Courts Act permitting the application of the incentives and pressures envisaged in the Leveson Report. Given the recalcitrance demonstrated by the national and regional press since 2013, however, it is unlikely that such a step would achieve the necessary change. Instead the time has come to make Leveson-standard regulation mandatory for any news organisation seeking to benefit from public subsidy.
57. The taxpayers cannot reasonably be asked to subsidise journalism of a kind that causes unjustified harm to citizens and that offers insufficient means of redress. Nor can they be asked to subsidise journalism that, when it has misinformed its readers, fails to put the record straight in a timely fashion and with due prominence.
58. Further, taxpayers are entitled to expect greatly enhanced access to justice in matters of libel and privacy, of a kind that would be delivered by the arbitration services incorporated in Charter-standard regulation.
59. Such reforms would inevitably be portrayed as threatening 'press freedom', but in truth Charter-standard regulation is as airtight against political interference as the constitution permits – and much more so than IPSO. (For example, no working party politician could be appointed to the chair or any other post in a Charter-standard regulator.)
60. Such a measure is essential to recreating trust in journalism. If nothing more happened than that editors were placed under firm regulatory pressure to ensure that what they published was accurate – that is, to check their facts as thoroughly as possible – the result would be a substantial increase in the trustworthiness of national newspaper reporting.