



Transparency Project

Cairncross Review: Call for evidence

Response of the Transparency Project



Introduction

1 The Transparency Project (www.transparencyproject.org.uk) is a registered charity (no. 1161471) whose purposes include the advancement of education of the public and the promotion of the sound administration of law, particularly in relation to family law. It explains and discusses family law and family courts in England & Wales, and signposts useful resources to help people understand the system and the law better. It works towards improving the quality, range and accessibility of information available to the public both in the press and elsewhere.

2 The Cairncross Review has been established to examine the current and future market environment facing the press and high quality journalism in the UK, and to reports its findings and make recommendations accordingly.

The Call for Evidence

3 The Cairncross Review has called for evidence by reference to a list of questions under consideration. The Transparency Project has expertise and experience only in relation to some of these and proposes to confine its submissions to those questions, as follows.

Q2. Do you consider that the future of high-quality journalism in the UK is at risk – at national, regional and/or local levels?

Answer. Yes.

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

Answer: The noticeable decline in law coverage, ie the volume and quality of coverage of court hearings and other legal developments in the mainstream media.

One of the Transparency Project's functions (under its Family Court Reporting Watch programme) is to monitor coverage of cases involving family law in the national media, in order to correct, explain and, where necessary, complain to a regulator about distortions, inaccuracies and



misrepresentations in those reports. In regular blog posts, the Transparency Project provides information on inaccurate or partial reports, setting out the facts of the case and linking to source material, such as the written judgment.

By way of example, see:

- Transparency Project, [Freedom versus responsibility when the Press report on care proceedings](#)
- Transparency Project, [How effective is press regulation when it comes to accuracy?](#)

The paucity of proper legal coverage appears to be the result of under-investment in quality training of journalists and a failure to recruit well-qualified commentators. Until some years ago, every major newspaper employed a full time legal affairs correspondent. Now the number of such expert journalists may be counted on the fingers of one hand.

Many law stories are written by journalists assigned to other areas, such as politics or home affairs. Whilst some build up specialist expertise, there are others who lack training or fail to check the details in those stories. The trend appears to be for publishers to use fewer court reporters and legal specialists, to reduce or abolish the role of the sub-editor, and to maximise their reliance on agency or PR content whose reliability should be more thoroughly tested. The downward trend in both quality of writing and accuracy of copy seems set to continue. There has also been a substantial, and well documented, decline in the amount and quality of local press coverage of courts, such as local magistrates', county and Crown courts, which used to be a staple of local journalism and had the benefit of giving trainee reporters a grounding in court procedures.

Q6 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?

(c) If there is a case for subsidising high-quality journalism, where should any funding support come from?



- i) **What form should it take?**
- ii) **How or where should it be targeted?**

Answer. We think one form it could take would be to treat limited forms of not-for-profit high quality journalism as serving charitable purposes enshrined in section 3 of the Charities Act 2011 and delivering public benefit. That would justify both tax relief which might make journalism meeting the criterion of serving a charitable purpose more viable, and help such organisations secure subsidies and grants.

The conditions imposed would preclude journalism serving political purposes and journalism mixing opinion with fact, and would require a regulatory framework that was more stringent in relation to inaccuracies of fact, including omission of relevant and easily discoverable fact. In terms of oversight of content, the communications regulator Ofcom could play a regulatory role here.

We do not go into detail here, but suggest the Review considers recent articles and reports which have explored the possibility of charitable journalism in the UK (one of our members, Judith Townend, has been involved in some of this research work).

- Townend, J. and Barnett, S., 2018. *Reform charity law to allow funding of public interest journalism*. [online] The Conversation. Available at: <http://theconversation.com/reform-charity-law-to-allow-funding-of-public-interest-journalism-102422> [Accessed 14 Sep. 2018].
- Townend, J., in Picard, R.G., Belair-Gagnon, V. and Ranchordás, S., 2016, pp. 56-78. *The impact of charity and tax law/regulation on not-for-profit news organizations*. Reuters Institute for the Study of Journalism, University of Oxford; Information Society Project, Yale Law School. Available at: <https://reutersinstitute.politics.ox.ac.uk/our-research/impact-charity-and-tax-lawregulation-not-profit-news-organizations> [Accessed 14 Sep. 2018].
- Harrow, J. and Pharoah, C., 2017. *Philanthropic journalism funding in the UK*. Cass Business School. Available at: https://journalismfundersforum.com/uploads/downloads/jff_london_report.pdf. [Accessed 14 Sep. 2018].