

The purpose of these guidelines is to help you produce high quality news with confidence. Journalism in the UK has never been under greater scrutiny; every journalist working for Sky News has a duty to understand the legal and regulatory framework in which we operate and our own in-house guidelines and practices. We need to have the processes and structures in place to assess stories with risk attached, quickly and comprehensively.

Senior editors, producers, correspondents and our in-house lawyers have helped draw up these guidelines. The guidance is not exhaustive, and not a substitute for editorial decision-making, but it does provide crucial information for those occasions where we have difficult and sensitive decisions to make or where we might fall into conflict with the law or regulatory codes under which we operate.

These guidelines will help ensure that we always do the right thing.

A handwritten signature in black ink that reads "John Ryley". The signature is written in a cursive style with a long horizontal stroke underneath the name.

John Ryley  
Head of News

## Key messages

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These guidelines are designed to ensure that Sky News' journalism and output is conducted to the highest ethical and editorial standards and is appropriately managed and supervised. They recognise that there is rarely a "one size fits all" approach and that in some cases it may be necessary to consider the need to balance the right to privacy with that of freedom of expression.

The four key messages from this document are :

- Sky News journalists are required to respect and abide by the law and the obligations imposed upon us under the Ofcom Broadcasting Code.
- Always follow the referral processes set out in this document.
- Keep written records and accurate, contemporaneous and detailed notes.
- Adhere to the rules set out in this booklet. This is a requirement, not a choice.

You can find the Ofcom Broadcasting Code at:

<http://stakeholders.ofcom.org.uk/broadcasting/broadcast-codes/broadcast-code/>

## Referral process

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Sky News and its journalists are required to respect the law and the Ofcom Broadcasting Code and will never seek conflict with either lightly. There may be very rare occasions where providing accurate, impartial and fair coverage in the public interest involves possible conflict with the law. Any proposal that might have the potential to contravene the law, in order to pursue a story considered to be in the public interest, must be subject to a rigorous and documented process of referral and consultation.

On those rare occasions where it is proposed to pursue a story in a way which may bring us into conflict with the law, the matter **MUST** be referred immediately - in advance of any action - to the relevant Head of Home or International News who will instigate a mandatory referral process, to include the Head of Newsgathering, the Executive Editor, the Head of Sky News (or designated deputy) and Sky's in-house legal department. Given the potential ramifications for the company as a whole, the Head of Sky News will also consult Sky's Chief Executive.

All communications relating to such internal escalation must be recorded in writing and all such communications kept for at least 18 months.

## 1. The law

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Sky News journalists must have a comprehensive understanding of the law, particularly with regard to contempt, defamation, privacy and copyright. In addition, they must have an understanding of the Ofcom Broadcasting Code relating to Fairness and Privacy, Harm and Offence, Protecting Under 18s, Crime, Religion, Elections and Referendums and Commercial References in programmes. If you feel that your understanding of the law is in anyway insufficient, it is your responsibility to inform your line manager in order for training to be arranged.

Sky News has its own dedicated lawyer based in the newsroom to assist with all legal issues as well as a team of duty lawyers who are all available to provide training and specific advice. Regular media law training sessions are held throughout the year and it is your responsibility to attend these to ensure you remain up-to-date with the law.

Where there may be doubt or uncertainty over a legal issue – in the first instance check with the Head of Home News or Head of International News, as appropriate.

Remember: if in doubt, do not proceed, broadcast or publish. Always refer upwards.

## 2. The public interest – conflict with the law

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In the context of potential conflicts with the law, we need to be clear that certain acts are illegal and could result in a criminal prosecution and/or a civil claim. The public interest does not provide a charter for breaking the law or ignoring broadcasting regulations and there is generally no public interest defence to breaking the law.

At the time of writing, Lord Justice Leveson has yet to publish his findings into journalistic ethics and standards which may inform future journalistic conduct. But the Director of Public Prosecutions (DPP), Keir Starmer, has issued consultative guidelines for prosecutors on assessing the public interest in cases affecting the media. These guidelines recognise that cases involving the potential prosecution of journalists for offences that may have been committed in the course of their work are difficult and sensitive. The DPP's interim guidelines include the following which provides a helpful reminder of what can be understood by 'public interest':

*31. The public interest served by freedom of expression and the right to receive and impart information has never been defined in law. However, examples of conduct which is capable of serving the public interest include the following:*

- (a) Conduct which is capable of disclosing that a criminal offence has been committed, is being committed, or is likely to be committed.*
- (b) Conduct which is capable of disclosing that a person has failed, is failing, or is likely to fail to comply with any legal obligation to which he/she is subject.*

*(c) Conduct which is capable of disclosing that a miscarriage of justice has occurred, is occurring or is likely to occur.*

*(d) Conduct which is capable of raising or contributing to an important matter of public debate.*

*(e) Conduct which is capable of disclosing that anything falling within any one of the above is being, or is likely to be, deliberately concealed.*

It is vital to note that these are only guidelines for consultation and are not, in any event, meant to be exhaustive. It does not mean that if we can satisfy any – or all - of these that we may proceed without risk of prosecution, nor do so without the referrals and escalation described above.

Any grounds for an investigation that involves significant intrusion into any individual's privacy must be very strong. Before we start out we must be certain that any such intrusion is outweighed by the seriousness of the story and the amount of public good that will be delivered by its publication and/or broadcast.

Even if you believe that this test has been satisfied, the story must still be subject to the mandatory referral process set out in these guidelines.

By way of guidance, the DPP has identified the following legislative acts as being most likely to bring journalists into conflict with the law:

- a. The Bribery Act 2010.
- b. Computer Misuse Act 1990.
- c. Data Protection Act 1998.
- d. Misconduct in Public Office.
- e. Official Secrets Act 1989.
- f. Perverting the Course of Justice.
- g. Regulation of Investigatory Powers Act 2000.
- h. Serious Crime Act 2007.

It is vital that you are familiar with these areas of the law. If you anticipate any kind of conflict, you should always refer upwards.

### 3. Privacy

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This is a fast-moving and complicated area of media law which, as recent events have shown, is subject to a great deal of debate and uncertainty. We need to be clear amongst ourselves and able to demonstrate to our audience that we are transparent, honest and fair.

The law recognises that people have a 'reasonable expectation of privacy' but the degree to which we can report and record what they do is determined by a range of factors. These include the individual's public profile and reputation, the nature of the activity which makes them potentially news-worthy, and what they were doing and where they were when they were approached or recorded.

We cannot and should not breach anyone's privacy without an exceptionally good reason. Any proposal to do so must be authorised in advance by the Head of Newsgathering, the Executive Editor and our legal team.

Any invasion of privacy – such as secret recording or 'door-stepping' - must be warranted, usually by demonstrating that the amount of public good that will be delivered by broadcast and/or publication of the story will outweigh the intrusion. The method used to obtain material must be proportionate to the subject matter. In particular, we do not conduct 'fishing expeditions' into people's private lives.

Any proposal to carry out secret/covert filming must be authorised in advance by the Head of Newsgathering, the Executive Editor and our legal team. This process must be documented and all relevant documents kept for at least eighteen months.

Care should be taken to protect against disclosure of private addresses and/or personal family information (which can include photographs).

Consent should normally be obtained before a person or organisation's privacy is infringed, unless such infringement is warranted (and confirmed and documented internally as such). In addition, consent for broadcast should also be obtained, unless broadcast without such consent is warranted. This will be determined by the Head of Home News and the Head of Newsgathering in consultation with our legal team.

Special care should be taken over the broadcast of situations involving suffering and personal distress. Care should be taken to avoid identifying any dead and injured before next of kin have been informed.

Sometimes litigants may bring a claim against a media organisation on the grounds of invasion of privacy rather than defamation. In the case brought by Max Mosley against The News of the World in 2008, Mosley did not seek to argue that the accusations against him were defamatory, but that they represented an invasion of his privacy. He won substantial damages.

## 4. Defamation

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We might defame someone if we lower their reputation in the minds of 'right-thinking people'. An alternative definition refers to an assertion which brings anyone into 'hatred, ridicule or contempt'.

Any story which has the potential to be defamatory must in the first instance be referred to the Head of Home News or Head of International News as appropriate.

There are a number of possible defences to defamation including justification or truth, privilege, or fair comment. Each of these sound relatively simple and straightforward but they are not; they are highly complicated legally – and we may end up having to argue our case in a court of law. Therefore any story involving potential defamation needs to be subject to rigorous editorial scrutiny.

For example, our coverage of parliamentary debate gives us what is known as 'qualified privilege' in matters of defamation. However, that is no defence at all against contempt – just because someone says something in Parliament does NOT mean we can simply repeat it without any concern over legal repercussions.

If in doubt, refer to the Head of Home News or Head of International News as appropriate.

## 5. Live libels

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We are a 24-hour breaking news operation, and much of our output is live, so clearly we have to be particularly vigilant about the perils of defamatory remarks being made live on-air. What our guests say is ultimately OUR responsibility and consequently our problem if it's libellous.

If you feel that an upcoming interview or live broadcast has the potential for defamatory remarks being made, seek advice from the Executive Editor. We need to be able to demonstrate that we took care in advance to avoid being liable ourselves for the defamation.

Should a defamatory comment occur, the presenter or reporter should distance Sky News from the comment immediately and terminate the interview as soon as is possible. It should not be repeated, clipped, displayed on straps or posted on any other platform.

## 6. Contempt

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The law on contempt is designed to stop reporting which would interfere with the course of justice or unduly influence the result of a court case. We cannot be guilty of contempt in respect of reporting events in court if we produce a fair and accurate report of a court case held in public, published contemporaneously and in good faith. Also remember that it is still possible to commit contempt when a court case is underway. We must confine our reporting to facts raised in open court in front of the jury.

Legally, criminal proceedings are 'active' from the moment of the first formal step in launching a prosecution. Technically, this is from the moment of arrest, but is commonly interpreted by journalists as the point at which the suspect is charged. A civil case is 'active' when a trial date is fixed, or when the case is 'set down for trial'.

When reporting on a case such as this, the key questions are:

Does the report create a substantial risk of serious prejudice?

Did we know proceedings were active at the time of the report?

Have any other case-specific reporting restrictions been imposed?

If a case is 'active'...

- Do not report anything which implies the guilt or innocence of the accused (which includes previous convictions, evidence of bad character or admissions of other crimes).
- Do not criticise the Judge, Crown or Defence, or the fact of the prosecution itself.
- Do not anticipate the course or the outcome of the trial.
- Do not compromise a prosecution or defence by publishing photographs or IDs, or identifying members of the Jury (e.g.: at court exits and entrances).
- Do not taint any potential witnesses with promises of payment.
- In a civil case, do not reveal that a 'payment into court' has been made (a formal offer to settle for the amount paid in).

Remember: these rules also apply to military Courts Martial.

## 7. Copyright and fair dealing

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The Copyright Act provides a defence which effectively permits, in limited circumstances, the use of copyright material from other sources without infringing copyright. This is called fair dealing. But it does not mean we can put any video we like to air.

Points to consider:

- Photographs are excluded from the fair dealing defence
- You must be able to justify fair dealing under one of two headings:
  - Is it for criticism or review?
  - Is it for reporting current events?

Sky News policy is that if editorial management is satisfied that the clip can be used legitimately under fair-dealing, we must do the following:

- Duration to be used will be determined by the Head of Home News.
- It must be credited on-screen to the copyright holder throughout the entire duration.
- Our justification for using the clip must be referenced in the script.

Be aware that there can be other factors at work in deciding if we can fairly-deal.

Copyright material of sports events are governed by different industry rules and are usually exempt.

It is not our policy to broadcast another station's news output or exclusive content.

All requests for fair dealing should be referred in the first instance to editorial management.

On very rare occasions Sky News might receive material from external sources, such as websites or other news organisations, which could have been gathered illegally or in breach of Ofcom guidelines. The decision on whether to run such material will be subject to the process of referral set out at the start of these guidelines. In taking such decisions the Head of Newsgathering and the Executive Editor will apply the same principles to the broadcast of such material as would apply if the material had been gathered ourselves – namely can we verify its authenticity, can we be sure of its provenance, and is it in the public interest to broadcast it.

A note on YouTube and other internet video sites: if we are looking to use material from any of these platforms in circumstances where we cannot fair deal it. We should where possible attempt to obtain the permission of the copyright holder, NOT the platform on which it is held. Generally, sites such as YouTube will NOT be the copyright holders.

Remember that Sky News Online and other digital platforms are subject to the same copyright restrictions.



## 8. Compliance and regulation

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In addition to media law, much of what we do is governed by principles enshrined in the Ofcom Broadcasting Code. These principles are based in part on objectives set out in the 2003 Communications Act. It is up to us to know the standards and to comply with them.

It is the duty of every Sky News journalist to ensure that they are entirely familiar with the Ofcom Broadcasting Code and the requirements it makes of us. It is Sky News' policy to abide by the Code; broadcasters can be fined – or worse – for breaching it.

## 9. Fairness

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People taking part in a news item should be treated fairly. They should be told the nature and subject of the item. If an interviewee will be going live, head-to-head with another guest or an opponent, they should be told in advance. All interviews should be edited fairly.

For people not in a position to give informed consent (e.g. children and vulnerable adults) the permission of a carer should be obtained.

People who are the subject of reports should not be treated unfairly. Where wrongdoing is alleged, they should be offered an opportunity to respond.

The use of deception or misrepresentation is only justified if there is a clear public interest justification and if the information could not be obtained by any other means. Even in these cases, the actions taken must have undergone the mandatory referral process set out earlier.

## 10. Due impartiality and due accuracy

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Sky News must always be duly impartial and duly accurate. We always strive to solicit a broad range of views and voices on our stories and never to show favour to – or be influenced by – any side of a story.

The Communications Act and the Ofcom Broadcasting Code set out special impartiality requirements for coverage of matters relating to political or industrial controversy or matters relating to public policy.

The rules include:

- Not allowing our personal views or opinions to form a part of our coverage.
- Making sure views and facts are not misrepresented.
- Making sure all significant opinion is duly reflected on any controversial issues.
- Making sure any personal interest of a reporter or presenter is made clear to viewers. They must not use their position to express their own views.
- Making sure particular views and opinions are not given undue prominence over others.

These are the domestic rules but of course they should be kept in mind when on foreign assignments. It is good practice. Remember, we do not take sides.

## 11. Commercial issues

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There are two key principles governing commercial issues:

- The clear separation of advertising and editorial elements.
- Independence of any external commercial or political pressure or influence.

Products and services must not be promoted in programmes. This includes premium rate phone lines - except where they are clearly programme related.

There should be no undue prominence given within a programme to products and/or services

Programme related material (such as fact sheets and websites) must only be promoted where editorially justified.

## 12. Protecting under-18s

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One of the main objectives of the Ofcom Broadcasting Code is to protect those under the age of 18 from unsuitable material. This can include violence, sex, offensive language and material relating to the use of drugs and stimulants.

There are also rules designed to protect those under 18 who take part in programmes, such as them being interviewed. Young people may not have the same judgement as adults, so care must be exercised to ensure that they are not exploited.

Under-18s involved in court cases cannot usually be identified by law. But care should also be taken to justify any identification of under-18s linked in other ways to sensitive stories, including victims or eye-witnesses. If in doubt, refer to the Head of Home News.

## 13. Complaints and mistakes

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If someone contacts us to query or challenge something we have broadcast or published, do not have a full discussion with them there and then. Thank them for calling in, make a note of their name, number and the time of the call, and then refer it to your Executive Producer and/or the Managing Editor.

It is the duty of on-air output teams and the news desk to monitor the Sky News inbox at all times.

## 14. Breaking news stories

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Unless notified through official channels, news of the death of a prominent member of the royal family or senior serving politician (such as the Prime Minister or Chancellor), or the calling of a general election should not be broken without reference to the Head of News, Executive Editor or Head of Newsgathering.

Where such stories are officially notified (validated news releases, or Press Association wire) the news can be broken without referral, but senior management (as listed above) must be notified as soon as possible.

Stories with potential for commercial and/or reputational consequences for other parts of Sky should not be broken without reference to the Head of News, Executive Editor or Head of Newsgathering.

## 15. Multi-platform thinking

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We are a multi-platform broadcaster; multiple outlets, several different versions of each story running simultaneously with on-screen straps, panels and many different added extras. The same standards are expected of our journalism across all media. Our content must all be world-class, editorially robust and produced to the highest standard. It is vital that the decisions we take are enforced with equal rigour throughout all that we do. When it comes to big editorial, legal or compliance decisions we must be truly joined-up in our thinking.

Similarly, these guidelines apply to all Sky News staff – whether you work in the TV newsroom, on a digital platform or out on the road, we must all abide by the same guidelines, principles and ways of working.

If we are not confident that a story is legally or editorially robust enough to run on television, it should not run in any form on any other platform.

## 16. Portrayal

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Sky News is committed to reflecting the United Kingdom the way it is – so that our coverage properly represents all of its cultures, races and religions and doesn't discriminate against anyone. Sky News is committed to increasing the number of female and ethnically diverse experts and commentators appearing on television news and radio.

References to sex, sexual orientation, disability, ethnicity and age should only be made where pertinent to the news story. We should not perpetuate stereotypes – for example people who are disabled should not only ever appear because they are disabled; people from ethnic minorities should not only appear because of issues related to ethnicity or religion; our coverage as a whole should reflect the nation as a whole.

## 17. Note-taking

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Accurate note-taking has never been more important – just look at the different versions of events exposed by various recent inquiries into media practices. Face-to-face or by telephone, you must keep accurate, detailed and contemporaneous notes.

Keep a notebook with your name on the front and the date it was started. If you keep your notes electronically make sure they are thorough, dated, and effectively backed-up. Avoid making notes on spare pieces of paper. Date each new day, and wherever possible, note the time of each conversation. Your notes should be as full as possible; if you use shorthand, transcribe the notes as soon as possible.

If you agree a course of action at a meeting, record it by email with the other participants afterwards and ensure that everyone is happy with the approach.

If it is inappropriate to make notes at the time of the conversation, write them up as soon as you can. Keep important notes and emails for at least eighteen months in case of legal queries.

All work email communications should be conducted through your Sky News account rather than a personal one, for reasons of transparency and retrieval.

## 18. Payment

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As part of our everyday business we make payments to interviewees, for stills, footage, copy, and for facilities. However, there may be exceptional circumstances in which advice from senior editorial management must be sought. These include, but are not limited to, any proposal to pay convicted criminals, actual or potential witnesses in court cases and public employees.

Any payment outside or beyond usual day-to-day expectations must be referred to the Head of News.

We do not pay politicians, campaigners, trade union representatives, lobbyists, or similar individuals, for interviews. This list is not exhaustive. If you are ever in doubt about a guest payment please refer to the Managing Editor.

Make sure you are familiar with the fundamentals of the Bribery Act.

## 19. Reconstructions

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We would only consider shooting or using a reconstruction after the approval of the Executive Editor. On the rare occasions we do this, a reconstruction tag should be displayed for the duration of that sequence. As well as being Sky News policy, this is a requirement of the Ofcom Broadcasting Code.

## 20. Social media

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Common sense should guide your behaviour on social media, as it should guide your behaviour on all occasions when you are associated with Sky News.

As a Sky News journalist you are expected to use social media responsibly, adhering to the principles of fairness, accuracy, impartiality, legality and rigour.

You are personally responsible for the content you publish on social networks.

Do not undermine the work of colleagues who are assigned to a particular story by posting information which contradicts or devalues their journalism.

### **Breaking news**

Always pass breaking lines to the news desk and video to Sky News Centre before posting on social media networks.

### **Professional and personal**

Updates from your Sky-linked social media accounts can reflect your personality and personal interests, to an extent. You should be guided by common sense and by the principles outlined above.

If you regularly use social media to comment on areas of interest outside work or chat to your friends use a separate private account to do so.

### **Twitter**

It is your responsibility to ensure anything you tweet or re-tweet on a story is consistent with Sky News' cross-platform editorial decisions. Be mindful that, on occasion, information is not broadcast for reasons of taste or security. This is particularly important for breaking or developing news stories.

If in doubt, check with your line manager or the news desk.

Remember, breaking news lines should be passed to the news desk before they are posted on social media. This includes information from tweets and re-tweets.

Be aware that a re-tweet could be perceived as an endorsement. Consider adding context to your re-tweets.

Your Twitter username should contain the word 'Sky'.

### **Be sensible**

Do not say anything on social media which may bring Sky News into disrepute.

Do not be offensive, use bad language or language that could be perceived as offensive to a reasonable person.

Always adhere to the Terms of Use and seek to conform to the norms of the social media platform being used.

Always respect the law, including those laws governing defamation, privacy, discrimination, harassment and copyright.

Only discuss publicly available information. You should not comment on or disclose confidential Sky information (such as financial information, future business performance, business plans or personnel issues).

Avoid engaging in arguments on social media. On matters of company policy no member of staff is authorised to speak on behalf of Sky News without permission from the Head of Sky News.

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