

**Summary – Charitable Journalism seminar  
9 December 2013, University of Westminster**

**Opening comments**

- Issue has been under discussion for some time, needs a collective effort to create momentum and take it forward.
- Charity Commission unlikely to take a lead but would respond to initiative from others. They expect it to arise again.
- Charitable status can bring reputational and financial benefits, e.g. help to secure funding.

**Where we are now?**

*Current boundaries of Charity law and Charity Commission*

- The way charity law is written does not make registration of journalism organisations easy.
- CC has a quasi-judicial role, which means that we don't have many hard-edged court decisions. They will reach clear decisions on individual cases, with a certain amount of reasoning. Charity law needs room for incremental expansion.
- There are binding decisions – eg in *Southwood; Incorporated Council of Law Reporting* – and others. They are helpful, perhaps provide some wriggle room to get things through. It does develop by analogy.
- No specific decisions on journalism directly.

*The rules around Purposes<sup>1</sup> and Outcomes which define whether charitable status is permitted.*

- The Act contains 'descriptions' of charitable purposes, rather than charitable purposes themselves.
- There is some ambiguity around 'citizenship' heading.
- May be easier to recognise at local, regional or community level than national.

*How might journalism enterprises be recognised?*

- Journalism is the activity for pursuing certain purposes
- Challenge of getting a new purpose/heading recognised or a change in the law is enormous and probably unrealistic.
- Better to focus on existing "heads" of charitable purpose, such as education (provision of information), or advancement of citizenship/community development.
- Must also demonstrate public benefit: educational benefit/citizenship benefit must be measurable. Problems of measuring "impact".
- Issues around potential controversy arising from impact.

*Successes and failures under these rules*

- There are decisions to draw on (eg. Wikipedia / Wikimedia UK).

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<sup>1</sup> <http://www.charitycommission.gov.uk/detailed-guidance/charitable-purposes-and-public-benefit/guidance-on-charitable-purposes/>

- China Dialogue case study.
- A body recognised under the environment head but essentially conducting investigative journalism.
- Rules around think tanks are blurred and a CC review is overdue: no distinction made between providing a forum for discussion/debate and identity of participants.
- Will not be recognised if coming from any ideological/political standpoint.
- Little political will to get involved in this area.

## **Moving forward**

### *Nature of journalistic enterprises that might be suitable and potential problems*

- Questions about content (including commercial content such as ads), especially at national level.
- Would need a very specific purpose: investigative, or locally/community focused.
- Education is a well-recognised purpose, but requires evidence of public benefit.
- Wilton Park an example of a think tank approach which is recognised: a genuine attempt in an independent manner to seek the truth.
- Potential for collaborations with organisations which have established reputations, e.g. BBC, Reuters?
- Perhaps develop media content within an existing charitable body (but would be very specific to aims and objectives of that charity).
- Need an organisation or new start-up to take their plans forward to the CC in order to create momentum (and provide a paradigm for successful recognition).

### *How might constitution/aims/scale/reach of these enterprises need to be adapted to be charitable.*

- Journalism is a multi-headed beast, and charitable status imposes limitations.
- Might be concerns about editorial freedom once charity framework is accepted: will impose constraints on, e.g. political endorsements.
- Types of journalism that might be recognised: serving a community purpose, public engagement in democratic process; accurate news reporting.
- But will need to be demonstrable, measurable. Would reach/useage be enough for a local/community media enterprise?
- Long track record not necessary – and might even be problematic if previous output is manifestly not charitable or creates anxiety.
- Can set up company with charitable purposes, then apply for charitable status while measuring impact and evidence of public benefit.

### *What guarantees might CC need, how might it be reassured.*

- Measurement issues – need to show how the organisation provides public benefit
- E.g. quantitative measures by surveying public
- Transparent editorial processes in place, perhaps aspiring to existing editorial guidelines – e.g. Ofcom, BBC.
- Does for the new Charter/self-regulation framework offer opportunities for a

different approach?

- CC could be nervous of aftermath or repercussions of stories – is this an issue?
- Will need to avoid political bias or partisan editorial coverage.

#### *Summary:*

- Introduction of a new purpose not realistic goal, better to adapt existing purposes.
- Change/evolution can come through case law and precedent.
- Most promising heads are 'education' and 'citizenship or community development' - though citizenship is difficult.

#### **Possible next steps:**

- Small Chatham House rules meeting with CC members: an exploratory meeting, rather than part of a campaign. Establish the CC position.
- Identify a possible 'stalking horse' or test case.
- Define further the concept of 'charitable journalism' – how does it differ from existing practices or enterprises?
- An academic analysis of public benefit. Notion of 'public interest' used as defence (eg. in defamation) is not the same as public benefit.
- Worth thinking about informal meetings with officials/MPs? E.g. DBIS/DCMS or Attorney General or select committee members / interested MPs.

#### **Participants**

- Tom Murdoch, Stone King
- Lawrence Simanowicz, Bates Wells Braithwaite
- Will Moy, Full Fact
- Paul Ridout, Farrer
- George Brock, City University London
- Jonathan Heawood, freelance
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