

NUJ response to Press Regulation Panel call for information on press regulation in the UK

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About the NUJ

The National Union of Journalists (NUJ) is the voice for journalism and journalists in the UK and Ireland. It was founded in 1907 and has more than 22,000 members working in broadcasting, newspapers, news agencies, magazines, book publishing, public relations, photography, videography and digital media.

Since 1936, the NUJ's Code of Conduct has established the core principles of UK and Irish journalism. The union has a dedicated Ethics Council whose remit is to work with members, regulators and the government to improve standards of responsible reporting. The Ethics Council discusses changes in the law, regulation and journalistic practice, guiding members on how to carry out their work ethically.

The NUJ contributed to the Leveson Inquiry into the culture, practice and ethics of the press with former general secretary Michelle Stanistreet giving evidence on behalf of the union. The NUJ subsequently supported the creation of Impress and its recognition bid to the Press Regulation Panel. The union has attempted to engage constructively with the Independent Press Standards Organisation (IPSO) since its rebrand following the Inquiry.

The NUJ is affiliated to the Trades Union Congress (TUC) and is not affiliated to any political party.

How effectively is the public protected from harm caused by news publishers? Harm includes, but is not limited to, misreporting, unjustified intrusion, or coverage that unfairly targets or stereotypes diverse groups.

The failure of IPSO to monitor, investigate, and sanction discriminatory coverage continues to expose the public and journalists to significant harm.

A primary barrier to protection is that IPSO's code of conduct prohibits complaints over discriminatory reporting against groups of people. Instead, Clause 12 of IPSO's code only allows complaints to be raised about the reporting of identified individuals. Complaints over coverage that targets and stereotypes people - including on the basis of age, disability, race, colour, religion, sex, gender identity, sexual orientation - cannot be upheld unless an element of factual inaccuracy is involved. This allows news publishers to perpetuate pejorative, prejudicial, and polemical narratives that have real-life consequences for marginalised groups.

This lack of protection is reinforced by IPSO's poor performance in upholding the complaints it does accept. The vast majority of complaints that IPSO upholds concern accuracy, most of which the NUJ believes could have been resolved without regulatory

involvement by issuing clear corrections and apologies. Meanwhile complaints relating to privacy, intrusion into private grief, or discrimination are rarely upheld. Between September 2014 and 31 December 2023, IPSO only upheld 40 privacy complaints and five complaints over intrusion into grief. During the same period IPSO only upheld three Clause 12 discrimination complaints, two on the grounds of disability discrimination and one for misogyny.

The Leveson Inquiry revealed the inability of IPSO (then the Press Complaints Commission) to enforce its own code and deal with complaints over major breaches of journalistic standards. The NUJ subsequently supported Leveson's call for a regulator with strong enforcement powers underpinned by clear legislation. Instead IPSO's code has been written, funded and overseen solely by employers and does not involve the public, journalists or their representatives.

The failure of IPSO to adopt the Leveson Inquiry's recommendation to seriously sanction repeat offenders further entrenches a lack of press accountability. IPSO's decision to only impose fines of up to £1 million on publishers that breach the code in both a serious and systemic way has set an intentionally high bar for proactive investigations into unethical reporting, thus undermining IPSO's ability to fulfil its central regulatory function.

The NUJ's Ethics Council receives regular reports from members who have experienced time-consuming and mentally draining IPSO complaints processes. Members have reported that IPSO allows news companies to deliberately delay and draw out the process in order to negotiate improved "settlement statements".

Significant harm also stems from the failure to protect journalists who face pressure from their employers to adopt unethical practices. During the Leveson Inquiry, the NUJ demonstrated that journalists had been bullied into unethical reporting with individuals scapegoated as 'rogue reporters' in order to obscure corporate responsibility for unethical and criminal practices.

What more can be done to ensure people affected by press harm can seek redress? Who has, or should have, a role to play in making this happen – for example, the justice system, politicians, the press, or regulators – and what factors affect whether they act?

The NUJ reiterates its call for IPSO to extend Clause 12 to cover discrimination against groups of people, strengthening protection for marginalised groups who are the target of harmful reporting. As well as extending Clause 12, the NUJ calls on IPSO to use its powers to thoroughly monitor and investigate publishers to identify reporting that discriminates against certain social groups.

The justice system, politicians, the press, and regulators all have a responsibility to redress and prevent harm. Those seeking redress should be able to do so without

incurring high legal costs. The NUJ believes regulation of the press must be genuinely independent - of the state and of media owners. The union supports the work of Impress but notes that its membership is limited to a small number of independent publishers. Most local and national papers are members of IPSO while other publishers - including the Financial Times, the Guardian, and The Independent - are not signed up to either regulator. The government should support greater press freedom and stronger regulation, while the press should strive to uphold high ethical standards and submit themselves to independent regulatory scrutiny.

Journalists themselves and their representatives must also have a role in shaping the industry in which they work. Most journalists want to do their job to the highest possible editorial and ethical standards. Trade union organisation and representation should be encouraged throughout the industry so that journalists have the organisational backing and collective protection needed to resist unethical editorial demands and defend journalistic integrity. The NUJ's Code of Conduct explicitly states that the union will support any member who is obliged to breach ethical standards.

The NUJ has long campaigned for improved protection for whistleblowers and a conscience clause in contracts of employment and freelance engagement. This would mean that journalists cannot be dismissed or refused work simply for adhering to the union's Code of Conduct, which states that journalists must not produce material likely to lead to hatred or discrimination on the grounds of a person's age, gender, race, colour, creed, legal status, disability, marital status, or sexual orientation. A conscience clause was supported by Lord Leveson, yet has still not been adopted by publishers or IPSO.

Is there anything more the Recognition System should consider to meet the changes in how news is being produced and distributed – for example, through social media and AI tools – so that it continues to protect the public and uphold press standards into the future?

Consideration should be given to the use of artificial intelligence in the generation of news. Employers have a duty to staff, freelancers and the public to transparently disclose any materials in an editorial work-flow that have been generated in part or whole by AI. The NUJ has urged transparent labelling of writing, images, videos and other journalistic content that has been produced by generative AI. The deployment of artificial intelligence must be subject to safeguards, transparency and meaningful regulation to improve public trust.

The NUJ also notes the need for regulation to protect the public, journalists and editorial standards from the disinformation and discrimination that has been allowed to spread unchecked on social media. The union in particular highlights the negligence of tech giants like Meta and X, which refuse to accept responsibility on the basis that they are merely platforms and not publishers.