

THE ROLE OF A NEWS OMBUDSMAN

An International Perspective

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Introduction

In one form or another, the role of an ombudsman has existed in the news media for over 100 years.

In 1913, in response to controversies and concerns over the quality of its journalism, the *New York World* newspaper launched a “Bureau of Accuracy and Fair Play” to record and respond to public complaints.

In 1916, the Swedish Government formed the “Press Fair Practices Commission” to manage complaints from the public about newspaper stories. It was, in effect, the first “Press Council” in the world, where newspapers banded together to establish an independent council for dealing with public complaints.

In 1922, the *Asahi Shimbun* newspaper established a panel to deal with readers’ complaints.

Press Councils became more common in the 1950’s, 60’s and 70’s across Europe, Canada, the United States and the Asia Pacific.

The specific news ombudsman role – where an individual newspaper or news broadcaster established its own independent complaints investigator - can be traced back to 1967, when the *Louisville Courier-Journal* appointed its first ombudsman.

At the height of the trend, more than forty US newspapers employed ombudsmen. Economic difficulties and cost-cutting have since seen many of those US positions disappear, but the role remains a vital one around the world.

The [Organization of News Ombudsmen and Standards Editors](#), which represents ombudsmen and standards editors, has around fifty members drawn from across Europe, the Americas, Africa, Asia and Oceania.

Why Have an Ombudsman?

In a perfect world, all journalists would always behave in a principled and ethical manner, all editors and media proprietors would exercise perfect judgement, and any inadvertent or accidental errors would be quickly and transparently fixed.

However, in the real world that we actually live in, mistakes, misjudgements and even wilful flouting of standards can and do happen.

The role of an ombudsman is to recognise that, and to provide a mechanism for public concerns and complaints about a news organization’s journalism to be effectively and robustly investigated.

Ombudsmen provide an opportunity for news organizations to improve through a process of reflection and criticism.

Ultimately, however, one of the main reasons for having an ombudsman is to improve the public's trust in a news organization. Public trust is a key element in ensuring good journalism is supported and valued, and having a process to ensure adherence to proper standards, honest investigation and timely correction of any errors serves to maintain and build public trust.

A news organization needs to be accountable to the public it serves, and the ombudsman's role is a key accountability mechanism.

Different Roles, Different Titles

At its simplest, the role of news ombudsman exists to investigate and respond to public complaints about the journalism produced by the organization that employs him/her.

However, the role can also be involved in launching independent editorial investigations into stories and programs, whether there have been complaints or not. Beyond investigating editorial lapses, the role can also be used to create, oversee and revise editorial standards. It can train journalists in editorial principles, provide pre-broadcast and/or pre-publication advice for journalists while they are engaged in the preparation of stories, and perform a range of other tasks, all of which require a degree of independence from the journalists, editors and other producers of content who work for the news organization.

Because of this wide range of possible functions, you will find variations of the role under a number of different titles. All of these positions overlap in terms of their aims, responsibilities and activities.

No two roles will be exactly alike, but here are some common terms and an indication of the kinds of activities they normally carry out:

- **OMBUDSMAN:** tends to be first and foremost responsible for investigating and issuing public findings on complaints about his/her organization's journalism.
- **READER'S EDITOR:** similar in most respects to an ombudsman – the name tends to be most commonly found in newspapers. The Reader's Editor will often write a regular column discussing particular errors or kinds of errors in more detail, as part of their relationship with the newspaper's readership.
- **PUBLIC EDITOR:** this title is often used for broadcasters or online publications, and is similar in most respects to an ombudsman or reader's editor. They are often engaged in more public-facing activities, such as addressing public meetings,

enquiries or other public events where they speak more broadly about the ethics of journalism.

- **STANDARDS EDITOR:** this tends to be a more inwardly-focussed role. A Standards Editor is less involved in the investigation of public complaints (others in his or her team may handle this activity independently) and more involved in setting and maintaining editorial standards inside the organization. They often advise program teams and senior managers on editorial standards and can also provide pre-publication and pre-broadcast advice.
- **DIRECTOR OF EDITORIAL POLICIES:** this role tends to be the head of a small team of editorial advisors and complaints investigators, and is common at larger news organizations (including most notably at public broadcasters). The Director of Editorial Policies will often advise and report to senior management and board members on major editorial errors, on significant changes or reorganisations of editorial standards, and also appear before government enquiries, etc... They take responsibility for ensuring the highest possible adherence to editorial standards across the organization.

For the sake of clarity and simplicity, this paper will continue to refer to the self-regulatory role as an “ombudsman” for the most part, but this should be taken to refer to any and all variations of the role under any or all of the above titles. Where there needs to be a distinction made between different functions, that will be spelled out.

The Fundamentals of the Role

As outlined above, there are as many different structures and processes as there are ombudsmen, and the role is called by many different names.

However, the fundamentals of the role are consistent.

1. **Self-regulatory:** The role must be an internal one, set up by the news organization itself and not imposed by a Government or any outside body. This is essential in order to maintain the principle of freedom of the press. The authority and power of an ombudsman is bestowed by the organization itself.
2. **Independent:** Once established, the role must be truly independent. An ombudsman is empowered to conduct their own investigations and reach their own conclusions on whether the organization they work for has met or breached its editorial obligations. They should not report to or be accountable to the organization’s editor-in-chief or the director of the news division.
3. **Standards-driven:** The ombudsman should not work in a vacuum, commenting on stories in a broad and vague way according to their personal opinions. Before any news organization considers appointing an ombudsman, it must have clear, well-

established and publicly available standards (in the form of a code of ethics or set of editorial principles) that it operates by. The ombudsman operates by comparing stories against those specific policies, and determining if any of those policies have been breached.

4. **Transparent and publicly accountable:** The findings of an ombudsman must be publicly available. The role exists to ensure a news organization is accountable to the public it serves, and so an essential part of that is that any findings, upheld complaints or editorial observations must be transparent and must be shared with the public.
5. **Advisory:** Any news organization will ultimately be run by its management and its board. The management and board are responsible for making decisions about news content – both day-to-day decisions and broader policy decisions. The ombudsman’s responsibility is to provide advice, not make decisions. Of course they issue “findings” on specific complaints and these may even include recommendations on how the error should be handled, but this is not the same as deciding what happens next. The management of an organization is often required to provide transparent and clear reasons as to why they have decided to follow or not to follow the advice provided by an ombudsman, but the decision on whether to follow that advice will always rest with the management and board.

Steps towards establishing an Ombudsman Service

This section is designed to summarise the key issues that need to be considered by any news organization intending to create an ombudsman role.

A Code of Ethics

The purpose of an ombudsman is to ensure your news organization is editorially accountable.

It is one important way of building trust with audiences, and ensuring that your journalism is being done in the public interest.

In order to be accountable, however, you need to be very clear about *what* you are accountable *to*.

Your organization must have a clear, accessible and detailed set of editorial standards that you are committed to upholding.

This ensures that, when ombudsmen investigate complaints about a specific content, they are not simply giving their own opinion, regardless of how qualified or experienced they may be. Rather, they are comparing the content under investigation with a specific standard or standards and explaining why the content meets or fails to meet that standard or standards.

The Ukraine Commission on Journalistic Ethics has a [code](#) that covers the freedom and independence of the press, respect for privacy, impartial coverage of trials, protection of sources, objectivity and accuracy, clear separation between editorial content and advertising, misleading editing or manipulation, distinction between facts and opinions, corrections and a range of other issues.

I am assuming that both the National Public Broadcasting Company of Ukraine and the various private broadcasting organizations in the Ukraine all have editorial codes of their own, along broadly similar lines, or simply follow the one above.

In any event, it is essential that, before establishing an ombudsman service, broadcasters ensure that their editorial codes are transparent and easily available for members of the public to access.

Here are some examples of the way in which different news organizations ensure their editorial policies are easily accessible:

BBC: <https://www.bbc.co.uk/editorialguidelines/>

ABC Australia: <https://edpols.abc.net.au/>

VOICE OF AMERICA: <https://docs.voanews.eu/en-US-INSIDE/2019/09/10/caa58a25-2489-4c2c-90f4-667f9929088b.pdf>

AL JAZEERA AMERICA: <http://america.aljazeera.com/tools/code-of-ethics.html>

YLE Finland: <https://yle.fi/aihe/artikkeli/2016/04/02/ethical-guidelines-production-programmes-and-content>

ASSOCIATED PRESS: <https://www.ap.org/about/news-values-and-principles/>

As you can see, there are many different ways of ensuring the public is able to easily find and read your editorial standards. Provided they are accessible, and that they broadly adhere to the [fundamental norms](#) of ethical journalism, they will serve the purpose well.

Regulatory and Government issues

Generally speaking, news organizations are free to determine their own method and structure of self-regulation. The very definition of self-regulation is that it is not imposed by a government or an outside structure.

Having said that, it will be important to ensure that any structure put in place is consistent with existing regulations and laws.

Local experts will have a far better knowledge than me of the current relevant media laws in the Ukraine, so I don't intend to spend time on that here. However, it is clear that in recent months there have been proposed changes to media laws that have [raised concern](#) and led to [criticism](#) both at home and abroad.

What is generally the case, though, is that self-regulation can be an important halfway point between simply ignoring or responding superficially to complaints on the one hand, and being subject to formal external investigation and regulation on the other.

An example of how this can work in practice can be seen at the Australian Broadcasting Corporation, that country's major public broadcaster (and one where I worked as Editorial Director for several years).

The [legislation](#) that established the ABC also guaranteed its statutory independence from Government.

This independence means that the government of the day is not permitted to interfere in the journalism, editorial decision making or programming choices of the ABC.

However, with these rights come responsibilities.

These responsibilities are set out the [ABC Charter](#), which is also part of the Act. Further to that, the ABC is obliged not only to have an appropriate set of editorial standards governing its content (known as the [Code of Practice](#)) but to formally lodge that code with the Australian broadcast media's governing body, [ACMA](#).

ACMA, the regulator, has the responsibility to investigate complaints that the ABC has breached its code. However, beyond issuing findings that a breach has occurred, it has no other powers to punish or act against the ABC as an independent public broadcaster.

However, ACMA also has the same role of investigating alleged editorial breaches by Australia's private/commercial radio and television broadcasters. In this case, ACMA does have a range of powers to punish those broadcasters including, in the extreme, to remove their licence to operate.

In this environment of government oversight of broadcasting, it is absolutely in the best interests of the broadcasters that they have a transparent and robust form of self-regulation when it comes to editorial errors.

Having such a system in place (using an ombudsman or a director of editorial policies) means that, in practice, ACMA will not investigate a complaint until it has already been considered by the relevant broadcaster's own internal complaints-handling process.

Extrapolating from this example, the best approach in establishing such a role is to:

- Ensure you are familiar with the current legal obligations your organization must follow
- Make contact with the relevant Government authorities to alert them to your plans to set up an independent process of self-regulation
- Ensure that the standards being used by this self-regulatory process are as clear and transparent to Government as to anyone else
- If possible, seek an agreement that any and all editorial complaints made about your news organization will, in the first instance, be referred to this new self-regulatory process ahead of any other processes.

What is vital, however, is that the Government is not involved in making decisions about what your process will be and how it will operate, nor that they have any role to play in selecting, endorsing or dismissing ombudsmen or standards editors.

The Independence of the Role

As the preceding section makes clear, independence is crucial to the ombudsman role.

It goes without saying that, in one sense, an ombudsman employed by a media organization can never be truly independent, as the role is created, funded and maintained by the very organization the ombudsman is there to critique. This is true of all forms of self-regulation, and an ombudsman is essentially a form of self-regulation.

But this reality makes it all the more important that the role is established in a way that makes it as independent as possible. There are a number of ways to do this.

The first and most important way is in the position description and the official duties associated with it.

Typically, an ombudsman will have a wide and largely unrestricted ability to investigate any editorial complaint or editorial issue he/she deems appropriate. The ombudsman and the organization alone will choose which issues to investigate, and will have the freedom to ask

questions and seek information from anyone inside or outside the organization. The extent to which the ombudsman is demonstrably free to undertake his or her inquiries will determine how effective the role is in building the public's trust.

The second crucial element of the ombudsman's independence lies in their seniority and their reporting lines. It is fundamentally important that an ombudsman does not report to the management of the news operation. The role must be separate to the organization's journalists and editors and therefore unable to be controlled or influenced by them. Typically, an ombudsman will report directly to the most senior levels of management within an organisation (the Chief Executive Officer, Managing Director or Director General) and the Board.

Finally, the way in which ombudsmen are hired and fired is also important to ensuring their independence. It is common for the recruitment of an ombudsman to be handled by a committee or a process involving both day-to-day management and the governing board of an organization, and any decision to terminate their employment similarly requires sign off from both management and the Board. In some cases, ombudsmen are appointed for a fixed term and will serve out the entire fixed term unless they resign or are guilty of misconduct or corrupt behaviour.

All of these factors – the hiring process, the reporting lines and the duties and responsibilities – are important in demonstrating to the public that an organization is serious about holding itself to the highest ethical standards and comfortable with its errors being transparently identified and addressed.

Internally Focussed or Externally Focussed

One of the most important functions for an ombudsman is to build the public's trust in a news organization, and that means some degree of interaction with the public is a key part of the role.

In some cases, ombudsmen will write a weekly column discussing editorial errors or editorial challenges. In other cases, specific complaints will be publicly investigated and ruled upon, with the outcome of the investigated published.

The extent to which this occurs is largely a function of how well funded and staffed an ombudsman service is. However, it can also be influenced by whether the role is externally or internally focussed.

An externally focussed role (typically undertaken by an ombudsman or reader's editor) will almost exclusively investigate and respond to the public's written complaints about their organization's journalism. They may well receive large numbers of complaints and choose from that number those complaints that they consider most significant, most timely and

most newsworthy. They will engage with their organization's journalists and news management to seek and evaluate their response to the complaint, and then make a judgement about whether the complaint is upheld. They typically publish their findings.

An internally focussed role (typically described as Standards Editor or Director of Editorial Policies) may also have a degree of public interaction and respond to either specific complaints or broader issues of editorial performance, but their primary focus is on improving editorial standards through internal engagement with their organization's news operation. They may help frame the editorial standards and revise or update them from time to time, they may train journalists in ethics, and they may provide pre-publication or pre-broadcast advice on stories during their preparation. Like the more traditional ombudsman role, they still sit outside the usual management structures of the news operation and provide advice and assistance. In this manner, they operate similarly to an organization's in-house lawyers, but providing editorial and ethical advice rather than legal advice.

In larger media organizations, the ombudsman role may be filled by a small team, some of whom will focus on internal advice and training while others focus on external complaints investigation and accountability.

Depending on the size and resources allocated to an ombudsman role, it may carry out a range of both internal and external responsibilities. If that is the case, then one of the key issues to address is to avoid any perception of a conflict of interest. It is impossible for the position to independently and credibly investigate a piece of news content for possible editorial breaches if they have also provided specific pre-broadcast or pre-publication editorial advice on that same piece of content. Later in this paper, I propose a model to deal with this conflict.

Authority and Power

The most common and widely-accepted role for an ombudsman is an advisory one.

The ombudsman usually has no formal power to initiate, change or prevent news content from being published or broadcast. They also have no power to direct certain outcomes after an editorial complaint is either upheld or dismissed. For example, they can recommend that a correction be made or an apology be issued, or that certain content be changed, have an editor's note added or even be removed from publication or re-broadcast. However, they typically cannot direct that this take place.

Some news organizations stipulate that, in the event that the findings or recommendations of an ombudsman are ignored, news management needs to publicly explain its reasons for

not following the recommendations. In some organizations, news management are obliged to seek the advice of a standards editor or editorial adviser prior to publication or broadcast. But it is almost never the case that an ombudsman or standards editor will have the power to make an editorial decision – only to provide advice.

For that reason, the ombudsman role in most news organizations sits outside the normal decision-making lines of control.

Experience and Background

In selecting an ombudsman, their background and experience in journalism will be critical in ensuring they can gain the trust and respect they need to do the job.

Hiring an ombudsman who is not an experienced senior journalist will render the role largely meaningless. It is crucial that the role not be seen as a censor, a form of management interference or a representative of sectional or political interests.

The ombudsman needs to have worked as a journalist for long enough to understand the processes and decision-making involved in the work. However, they also need to have sufficient seniority and ethical integrity to be able to identify occasions when the journalistic process has fallen short.

Practising ombudsmen often talk about the role being “the loneliest job in the newsroom” as it involves investigating, critiquing and (on occasion) finding fault with fellow journalists in the profession, many of whom they may have formerly worked alongside as colleagues.

To carry out this responsibility effectively and to be trusted by both the public and the organization they are part of, a successful ombudsman must have sufficient professional standing as a journalist for their views to carry the necessary weight.

It is very common for news organizations to recruit an ombudsman from the senior ranks of their own journalists and/or editors. It is also the case, however, that organizations can and do look outside their own ranks to recruit a senior and experienced journalist from elsewhere. Both models can work perfectly well.

If you are recruiting from inside your own organization, you need to ensure during the selection process that they will be able to demonstrate the necessary independence and fortitude to reflect on, investigate and criticize people, programs and processes that they formerly worked closely with or were a part of.

If you are recruiting from outside your organization, you will need to ensure they have the right kind of experience to understand the way your news organization works and the processes and standards that drive it.

Finally, whether you are recruiting from inside or outside, a track record of editorial integrity and a commitment to the highest ethical standards of the profession is essential. Everyone makes mistakes from time to time, and editorial errors of one kind or another should not preclude someone from taking up an ombudsman role. But making the occasional inadvertent error or misjudgement is not the same as demonstrating a wilful or negligent disregard of editorial standards, and evidence of this latter tendency should preclude someone from an ombudsman role.

Staffing Levels

Later in this paper I have set out in a little more detail a range of possible models for an ombudsman.

Suffice to say that the role can be as small or as large as the size and resources of your organization permit.

At its most basic, many news ombudsmen operate solo, with perhaps an administrative assistant to handle correspondence, filing and record-keeping.

In a large organization, the function can be carried out by a team of several people, with specially-designed software to ensure that all editorial complaints from the public are logged, analysed and responded to, with detailed records kept to allow editorial performance to be tracked, monitored and regularly published.

The only important thing is to match expectations with resources. A single ombudsman with just an assistant to help with paperwork will only be able to take up a few complaints each week. This is still a very important function and a clear indicator to the public that you take editorial performance and ethical standards seriously, and are prepared to be held accountable for your mistakes. But it will not allow comprehensive, in-depth oversight of all errors.

It is often the case that, when there is just a sole ombudsman, the editors within the newsroom continue to shoulder the primary responsibility of dealing with public complaints and comments and responding to them. The ombudsman does not replace this process, they simply add another element to the organization's accountability.

A better staffed operation, on the other hand, can assist in a much wider range of responsibilities, and ensure consistency of approach across all significant editorial complaints, as well as assisting in training, advice and the issuing of written editorial guidance.

Workflows

There are as many different workflows as there are structures of the ombudsman role.

What they all have in common, however, is a high degree of clarity for the public to ensure they know how to make complaints and are encouraged to make them.

There is no point in having a news ombudsman unless the organization's listeners, viewers and readers are aware that the role exists and understand how and why they can access it.

There are some excellent examples available online that demonstrate how the role operates and how people can complain.

Some good places to start:

CANADIAN BROADCASTING CORPORATION: <https://cbc.radio-canada.ca/en/ombudsman>

VRT BELGIUM: <https://www.vrt.be/vrtnws/nl/2017/07/13/wie-is-tim-pauwels-en-wat-doet-de-ombudsman/>

TAMEDIA SWITZERLAND: <https://www.tamedia.ch/de/unternehmen/ombudsmann>

The common elements of most workflows for an ombudsman engaged in the primary task of investigating public complaints about their organization's journalism are as follows:

1. Ensure that your organization's editorial standards are consistent with the recognised principles of journalism in a democracy;
2. Ensure those standards are also transparent and publicly available (most usually via an online page);
3. Ensure that the public knows the ombudsman role exists and understands how to complain;
4. Receive and consider complaints in writing from the public;
5. Depending on how well resourced the ombudsman role is and what the organization's policy is, develop and implement a system to record and track all complaints received, and a method to determine which complaints will be taken up and investigated; and
6. Investigate complaints according to the rules of natural justice:
 - a. Carefully read and familiarise yourself with the nature of the complaint
 - b. Carefully read, listen to or watch the news content being complained about
 - c. Alert those responsible for the news content that it is being examined following a complaint, and share the details of that complaint with them
 - d. Ask those responsible for the news content to respond to you with their view on whether they are in error or not, and ask them to provide their reasons

- e. Consider the complaint by referring back to the relevant editorial standards, giving due consideration to any matters raised by both the complainant and those responsible for the news content
- f. Make a decision on whether or not the organization's editorial standards have been breached
- g. Notify both the complainant and the newsroom of your finding
- h. Publicly report on the outcome of your investigation

In addition to this primary investigative function, the ombudsman role may also include any or all of the following, subject to resourcing and staffing:

7. Write regular columns discussing specific complaints or broader editorial issues or challenges;
8. Report both internally and externally on overall editorial performance by your organization, by reference to number and type of complaints received over time, number of upheld complaints, etc.; and
9. Propose outcomes in response to editorial performance, including expanding, adjusting or tightening editorial guidelines, undertaking remedial editorial training for staff, etc.

This summarises the central workflow for an ombudsman dealing with the public's complaints. Obviously, there will be different workflows and responsibilities for standards editors who help develop editorial standards, roll out training for journalists, and engage in pre-publication and pre-broadcast advice.

For standards editors, the key tasks are:

- Write, revise and update editorial standards and guidelines from time to time.
- Provide pre-publication or pre-broadcast advice to journalists, editors and others within the organization to ensure their content adheres to editorial standards
- Devise and deliver journalism training to news reporters and other program staff
- Review editorial content for adherence to editorial standards
- Report to senior management on editorial performance

Publishing Outcomes

While it is an essential part of the function of a news ombudsman to engage transparently with the public, there is no universally accepted single method of publishing the outcome of investigations into complaints about news content by ombudsmen.

Typically, the more complaints are investigated, the more succinct the findings and judgements tend to be. Where ombudsmen select only a few significant complaints, however, they tend to set out their findings in much more detail.

Some ombudsmen will focus on responding privately in writing to individual complainants and only occasionally publishing their thoughts more widely. Others may focus more on a regular column which raises and discusses key complaints or contentious editorial issues.

By way of example, the Australian Broadcasting Corporation routinely investigates and responds to thousands and thousands of complaints each year – typically more than one hundred each week.

They log every written complaint, refer most minor and routines one back to the relevant program area to be handled, and investigate the most potentially serious ones themselves.

They maintain a [corrections and clarifications](#) page where each correction is briefly summarised.

Some typical examples look like this (see following page):

[The Source Bulk Foods](#)

News: On 6 August 2020 ABC News ran a vision showing a closed sign on the door of The Source Bulk Foods store, which implied the store had ceased trading as a result of the pandemic. The store is still operating and we apologise for any confusion this has caused.

Posted Wednesday 12 August at 3:46pm

[Bushfire Wildlife Deaths](#)

News Online: On January 9, 2020 a news story reported that researchers estimated that approximately 1 billion animals were killed in Australia's bushfires. Researchers have clarified that they intended to say that 1 billion animals had been "killed or displaced" by the fires

Posted Wednesday 29 July at 3:44pm / Updated Wednesday 29 July at 5:21pm

[President Trump comment on George Floyd](#)

On 6 June, reports on ABC News Channel and online stated that in a speech on employment figures and the economy President Donald Trump said 'George Floyd would be happy about rising job figures'. This was incorrect. President Trump's reference to George Floyd was not related to rising job figures.

Posted Monday 27 July at 12:48pm

[New Zealand GST Rate](#)

News: On 28 June 2020, an ABC TV News graphic highlighting GST rates around the world showed a 25% figure for New Zealand. The graphic was also used in a GST 20th Anniversary ABC News special released on YouTube. The rate reported for New Zealand was a typographical error, the correct figure is 15%.

However, on those occasions when there is a particular complex, significant or controversial investigation of an editorial complaint, the ABC may provide a detailed report on the outcome.

For example, some years ago the organization's Science current affairs program, *Catalyst*, aired a controversial program questioning the wisdom of prescribing statins for high cholesterol. There were many complaints, and the issue was of such significance that a detailed report was filed publicly into the ABC's own investigation into the program. A copy of the report can be found [here](#) and it provides a useful template into the rigour of the process that needs to be undertaken when pursuing major alleged breaches of editorial standards.

A similarly detailed example of a complaints investigation by the British Broadcasting Corporation can be found [here](#).

More typically in smaller organizations where fewer complaints are handled, ombudsmen will regularly publish their findings in reasonable detail on the complaints they look into.

By way of example, the Public Editor at National Public Radio in the United States has complete autonomy to choose the topics, complaints and issues she wishes to investigate and comment on, and then she publishes her views [here](#).

A typical outcome, like [this one](#) which deals with the coverage of the explosion in Beirut, will be about the length of a typical newspaper column.

Whatever publishing regime is decided upon, transparency and consistency is the key.

International Case Studies

1. NPO, Netherlands

[Nederlandse Publieke Omroep](#) is the organization in charge of all public broadcasting services in the Netherlands.

The current Ombudsman is [Margo Smit](#). Margo is an experienced investigative journalist.

At NPO, the ombudsman role is responsible for monitoring and investigating the journalism produced by public broadcasting outlets across the Netherlands. The Ombudsman does not deal with complaints about other programs (such as drama, comedy, entertainment, etc.) but only with journalistic content – news, current affairs, sports commentary and news opinion.

At NPO, the role is both proactive and reactive. That means the Ombudsman not only responds to public complaints about the organization's journalism, but she is also free to make her own observations and initiate her own investigations into issues of concern.

All investigations, whether proactive or reactive, assess the content of the broadcaster against its own [journalism code of ethics](#).

NPO has a very simple and very accessible [page](#) on its website that explains how members of the public can complain.

Those with complaints are encouraged, first and foremost, to raise their complaints directly with the broadcaster or editor responsible for the content. Then if they are dissatisfied with the response, complainants are encouraged to contact the Ombudsman. However, people are also free to go directly to the Ombudsman.

Complainants are advised to explain precisely why they consider the content breached the editorial principles, and to avoid “trolling, cursing or scolding”. Anonymous complaints are not considered.

The more [detailed and comprehensive complaints procedure](#) makes it clear that the Ombudsman will normally only consider complaints about content which is less than six months old.

The normal process is that:

- Complainants will receive an acknowledgement of their complaint within 14 days
- If a complaint is accepted for investigation, the relevant editorial team responsible for the content is given 6 weeks to respond.

- If that response is considered inadequate, the Ombudsman may then launch their own investigation. Investigations will normally be concluded within 3 months.
- The privacy of the complainant is respected at all times.

There is also a final means of appeal, whereby if someone is dissatisfied with the ruling of the Ombudsman they can appeal to an independent judge, who may review the case.

Staffing

At NPO, the Ombudsman works with just one assistant to manage the workload, with occasional assistance from an intern.

2. EER, Estonia

The Estonian National Broadcaster ([EER](#)), has the position of Ombudsman, which was created by law in 2007.

The current ombudsman is [Tarmu Tammerk](#). Tarmu is an experienced senior journalist and former head of the Estonian Newspaper Association and Chairman of the Press Council.

The ombudsman is responsible for ensuring the public media's journalism complies with the [professional ethics and practices of journalism](#). He does this by examining objections, disputes and complaints and by monitoring the overall balance of program content.

Complainants are advised to submit their complaints in writing, either by mail or by email.

The position is described in Section 31 of the Estonian Public Broadcasting Act, which stipulates that the position of ombudsman is established to monitor the compliance of the activities of the public broadcaster with professional ethics and practices. It stipulates that the ombudsman is appointed by the management board of the broadcaster, with the consent of the supervisory board, and may likewise only be removed with the consent of the supervisory board.

The [Supervisory Board](#) is the over-arching governing body for public broadcasting in Estonia. Its members are appointed by the Estonian Parliament. One representative is drawn from each of the factions of the Parliament, and an additional four members are appointed from among recognised broadcasting experts – a total of nine members. All members are expected to put the best interests of public broadcasting above any other sectional or personal interests.

The [Management Board](#) is the group responsible for day to day management of the broadcaster. Although it is referred to as a board, it is essentially the management team.

In essence, this structure means the ombudsman is appointed by and answerable to both the Supervisory Board and the Management Board. These dual lines of responsibility for the ombudsman to both groups are designed to enhance independence and ensure that an adviser who regularly criticises or finds fault with content is less at risk of being arbitrarily dismissed.

The ombudsman, apart from publicly investigating and commenting on complaints and editorial performance, also regularly reports to the management board on proposals to improve performance. He can recommend action, but all decisions on whether to accept his advice or not remain with the management board. The management board is obliged to provide reasons if it chooses not to accept the recommendations of the ombudsman.

The ombudsman reports to the Supervisory Board at least twice a year.

The website of the ombudsman for EER has simple and clear links to the [Code of Ethics for Journalists](#) as well as detailed instructions on [how to file a complaint](#).

The process is similar to the one at NPO, in that it encourages complainants to begin by taking their complaint directly to the program team responsible. They can then refer the matter on to the ombudsman if they are dissatisfied with the response, either by mail or email.

The ombudsman aims to respond to complaints within 10 working days. The person making the complaint will receive a written reply, and decisions or opinions on the most important complaints are also published on the EER website. Those summaries of complaints can be seen [here](#).

If the public are dissatisfied with the ombudsman's decision, they retain the ability to appeal the matter to the independent media ethics body, the [Estonian Press Council](#), which handles complaints about newspapers, broadcasters and news portals.

Staffing

At EER, there is just a single ombudsman position who works alone, with administrative support.

3. BBC, United Kingdom

The British Broadcasting Corporation ([BBC](#)) is Britain's public broadcaster, and one of the largest and most well-known public broadcasters in the world.

It has a large and comprehensive editorial standards and complaints handling structure headed by the Director of Editorial Policy and Standards. The Director of Editorial Policy and Standards since 2007 is [David Jordan](#).

The overall volume of complaints to the BBC is enormous – currently more than 300,000 per year. The structure to manage those complaints is therefore necessarily complex.

The way in which editorial complaints is handled by the BBC has also changed significantly in recent years.

Prior to 2017, the BBC was responsible for handling all complaints internally, and final responsibility lay with the organization's governing body, called (from 2007 to 2017) the [BBC Trust](#).

In 2017, the BBC Trust was replaced by the BBC Board, and responsibility for its regulation (including editorial complaints investigation) was transferred to a Government regulatory body, the Office of Communications ([Ofcom](#)).

In practice, people with complaints about the BBC's journalism are advised in almost all circumstances to make their complaint directly to the BBC in the first place. If complainants are dissatisfied with their initial response they can appeal, and the BBC's Executive Complaints Unit. If complainants are still dissatisfied with the response, they can then complain to Ofcom which will assess against its [Broadcasting Code](#). Ofcom will also assess some online complaints against the BBC's own [editorial guidelines](#). Privacy and fairness complaints can be made directly to Ofcom.

The Director of Editorial Policy and Standards at the BBC has always had an advisory, internal role at the BBC, overseeing the editorial standards and providing pre-broadcast and pre-publication advice to program makers and journalists. Since 2017, the role has also had overall responsibility for the BBC's Executive Complaints Unit which investigates and responds directly to public editorial complaints as well as assisting in responses to any complaints referred to Ofcom for investigation.

The responsibilities of the Director of Editorial Policy and Standards position therefore include:

- Developing and implementing the editorial policy and standards of the BBC encapsulated in the Editorial Guidelines

- Advising program makers and journalists on how to produce content which complies with those guidelines
- Providing advice on broader governance issues to the Director-General and other senior levels of the organization
- Overseeing the operations of the Executive Complaints Unit, which is the BBC's internal complaints investigation team.

The Director of Editorial Policy and Standards reports to the Director-General, who is the executive in overall control of management of the BBC. The Director General also has final responsibility and review of the decisions made by the Executive Complaints Unit.

The editorial complaints process at the BBC is governed by a transparent and detailed [complaints handling framework](#) and the Executive Complaints Unit regularly [publishes](#) the outcome of its significant investigations.

Staffing

The complexity and heavy workload at the BBC means the editorial standards and complaints handling are run by a relatively large team.

The Director of Editorial Policy and Standards leads a team made up of thirteen editorial advisers who each take responsibility for working with different genres of content (as they advise all areas of programming, not just journalistic output) and then there is a separate team of seven complaints investigators (the Executive Complaints Unit) who independently follow up and respond to complaints. The two teams (editorial advice and complaints investigation) operate separately and independently in order to ensure good governance and to separate the tasks of advising before broadcasting and reviewing after broadcasting.

4. YLE, Finland

YLE (Yleisradio Oy) is the national public broadcaster in Finland.

It has had a Head of Journalistic Standards and Ethics since 2014, and [Timo Huovinen](#) has been in the position since 2017.

YLE has a notably different structure to other ombudsmen roles, partly because of the important and significant role played in Finland by the [Council for Mass Media](#). The Council is an over-arching self-regulation committee established more than fifty years ago by Finnish media organizations, and YLE is a party to it.

Anyone who has an editorial complaint about the journalism done by YLE can complain to the CMM, and the CMM takes responsibility for directly investigating these complaints and making findings.

These findings are made according to the common [editorial standards and guidelines](#) that apply to journalists at all Finnish media organizations who are part of this system.

Because of this structure, the standards role is less involved in undertaking its own investigations into public complaints, and more involved in working to improve overall editorial standards at YLE and working with senior editors to assist them in responding appropriately to complaints brought to them through the CCM structure.

Editorial independence is a crucial statutory requirement at YLE, and is guaranteed by [legislation](#).

Among other things, this legislation says that **“It shall be the duty of the responsible editor to direct and supervise editorial work, to decide on the contents of a periodical, network publication or program, and to see to the other tasks assigned to him or her by this Act.”**

The “responsible editor” at YLE is the Editor-in-Chief, and there are five Editors-in-Chief or “responsible editors” at YLE: <https://yle.fi/aihe/sivu/about-yle/yles-responsible-editors>

The Head of Journalistic Standards and Ethics reports to those five responsible editors. His responsibilities include:

- Working with the responsible editors to ensure they maintain high ethical standards in the work they oversee
- Assisting in responding to complaints received from the CCM
- In the event that there are upheld complaints, advising on appropriate remedies
- Advising on content pre-broadcast to help ensure adherence to appropriate editorial standards

- Assisting the responsible editors in publicly defending the principle of freedom of speech and the basic values of YLE.

As part of his workflow, Timo regularly writes [articles](#) on a range of issues associated with editorial and ethical matters.

Staffing

The Head of Journalistic Standards and Ethics is a single role.

However, there are two other areas that provide a degree of support.

First of all, each of the five responsible editors at YLE have a person reporting to them who specialises in ethical questions and can provide advice and support.

Secondly, the Chairman of the external Council for Mass Media has three full time staff who prepare and manage the handling of complaints.

POSSIBLE MODELS TO CONSIDER

It should be clear at this point that no two models for a news ombudsman are the same, and there are myriad ways of establishing the function.

Keeping in mind the broad principles and the case studies set out in this paper, below are three models that could form a template to follow.

MODEL ONE: Minimalist, complaint focussed

This model presumes there are limited funds available for the role, and the greatest need is to create a transparent and manageable process of dealing with public complaints about your organization's journalism.

This is the most common model for a news ombudsman role, as it focuses on the primary and crucial function of responding to public complaints in a transparent and principles-based way.

The Ombudsman under this model will operate solo, or with some form of administrative support.

Depending on the volume of complaints received, they would almost certainly not be in a position to handle all complaints that a typical news organization would receive.

Therefore, there are usually two other possible processes that support the ombudsman role. The first would be that senior editors and program producers in the news organization would continue to handle routine public complaints directly, and members of the public would turn to the Ombudsman if they received no satisfactory response from their initial direct complaint to the journalists responsible.

The second process that often co-exists along with an ombudsman role is the ability of members of the public to complain to another external complaints handling mechanism like a Press Council or a broadcasting regulator. In these circumstances, the Ombudsman role exists as an alternative to formalising the complaint with an external body.

In any event, the role of a single Ombudsman focussed on investigating and responding to public complaints typically looks like this:

Position Title: Ombudsman/Readers' Editor/Public Editor

Reporting to: Senior Management/Organizational Board

Purpose: *To investigate and respond to public complaints about editorial standards, and to help build and maintain trust between the media organization and the public on matters of media ethics and editorial performance.*

Key Accountabilities:

1. Receive and respond to public complaints about the editorial standards of the organization's journalism.
2. Investigate complaints thoroughly and determine whether breaches have occurred.
3. Publish findings on a regular basis.
4. Initiate own reviews of journalism and program content.
5. Assist in the development, review and regular updating of editorial standards and guidance.

Key Capabilities/Qualifications/Experience:

1. Experience at a senior level as a journalist, producer or editor.
2. A strong commitment to media ethics and editorial standards.
3. Experience or ability in carrying out complex and significant investigations and assessments of ethical matters and to deliver timely and clear decisions.
4. Good interpersonal skills and the ability to provide advice in a constructive and effective manner.
5. High level writing and communication skills

MODEL TWO: Minimalist, standards focussed

This model also presupposes there are limited funds to commit to a news ombudsman role, but it takes a different approach to Model One.

The assumption here is that existing methods of complaint handling will continue, either because there is an existing external complaints mechanism through a Press Council or similar that is working effectively, or there is a greater need to improve editorial standards and editorial performance than there is to provide a new complaints mechanism.

Under this structure, the focus is on advising, training and overseeing the editorial performance of the news organization, and trying to prevent problems before they arise. The editorial adviser may also assist busy journalists in responding to editorial complaints when they do arise.

A typical job description of the role might look like this:

Position Title: Editorial Adviser / Standards Editor

Reporting to: Senior Management/Organizational Board

Purpose: *To provide editorial advice, guidance, training and oversight and to guide the development, publication and implementation of appropriate editorial standards for journalists and program makers.*

Key Accountabilities:

1. Work with journalists and program makers to provide editorial advice, develop guidance and oversee editorial standards and performance.
2. Deliver editorial training.
3. Review and refine editorial standards and guidance.
4. Assist program teams and journalists in responding to complex editorial complaints.
5. Track and report on editorial performance against standards.
6. Prepare responses to internal and external queries about editorial performance.

Key Capabilities/Qualifications/Experience:

1. Experience at a senior level in journalism.
2. Demonstrated skills in policy development and report writing.
3. Experience in or capacity for delivering editorial training.
4. Strong planning, management and problem solving skills.
5. Understanding of and commitment to high ethical standards in journalism.

MODEL THREE: Comprehensive

This is an extensive model providing for both external accountability and internal pre-publication and pre-broadcast advice giving.

It presumes the availability of sufficient resources to establish a multi-member team with adequate resources to deliver both internally focussed and externally focussed measures.

Under a comprehensive structure, there will typically be an overall leader (an Editorial Director or Director of Standards) who takes final responsibility for the editorial standards of the organization and reports directly to the highest level of management and governance.

He or she leads two teams: one that combines the provision of pre-broadcast and pre-publication internal advice to journalists and program staff, and then a second separate team that deals with public complaints and may also initiate and conduct reviews into content.

The two teams are kept separate to avoid possible conflicts of interest (such as where an editorial adviser may provide advice and assist in the creation of a story and then also take responsibility for investigating and determining the validity of any complaints about that same piece of content).

The overall leader of both teams will play a significant role at the highest level of the organization in reporting on overall editorial performance, examining and recommending changes in editorial standards and advising senior management and the board on editorial governance issues. They may also, depending on the structure of the specific organization, play a role in providing pre-publication advice or acting as a decision maker on significant editorial complaints, but they will rarely do both because of the potential conflicts involved.

If they are involved in pre-publication advice, the final decision maker on editorial complaints would, for example, be the senior leader of the complaints team, who reports into the director but has the decision-making power on complaint investigations.

Here is an example of a simple structure for this comprehensive model:



Under this structure, the Editorial Director would be a single senior manager with appropriate editorial experience.

The Administrative Support would be a position designed to provide secretarial, organisational and data-management support to the team.

The four functions identified in the structure would be carried out by two distinct teams:

- One team of editorial advisers would provide training and advice to the organization’s journalists as they prepare their stories
- The second team of complaints investigators would respond to public complaints about stories after they are published, and also conduct occasional reviews into the ethical standard of the organization’s news coverage.

For a large media organization handling tens of thousands of complaints every year and producing many thousands of hours of news content, each team might be made up of four or five staff.

Here is an example of what the job description and duties of the Editorial Director in charge of this structure might be:

Position Title: Editorial Director

Reporting to: Senior Management/Organizational Board

Purpose: Provide editorial leadership to the organization through oversight of editorial processes, analysis and advice on editorial decisions and delivery of strategies to help ensure the highest standards of journalism; compliance with editorial policies, and development of editorial quality capability.

Key Accountabilities:

1 Oversight of Editorial Content

- Provide advice, input and analysis as part of editorial deliberations
- Develop and maintain structures and process to deliver comprehensive and timely advice to senior management on all significant editorial issues
- Report to the Board on steps taken to oversee and advise on appropriate editorial decision making, promote editorial standards education, verify compliance with the editorial policies.

2. Editorial Training

- Manage and deliver editorial training across the organization.

3. Editorial Policy and Governance

- Manage and coordinate ongoing reviews of the adequacy and implementation of the Editorial Policies across the organization.
- Monitor compliance with Editorial Policies, through research, audit and/or investigations

4. Editorial Leadership and Quality Control

- Build and promote effective working relationships across the organization to facilitate development and delivery of programs in an integrated and effective manner.
- Undertake research and review of news and other program content to provide risk assessment and analysis and advice on quality controls in regard to adherence to editorial policy. Provide leadership and direction to the team responsible to ensure a shared understanding and commitment to editorial objectives.

5. Complaints Handling

- Maintain and ensure the independence and integrity of complaints handling processes within the organization.

- Oversee the administration and management of the complaints handling team.
- Ensure appropriate follow up of complaints findings to deliver improved editorial performance and appropriate editorial standards and guidance.

Key Capabilities/Qualifications/Experience:

1. Experienced media professional with a proven track record in producing highly regarded editorial content.
2. Experience in design and successful implementation of training programs.
3. Demonstrated high level communication skills with ability to create and maintain partnerships and to influence people at all levels.
4. Thorough understanding of contemporary media issues, the accepted standards of good journalism and the importance of public accountability.
5. High-level planning, project management and problem solving skills. Ability to think strategically and manage change processes.
6. Ability to develop and maintain external networks to benchmark project work and inform work practice.

Staff reporting to that position would have duties and job descriptions similar to those outlined in the two minimalist models described earlier.

Model Complaints Handling Framework

Whether the implemented model for a news ombudsman is minimal or comprehensive, a clear and transparent complaints handling process that adheres to the principles of natural justice is essential.

The following is a draft framework for such a process:

Principles: Legitimate editorial complaints will be received, assessed and responded to according to the principles of natural justice and accountability. Complaint handling is an important part of building trust between news organizations and the public.

Criteria: Complaints will be assessed and managed according to the following criteria:

1. Seriousness of the matter
2. Likelihood of harm
3. Potential to mislead
4. Extent of public response
5. Risk of damage to public trust and confidence in the news organization

Process:

- In the first instance, complaints may be resolved quickly and informally where possible (for example, where both sides quickly agree there is an error and the error is rectified).
- When complaints are accepted for investigation, the aim will be to deal with them as quickly as possible, and to respond within (a certain number of) days. Complaints deemed urgent may be fast-tracked.
- While the details and results of complaints may be published, the confidentiality of the identity of complainants will be respected.
- Complaints must be made in writing.
- (OPTIONAL): Complaints must initially be made to the relevant journalist, program team or editor first. If the outcome of that process is unsatisfactory, complainants may then refer their complaints to the ombudsman/public editor.
- Complainants are encouraged to be specific about what editorial standards they consider have been breached.
- Once a complaint has been accepted for investigation, the complainant will be contacted and advised that it is being investigated.

- **The Ombudsman/Public Editor will then provide a copy of the complaint to the journalist, editor or program team responsible and seek their response in writing to the issues raised.**
- **Journalists, editors and/or program teams are expected to provide their response within (a certain number of) days.**
- **The Ombudsman/Public Editor will then complete his/her investigation and provide a draft decision which will be referred back to the journalist, editor or program team for any final comments.**
- **The Ombudsman/Public Editor will consider any final comments or additional information before finalising his/her decision.**
- **The outcome of the complaint investigation will be provided to the complainant in writing.**
- **The Ombudsman/Public Editor may then choose to publish a report, column or other comment on the complaint and the key issues arising from it.**

In Conclusion

In 2020, the coronavirus has underlined both the importance and the potential of traditional news outlets.

More and more people turned to mainstream news providers for information about the virus, and they put their trust in the traditional editorial values of accuracy and plain speaking.

Research published by the [Reuters Institute](#) revealed that this year, news consumption has substantially increased and the public's trust in the coverage delivered by the mainstream media was consistently high, and far higher than the trust they place in politicians, social media, video platforms or messaging services.

The research also reveals that, while overall trust in the media remains low, a clear majority of the public are looking for news that is accurate and objective, rather than partisan coverage that panders to or reinforces their own views.

The message is clear. News organizations that prosper will be those that focus on earning and maintaining the public's trust in what they do. A commitment to the establishment of an ombudsman role is one tangible way of demonstrating that focus.

Further Reading and Resources

- [THE ONO HANDBOOK](#) – a concise and helpful guide produced by the Organization of News Ombudsmen, setting out the importance of an ombudsman role in newsrooms, some considerations when establishing the position, and with a newly updated section dealing with digital newsrooms and social media.
- [TRUST IN ETHICAL JOURNALISM](#) – a report from the Ethical Journalism Network on responding to the public crisis of confidence in journalism.
- [THE COLUMBIA JOURNALISM REVIEW](#) on the disappearance of public editors in US journalism and its own steps to redress the problem.
- [THE EUROPEAN JOURNALISM OBSERVATORY](#) - an article by legendary US news ombudsman, the late Michael Getler, on why news organisations need ombudsmen.
- [THE POYNTER INSTITUTE](#) – an article by recently appointed NPR Public Editor Kelly McBride on some of the key issues confronting standards editors at news organizations.
- [ACCOUNTABLE JOURNALISM](#) – a guide with links to active press councils around the world,
- [REUTERS DIGITAL NEWS REPORT 2020](#) – one of the best and most insightful annual summaries of the state of the news media, including a dedicated section on levels of trust.
- [REPORTERS WITHOUT BORDERS 2019 REPORT](#) – an overview of some of the significant risks to media freedom, including in Eastern Europe.