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A comparative analysis of how regulatory codes inform broadcast and print sports journalists' work routines in the UK using *Sky Sports News* and the *Sun* as case studies

This paper aims to provide a comparative analysis of how regulatory codes influence the work routines of print and broadcast sports journalists in the UK. Sky Sports News 24-hour news channel and the Sun newspaper are used as case studies. The government-regulated broadcast industry interprets autonomy as independence from advertisers and sponsors. Regulation, therefore, creates challenges for broadcast journalists within a hyper-commercialised professional sports environment. Conversely, the press regulator, the Independent Press Standards Organisation (IPSO) focuses on autonomy from government rather than business. Print sports journalists therefore lack autonomy from commercial pressures as media managers can exercise a degree of editorial control. This analysis examines sports journalism's fragmented professional culture while arguing that broadcast sports journalists' ethical conduct is more complex than has previously been acknowledged.

Key words: sports journalism, regulation, the *Sun*, *Sky Sports News*, ethics

Introduction

Occupational studies on UK sports journalists have overlooked the role that regulation plays in work routines and experiences (Rowe 2004, Boyle 2006). This study defines the professional group as consisting of both broadcast and print sports journalists as a broader community of practice (Boyle and Hutchins 2017). However, print and broadcast sports journalists are governed by different regulatory codes. Print sports journalists working for national newspapers follow a self-regulatory model through the Independent Press Standards Organisation (IPSO) editors' code of

Simon McEnnis practice. Broadcast sports journalists are regulated by the Office of Communications (Ofcom) broadcasting code.

Regulation and ethics have been prominent topics in contemporary UK media debates – particularly since the *News of the World*, a weekly Sunday tabloid newspaper, was exposed in 2011 to be hacking mobile phone voicemails as a story-gathering practice. The government held a judicial public inquiry (chaired by Lord Justice Brian Leveson) into the practices and ethics of the press during 2011 and 2012 and this led to recommendations that the UK press be regulated by an independent organisation backed by a royal charter. Regulation continues to dominate industry debates. The government has created an independent regulator, Impress, but most of the national media have refused to recognise it, preferring, instead, to maintain the self-regulatory system through IPSO.

This study explores the key distinctions between these two regulatory codes before analysing how their provisions apply to both the print and broadcast contexts. This analysis was conducted using Deuze's conceptual tool of occupational ideology. Deuze (2005) notes that journalists' professional principles can be defined as objectivity, autonomy, ethics, immediacy and public service. We can, therefore, expect regulatory codes to reflect these core journalistic principles. The study aims to provide an enhanced understanding of sports journalists' professional culture, specifically the commonalities and differences across the traditional platforms of television and print. Recent research into sports journalists has tended to focus on the transition from analogue to digital platforms (Sherwood and Nicholson 2012, McEnnis 2013, McGuire and Murray 2013, 2016). However, this paper argues that there is still 'unfinished business' in the exploration of occupational routines in more traditional settings.

This study is also informed by the researcher's reflections on his involvement in both print and broadcast sports journalism: specifically as:

- a sports journalist with the *Sun* between 2000 and 2009 before moving into academia. The author also worked 'overtime' shifts with the *Sun's* sister paper at News International (now News UK), the *News of the World*, from 2000 until its closure in 2011 and
- the leader of an advanced sports journalism staff development programme with *Sky Sports News* from 2011 to the present. A particular programme, delivered by the author to 20 broadcast sports journalists between February and July 2017, ran across 19 three-hour weekly sessions and was accredited by the National Council for the Training of Journalists (NCTJ). The sessions were discussion-based with the author's reflections on

these conversations informing this study. Candidates on the course granted their written consent for these discussions to be used for research purposes.

The *Sun* is regulated by IPSO while *Sky Sports News* falls under Ofcom's remit. Both news organisations are part of the Rupert Murdoch media empire (as was the *News of the World* before its closure) and are stylistically alike in their sports news presentation with similar target audiences of predominantly younger males. The *Sun* and *Sky Sports News* are mainly interested in celebrity sports stories and sports events. Transfer gossip, breaking news and soft interviews with sports people are key features. Both aim to break exclusive sports news stories. Therefore, journalists at both organisations share similar outlooks to work practices and daily routines.

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Previous research has found that that sports journalists adopt low ethical standards (Rowe 2004, Sugden and Tomlinson 2007). Sports journalists are considered to be too close to sources to the extent that their loyalties lie with protecting and insulating contacts rather than serving the public. Collusive practices with other reporters are common (Sugden and Tomlinson 2007). However, the issue of regulation is largely absent from these analyses. For instance, Raymond Boyle's (2006) otherwise excellent occupational study of UK sports journalists glosses over how regulation informs their routines and practices.

A comparison of Ofcom and IPSO regulatory codes

Until recently, the BBC was regulated by its own Trust while commercial broadcasters were regulated by Ofcom. However, Ofcom became the first external regulator of the BBC in April 2017 (White 2017). The IPSO editors' code of practice governs most of the national news media although the *Guardian*, *Independent* and the *Financial Times* prefer their own internal complaints systems. The 23rd and most recent edition of the journalists' law 'bible', *McNae's Essential law for journalists*, provides a useful industry justification for why two different codes of ethics govern UK media:

The emotional impact of moving images and sounds, particularly on children in the audience, can be greater than that of printed text and still pictures – for example, if a programme has sexual content or shows death or violence. Also, the ability of television and radio to air material instantaneously means they have great potential to provoke immediate public disorder or violence (Hanna and Dodd 2016: 23-24).

Broadcast journalists, therefore, must conform to higher and more exacting ethical standards than their newspaper counterparts because of the power of the medium. Broadcast journalists also

face more punitive measures than print should they infringe their regulatory code. Ofcom has a remit to withdraw broadcast licences and impose fines for the most serious offences. For instance, in 2008, Independent Television (ITV) was fined £5.675m. for its misuse of premium rate phone lines (Conlan 2008). In practice, Ofcom rarely fines or removes licences and such severe punishments are reserved for the most serious infringements. Upheld complaints tend to result in warnings to broadcasters to improve their practices and procedures. IPSO, which is funded by the newspaper industry, can impose fines of up to £1m. unlike its forerunner, the Press Complaints Commission (PCC). However, there are doubts over whether IPSO plans to use these relatively new powers or if their introduction is merely an attempt to appease critics who accuse the regulator of being the PCC mark 2 (Harcup 2015).

The IPSO editors' code of practice and the Ofcom broadcasting code both contain similar interpretations of public interest that is based around exposing crime, breaches to public health and safety, incompetence affecting the public and misleading claims. The codes also aim to promote journalistic objectivity. IPSO's editors' code of practice states that journalists 'must distinguish between conjecture, comment and fact' while the Ofcom code contains an entire provision relating to impartiality. Both codes contain similar provisions on privacy, accuracy, harassment, children, discrimination and deception.

The key point of departure between the codes is the inclusion of commercial references in television programming as a provision (section 9) within the Ofcom broadcasting code. However, there is no mention of the need for newspaper journalists to be free of commercial influence on editorial decision-making. This provision essentially results from the differing interpretations of autonomy and independence within print and broadcast industries. The IPSO editors' code of practice considers autonomy in terms of independence from government involvement. Newspaper organisations' principal concern is to maintain its self-regulatory system, which they consider to be threatened by the outcome of the Leveson Inquiry and the emergence of an alternative, state-backed press regulator, Impress.

Newspaper journalists' sense of autonomy is tied to the notion of press freedom from state interference rather than commercial influences. Newspaper journalists do not see it as unethical that editorial policies are heavily influenced by the business and political agendas of newspaper owners. Indeed, journalistic objectivity and professionalism involve reporters being able to separate their own political views from the agendas of newspaper owners (Aldridge and Evetts 2003). In contrast, the broadcast industry, because it has been traditionally regulated by state-appointed bodies, interprets

its autonomy as safeguarding editorial control from the influence of sponsors and advertisers.

Broadcast journalists are expected to exhibit greater awareness of the ethical implications of allowing 'unduly prominent' commercial references into television programming. Undue prominence means that a brand, product or service is particularly prevalent in the editorial content either visually or verbally. In this respect, the Ofcom broadcasting code speaks directly to the claim that the power of television creates a need for greater ethical responsibility. Ofcom states that the ethical implications of commercial references include loss of editorial control and independence from programming, blurring the distinction between editorial content and advertising, and failure to protect audiences from surreptitious advertising, financial harm or unsuitable sponsorship.

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Print sports journalists and regulation

The role of newspaper sports journalists in the construction of important cultural meanings around sport has been highlighted by Boyle, Rowe and Whannel (2009). Moreover, the print tradition – built on the writings of such 'greats' as Neville Cardus (1888-1975), Frank Keating (1937-2013) and Ian Wooldridge (1932-2007), is reinforced and celebrated in award ceremonies such as that organised each year by the Sport Journalists' Association (McEnnis 2018).

The 'light touch' approach of press self-regulation compared to the 'heavier' approach of Ofcom is reflected in the work experiences of print sports journalists. My career as a sports journalist at the *Sun* newspaper occurred at a time when IPSO's forerunner, the PCC, existed. IPSO largely adopted the PCC's code of practice so there has been no substantive difference in the regulatory framework adhered to by print sports journalists since I left the industry in 2011. Further, a general resistance to regulation is embedded in the professional culture and the notion of 'means to an end' results in journalists preferring to be their own judges of whether any practice can be judged ethical or not (Aldridge and Evetts 2003). The *Sun* sports desk was not unduly concerned with separating facts from comment. Instead, the sports desk tended to perceive differing forms and styles as providing this distinction. For instance, the newspaper page was a place where you could clearly recognise more factually-driven news stories as different from more opinion-oriented column pieces.

Professional sports are highly commercialised. Public relations managers regularly attempt to interfere in the editorial decision-making process to ensure positive publicity and to protect image. The sports desk did sometimes allow media managers to be involved with the editorial process as the only way to secure

Simon McEnnis relevant and interesting content, such as exclusive interviews with high-profile sports stars. And there was nothing in the regulatory code of practice that could act as a deterrent in this respect.

Big exclusive interviews with celebrity footballers, for instance, were often subjected to 'copy approval' by either club PR departments, sponsors or management companies. Copy approval involved having a story vetted by a newsroom outsider and this ceding of editorial autonomy and control is ethically problematic. Sports desks have historically focused their coverage almost exclusively on professional sport, particularly the most financially lucrative (Boyle and Haynes 2009). Copy approval can be seen as an evolution of that relationship. There are three key reasons why this situation has arisen.

- Firstly, newspapers have little economic power within the professional sports environment which is defined by multi-billion-pound TV deals for screening live sport. As a result, sports journalists must carefully negotiate their access to high-profile sports people and the nature of these arrangements will often be conditional on publicising a particular brand, product, service or even charitable foundation.
- Secondly, external agencies such as club PR departments, sponsors and advertisers recognise the advantages that a message appearing in a newspaper product can provide compared to their own internally-produced messages such as websites, matchday programmes and advertisements.
- Thirdly, the fact that IPSO does not mention corporate or commercial conflicts in its regulatory code not only means that there is no deterrent but that copy approval is a legitimate route in securing sought-after and highly-prized sports content.

Broadcast sports journalism and regulation

Research to date has tended to concentrate on sports reporters in newspapers (Boyle 2006, Hutchins and Rowe 2012, McEnnis 2013, 2015, 2016). As a result, little is known about broadcast sports journalists. Previous research into sports broadcasting also tends to focus on commentators and presenters rather than reporters (Whannel 1992, Rowe 2004). Broadcast sports journalism is often discussed from the perspectives of print sports journalists, who express concern that rolling 24-hour news channels are dumbing down professional standards (Sugden and Tomlinson 2010).

Sky Sports News has been a driving force in the growth of broadcast sports journalism in the UK. The 24-hour rolling news channel was launched in 1998 after *Sky Sports* managing director Vic Wakeling came across the idea while watching the business channel, Bloomberg (Kelner 2013). *Sky Sports News* is only available to watch with a pay-TV subscription and promotes televised live

sport screened on sister Sky Sports channels. However, *Sky Sports News* journalists are recognisably 'journalistic' in their professional practice. Reporters are organised according to geographical beats just like on newspapers. Also, *Sky Sports News* journalists have adopted many norms and values that are associated with print reporters, particularly at the tabloid, popular end of the spectrum. *Sky Sports News* journalists focus primarily on breaking exclusive sports stories and cultivating contacts in a similar way to newspaper reporters. These similarities have led to cultural clashes between print and broadcast journalists. For instance, Premier League football club press conferences are now divided into separate print and broadcast sections over concerns that a single briefing benefited broadcasters, who could instantly disseminate material, leaving newspapers with no original content.

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Attitudes towards regulation, then, provide an interesting distinction between the two groups of sports journalists. *Sky Sports News* reporters are acutely aware of the Ofcom broadcasting code and there are regular training and briefing sessions within the organisation to ensure they are up-to-speed with latest developments. Broadcast sports journalists use the Ofcom broadcasting code to inform many decisions around their stories. Both awareness and adherence to an ethical code is embedded within the professional culture. A partial explanation can be found in Ofcom's exacting powers providing a deterrent to unethical behaviour with the threat of fines hanging over the newsroom. However, *Sky Sports News* is also concerned with the effects of negative publicity should they be on the wrong side of an Ofcom ruling. Sky is part-owned by Rupert Murdoch and news organisations such as the *Guardian* and *Daily Mail* would relish the opportunity to carry stories of this nature. *Sky Sports News* has regulatory considerations that are specific to the medium of television. These include Ofcom provisions around broadcasters giving prior warning of flashing images (flashlight photography at sports press conferences is a common issue here) for the benefit of viewers with photosensitive epilepsy. Broadcast sports journalists also have to pay particular attention to bad language and violence through Section 1: Protecting the Under-18s, which is a reflection of the earlier point in *McNae's Law for Journalists* about the power of the moving image. On the other hand, the IPSO editors' code of practice is not concerned with bad language and violence.

Sky Sports News reporters must navigate a hyper-commercialised professional sports environment in ensuring that they are compliant with their regulatory code. There is a degree of irony in that Sky has fuelled a highly commercialised sports environment through investing billions of pounds into live television rights – and this, then, creates challenges for journalists working on their 24-hour news channel.

A general shift in sports journalists' source relations has seen direct contact with sports people become a thing of the past due to the intervention of media relations managers and player agents. Instead, sports journalists are primarily dealing with third parties in arranging player access. This move has meant that negotiation has become a key element in sports journalists' daily experiences around which stories to publish, which angle to take and which player they can access. The nature of these discussions invariably moves towards more commercial, promotional elements. Access is often negotiated through *quid-pro-quo* arrangements that often involve sponsorship and marketing personnel. Professional sports people have lucrative sponsorship arrangements that require them to publicise the product. Further, sponsors organise and stage story-gathering opportunities for journalists such as golf days and product launch events.

Sky Sports News programming is seen as a powerful and attractive marketing vehicle by commercial organisations that allows for the bypassing of traditional advertising structures. Further, brands want to be imbued with the authority and endorsement of *Sky Sports News* journalism. *Sky Sports News* journalists would be in breach of their ethical code if they acceded to these demands in a similar manner to their print counterparts. Broadcast journalists continuously resist moves to influence their reporting. These attempts include prominent advertising in the background of camera shots, logos featured prominently on sports clothing, and promotional details of particular charities and services. Television interviews frequently contain sponsors' logos in the background but these are considered acceptable by Ofcom because they feature multiple brand names so no one company is 'unduly prominent'.

Broadcast sports journalists' ethical challenges in resisting editorial interference are further complicated by newspapers entering into copy approval arrangements with the same sources within professional sports. *Sky Sports News* journalists frequently have to educate sponsorship, marketing and public relations personnel on undue prominence and the differences between the regulation of print and television. It would certainly be a relief to broadcast reporters if these sources had a greater awareness and understanding of the Ofcom broadcasting code.

Internally, the *Sky Sports* newsroom needs to be careful around promotional content of other products such as mobile app services and betting. There are also potential issues involving sponsored content. For instance, Ofcom rebuked *Sky Sports* in 2011 following a viewer complaint for featuring an EA Sports sponsorship logo too prominently in its live televising of a football match between Everton and Manchester United (Banham 2011).

Further, broadcast sports journalists struggle with the internal politics of their organisation as part of a wider conflict of interest involving sports rights. Boyle (2006) notes that broadcast sports news is largely driven by the televised sports event to attract audience interest. There are also concerns that broadcasters are primarily seen as media partners with leagues and governing bodies. Therefore, stories surrounding these sports and competitions will be a source of conflict if they are considered as being represented negatively. Broadcast newsrooms can come under pressure from both the rights sellers and their own commercial departments not to run particular stories. It raises the question to what extent broadcast newsrooms should follow journalistic or corporate values. Conflict of interest is undoubtedly a considerable area of ethical concern for broadcast sports journalists but there is nothing in Ofcom's regulatory code that warns against biases in story selection and editorial policy.

Conclusion

This analysis has found that print sports desks trade editorial independence for access to high-profile sports people because the commercial imperative is prioritised over ethical considerations and there is no deterrent provided by their regulatory code. Newspapers believe they have no choice in their story negotiations and that it is the only way they can attract readers to sports sections. Further, they consider their main battle for autonomy to be one of resisting state intervention rather than corporate influence. In this respect, freedom of the press means freedom to make unethical deals with corporate organisations.

On the other hand, broadcast sports journalists consider autonomy in terms of corporate intervention as they are regulated by the state. *Sky Sports News* reporters find that staying compliant with their regulatory code in the area of commercial references and undue prominence is effectively a daily struggle. It also largely defines their relations with marketing, public relations and sponsorship personnel and, therefore, their daily routines.

This study also demonstrated that broadcast sports journalism is an area of the occupation that warrants greater study and analysis. But in focusing on a particular national context it is certainly not universally applicable. For instance, broadcast sports journalists in the US are not so tightly regulated and commercial relationships and prominent sponsorship are an integral and accepted part of the live sports viewing experience. Similarly, there is little protection for objective journalism with partisanship a feature of the televised news landscape as, for instance, on the right-leaning Fox News (also part of the Rupert Murdoch empire). The US context perhaps suggests that UK regulation plays an important role in ensuring the ethical conduct of broadcast journalists.

Future research into sports reporting in the UK needs to take into account the different ethical considerations amongst print and broadcast journalists. The study of sports journalists and digital ethics can also use this analysis as a yardstick into how these issues play out in the traditional (print and broadcast) media. Moreover, future research could analyse the ethical decision-making of BBC sports journalists and compare with the findings of this study. Further, this study has used a tabloid newspaper as its case study and the findings, then, are not necessarily reflective of other print organisations.

Previous research into sports journalism has found that there are clear differences in other aspects of professional culture involving broadsheet and print sports journalists. The *Sun* and *Sky Sports News* have multiple digital offerings beyond their core provision of newspaper and television station respectively. How do traditional and historically embedded notions of ethics transpose to digital environments that are not so tightly regulated. What new ethical challenges are emerging? What are the daily work experiences of online sports journalists in relation to broadcasting codes? The growing complexity of regulation and ethics within different types of sports journalism is a useful indicator of a fragmented professional culture more generally.

Declaration of interest

The author receives no personal financial gain from either news organisations covered in this research.

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Note on the contributor

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