

NQJ MEDIA LAW AND PRACTICE – PROGRAMME OF STUDY

THE NATIONAL QUALIFICATION IN JOURNALISM

The NQJ media law and practice syllabus is based on a programme of supervised on-the-job training undertaken for a minimum period of 18 months at the trainee's newspaper office. During this period the trainee will undertake a series of reporting assignments involving the coverage of court cases and other judicial proceedings; stories with legal, moral and ethical implications for his/her newspaper; and stories involving the practices and decisions of central government, local councils and statutory bodies. From these assignments the trainee will produce copy for publication that shall be assessed by a qualified senior member of staff to industry standards. The objectives and outcomes of this supervised training programme are as follows:

Programme objectives	Programme outcomes
<i>The trainee will:</i>	<i>The trainee can:</i>
<p>1. Learn and apply knowledge of media law, court processes and the hierarchy of courts.</p>	<p>1.1 Demonstrate and apply an understanding of the terms, procedures and reporting restrictions applicable to trials and proceedings at magistrates' courts; youth courts; crown courts; coroners' courts; and civil courts</p> <p>1.2 Demonstrate and apply a good working knowledge of how legislation such as the Contempt of Court Act 1981; the Youth Justice and Criminal Evidence Act 1999; The Children and Young Persons Act 1933; the Defamation Act 1996; the Crime and Disorder Act 1998; the Criminal Justice Act 1925 and the Sexual Offences Act 2003 condition the way court cases may be reported</p> <p>1.3 Demonstrate a sufficiently sound knowledge of the rights governing media/public access to courts so as to be able to challenge confidently restrictive decisions made by magistrates and judges</p> <p>1.4 Identify the best news angle in court cases and write clear, vigorous, accurate and engaging stories within a specified word count and deadline, and to the standard of a senior reporter.</p>

<p>2. Learn and understand the general principles of media law as it applies to reporting assignments other than the coverage of court cases.</p>	<p>2.1 Demonstrate a sound understanding of what constitutes defamation and of the scope and requirements of the defence of truth and the defence of honest opinion as defined in the Defamation Act 2013</p> <p>2.2 Demonstrate an understanding of the relevance of the Defamation Act 1996 and the Defamation Act 2013 to matter published in online comment sites and bulletin boards</p> <p>2.3 Demonstrate an understanding of the differences between absolute and qualified privilege and the level of protection against defamation that each provides</p> <p>2.4 Demonstrate and apply knowledge of copyright before and after the introduction of the 1988 Copyright, Designs and Patents Act</p> <p>2.5 Demonstrate and apply knowledge of the Editors' Code of Conduct and the European Convention of Human Rights in respect of privacy issues</p> <p>2.6 Demonstrate and apply how the law defines confidential material and defences available to allow publication</p> <p>2.7 Demonstrate and apply knowledge of how the Contempt of Court Act 1981 affects reporting of crime, whether active or not, and the defences available.</p>
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<p>3. Understand legal, ethical and regulatory considerations and be able to apply them in journalistic situations</p>	<p>3.1 Gather information for publication taking into account all relevant laws, regulations and codes of conduct</p> <p>3.2 Write and prepare stories for publication, ensuring material for publication conforms with relevant laws, regulations and codes of conduct</p> <p>3.3 Work at all times to ethical principles and in a manner which would be regarded as fair.</p>
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Assessment

Assessment for the NQJ media law and practice section is by an examination set and marked by NCTJ examiners. The total time allowed for the media law and practice exam is 1 hour 20 minutes and the format is as follows:

- Candidates must answer three compulsory questions; two law-based questions testing defamation and content and one ethics-based question.
- Weighting of marks as follows: two (40 marks) law questions and one (20 marks) ethics question

Total 100 marks available:

Pass = 60-64

Merit = 65-69

Distinction = 70+

Awarding of marks

Candidates must demonstrate through their answer that they know the law and the Editors' Code of Practice well enough to state it and can apply it with confidence and clarity.

The marks for each section of each question should be awarded to candidates giving a comprehensive and completely accurate answer to that section.

A less adequate answer to a section should receive proportionately fewer marks according to the level of understanding/knowledge demonstrated by the candidate.

Other valid points (OVP)

These are marks which can be awarded where the candidate puts forward valid, relevant points/details other than those specifically required in the marking guide. For example, OVP marks should be given where the candidate's answer conveys a good knowledge of facts gleaned from books recommended for study, and/or by using relevant examples. Please indicate clearly where and how many OVP marks have been awarded.

Markers should apply marks in accordance with the discussions that take place with the moderator before the full marking session takes place. This is particularly important for Question 3 – ethics – where there are not always right or wrong answers.

Deduction of marks

Marks must be deducted for seriously wrong facts or conclusions that would cast doubts on a candidate's full understanding of an issue. This examination is to test whether a trainee journalist has both the knowledge and how it should be used correctly to be judged as a senior journalist. If the error is so serious that it could involve the newspaper in being prosecuted, sued and reported to IPSO, then no marks should be awarded for that section. Depending on the severity of the error, it may be necessary to keep the overall mark for questions (1) and/or (2) below 20 even if the rest of the answer is right.

Grade descriptors

Distinction 70+

The candidate has an excellent knowledge which they demonstrate to achieve the learning outcomes. The candidate provides excellent explanations with reference to relevant examples and practical application to local/national stories. There are no basic legal errors and no legal risks have been created in journalistic output. Provides significant evidence of analysis and application.

Merit 65-69

The candidate has a good knowledge which they demonstrate in practical work to achieve the learning outcomes. The candidate provides good explanations with reference to relevant examples and practical application to local/national stories. The candidate is very unlikely to make basic legal errors or create legal risks in journalistic output. Provides good evidence of analysis and application.

Pass 60-64

The candidate has a satisfactory knowledge which they demonstrate in practical work to achieve the learning outcomes. The candidate provides satisfactory explanations with reference to relevant examples and practical application to local/national stories. Candidate is unlikely to make basic legal errors or create legal risks in journalistic output. Provides evidence of analysis and application.

NQJ pass/fail criteria

Those who gain 60 marks or above will automatically pass this section. Those who fall below 50 marks will fail this section.

Those who gain a borderline mark of between 50 and 59 will go into an aggregating process (final moderation) involving the other assessments that make up the NQJ qualification – news interview, news report and e-logbook for journalists.

If a candidate has gained 60 marks or above in each of the other three NQJ assessments, a candidate achieving a mark of 50-59 will be awarded a pass for media law and practice as long as he/she has achieved an overall score of 240/400.

To pass the NQJ overall, a candidate must achieve a combined mark of 240/400.

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