

NQJ MEDIA LAW AND ETHICS IN PRACTICE EXAM

THE NATIONAL QUALIFICATION IN JOURNALISM

The NQJ media law and ethics in practice exam syllabus includes a programme of training undertaken for a minimum period of 18/24 months (this may vary by employer, but will not be less than 12 months minimum). During this period the trainee will undertake a series of reporting involving the coverage of court cases and other judicial proceedings; stories with legal, moral and ethical implications for his/her news organisation; and stories involving the practices and decisions of central government, local councils and statutory bodies. Trainees will produce stories for publication to industry standards. The learning outcomes for this exam are as follows:

Learning 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>
<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>

Assessment

The NQJ media law and ethics in practice exam is set and marked by NCTJ examiners. The total time allowed for the media law and practice exam is 2 hours and the format is:

- Four compulsory sections.

The focus will be on contempt of court, reporting restrictions, challenging court orders, children in court, defamation, privacy, confidential information and copyright. Regulatory questions will be based on the IPSO or Ofcom codes and/or rulings.

Marks available

Up to 150 marks are available for the exam.

Overall mark out of 150 will be rounded up to the nearest whole mark to create a percentage mark.

Pass mark

The candidate will need to achieve a minimum 90 marks (60 per cent) to pass this exam.

Pass = 60-64 % Merit = 65-69 % Distinction = 70+ %

Presentation

Examinations are taken in the Cirrus online exams portal.

Access to a sample exam in Cirrus will be made available once candidates have enrolled for the exam.

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 question will be awarded to candidates giving a comprehensive and completely accurate answer to that section.

A less adequate answer to a question will 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 may be given where the candidate's answer conveys a good knowledge of facts from books recommended for study, and/or by using relevant examples.

Deduction of marks

Marks will 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 company in being prosecuted, sued and reported to IPSO, then no marks will be awarded for that question.

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 grading

An overall grade of Pass, Merit or Distinction will be awarded for the NQJ. Candidates must achieve a minimum of 60 marks in each of the three assessments to gain a Pass. Final marks in each section will be expressed as a percentage. The final percentages in each section will be aggregated and divided by three to establish an overall percentage. Any half mark will be rounded up.

The grading scale used to signify performance differentiation within the qualification is Pass, Merit or Distinction which will be awarded as an overall grade. Grades are awarded for the Level 6 National Qualification in Journalism based on the following overall percentage marks achieved:

70+	per cent	-	Distinction
65-69	per cent	-	Merit
60-64	per cent	-	Pass

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