

EVENT NOTE

Private seminar with Jonathan Heawood, founding director of the IMPRESS Project, 18 September 2014

Respondent: Matt Rogerson, The Guardian

The Seminar was held under the Chatham House Rule. Participants were invited to include a range of academic and civil society expertise, along with representatives from IPSO and the news industry.

This note was prepared by the LSE Media Policy Project as a record of points raised in the discussion. It is not a verbatim summary nor is it a statement of a consensus position.

The Seminar focused on the path forward for IMPRESS, as an alternative to IPSO and on the wider implications of press regulation for the industry and the public.

The goal of IMPRESS is to create an independent regulator, free from the influence of both market and state. IMPRESS has taken the 23 criteria in the Royal Charter as the 'recipe' for its regulator. An appointments panel has been established, which will choose a chair and then appoint the rest of the board. This board will then put in place all necessary elements of the regulator, including approving its articles and establishing an arbitration scheme. The IMPRESS Project will continue to function until the regulator is established, which is expected to happen by March 2015. The regulator will be financed by donations and subscriptions from publishers.

Discussion around particular issues took place:

Recognition under the Royal Charter

It is for the board of IMPRESS to decide whether or not to seek recognition under the Royal Charter. It is unclear whether or not IMPRESS would qualify for recognition, given that its membership would have to include a 'relevant publisher' the definition of which unclear (see below). If it were to achieve recognition, it would activate elements of the Crime and Courts Act, including costs and exemplary damages for those who do not opt in. Some participants highlighted the risk of a chilling effect on publishers as a result, suggesting that some might be effectively bullied into joining. Others argued that regulation would not be effective without it and stressed the protection that membership of a recognised regulator could offer smaller publishers.

Lack of clarity of the Crime and Courts Act

Participants were divided over whether the relevant sections of the Crime and Courts Act 2013 had been sufficiently scrutinized or not. Many agreed, however, that it remains unclear who qualifies as a 'relevant publisher', with hyperlocal publications and charity websites cited as areas of potential confusion, as well as the idea of 'publisher by intent.' Overall, participants did not agree whether the 'carrots' were sufficient to justify the 'sticks.'

Relationship between IMPRESS and IPSO

Participants expressed mixed opinions over whether the possibility exists for IMPRESS and IPSO to coexist harmoniously. Given that IPSO's members have signed six year contracts, IMPRESS's potential scale is currently limited and will be for some time, which poses a challenge to its relevance. It was suggested, however, that while larger commercial news companies might be regulated by Ipsos, IMPRESS could focus on smaller, more local publications.

Some participants pointed out that IPSO benefitted from the existence of IMPRESS as an alternative regulator on the path to recognition. It was suggested that the competition might provide extra incentives to IPSO's members to ensure that their regulator was effective and reform if necessary.

Challenges facing a regulator

There was widespread agreement that getting a working system in place quickly was essential, with participants noting that there is no perfect form of regulation.

There are decisions to be made about:

- Arbitration

This was highlighted as a difficult question. At least initially, IMPRESS will have a service open also to those who haven't signed up to any regulator; however, it was not yet settled as to whether arbitration as a first instance would be an obligatory part of the contract for IMPRESS participants and advice or input on that matter was sought. There seemed to be general consensus on a need for more discussion on how arbitration should function for both regulators.

- Standards codes

Codes of practice are essential to making regulation effective. The status of the existing Editors Code remains unclear.

- Lobbying

Both IMPRESS and IPSO propose to conduct research and lobby on behalf of the industry. Participants were divided on whether this is wise or whether regulation and lobbying should be kept separate. It was pointed out that regulators should have a worthwhile bank of knowledge, that there is a difference between lobbying for particular points and for wider values, and that the PCC used to

publish guidance and research in its final years. Some believe that there is an opportunity for a regulator to be a credible voice for the industry.

- Trust

It is crucial for a regulator to win the confidence of the public, at a time when trust in news outlets is not high. It was argued that if the Guardian, Independent and Financial Times don't believe in the regulators on offer, this raises doubts for the public. It remains to be seen whether efforts of pure self-regulation from the Guardian and the FT will provide a viable model, and what path the Independent will take.

- Digital

Participants agreed that Internet is a game-changer in terms of press regulation. It is harder for regulation to be compulsory: it has to be about opting in because there is a benefit to the audience. Both IPSO and IMPRESS offer the possibility of such an 'opt-in' scheme. Converged regulation by a statutory body is also a possibility, which could lead to a heavier hand. The Internet also raises questions of international regulation and pluralism.

Future events

It was proposed that the MPP host focused discussions, in the form of seminars or online debates, on issues such as the definition of a relevant publisher.

Sir Alan Moses, Chair of the IPSO board, will give [a public lecture at the LSE](#) on 4 December.