

EVENT NOTE

Private seminar with Sir Alan Moses, Chair of the Independent Press Standards Organisation, 1 July 2014

The Seminar was held under the Chatham House Rule. Participants were invited to include a range of academic and civil society expertise, along with the chair and two board members of the IPSO, 4 senior representatives of newspapers (3 of national newspapers, 1 of local press).

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.

General

Many participants had serious misgivings about the legitimacy of the whole enterprise. Some participants said that IPSO simply replicates the PCC with more control by PressBof/Regulatory Funding Company (RFC). It was observed that the board of IPSO has yet to establish a position as it has yet to meet: it is difficult to speculate on what they will and will not agree on and no one can yet speak for the board as a whole.

The seminar focused on IPSO as it currently exists, and practical suggestions for its development. Some participants argued that the debate should not be presented in a polarised way - as The Press vs The Rest - and called for a more constructive discussion.

Concern was voiced about the response of the press to phone hacking judgements in recent weeks, particularly editorials, which implied that ethical breaches did not take place or that reform of press regulation is not necessary. This was seen as unlikely to foster public confidence.

Participants were of the view that IPSO in its current form is unworkable unless some major changes are made to [its founding documents](#). The regulator must in its early stages establish confidence with the public – it was agreed this is the crucial challenge – and in its current form it is unlikely to do this.

Particular concerns were raised about the following issues:

Independence – From Industry

Independence from industry was seen by participants as a vital characteristic of success. Public confidence is an essential condition for an effective regulator, and for this the public must perceive it

as independent. A Media Standards Trust study was cited that found that 17% of the public have confidence in a system set up by the press itself.

The role of RFC in the new structure was criticised in multiple ways. The question of budgetary independence from the RFC was discussed with suggestions that longer budgetary periods may protect independence. Some participants argued that the RFC has more control over regulation than PressBof had over the PCC, and cited its lack of transparency as having attracted suspicion.

Five out of twelve members of the IPSO board come from the news industry. This was named as a problem by some, but it was stressed that board members don't necessarily represent the industry, and that it is important to have people who know the industry.

Publishers who were not involved in the establishment of IPSO described the lack of consultation and their lack of involvement, while also referring to huge commercial pressure to join.

Where does independence end and self-regulation begin? Problems with the term 'self-regulation' were raised, with the explanation that it suggests a sense of entitlement and doesn't necessarily inspire confidence from others (professional standards regulation could be more accurate). It was suggested that it may be necessary for industry to give up control in order to get the confidence of the public.

Audit/ recognition

It was acknowledged that IPSO and RFC have made clear that they will not seek recognition under the Royal Charter.

Participants were generally agreed that some form of audit/external recognition of IPSO would still be necessary to ensure public trust and independence, but were divided on who should provide this.

The big question was how to deal with the issue of the Royal Charter. Is it IPSO's job to think of some other kind of recognition body? Currently, there is nothing else on the table, though some participants did suggest that recognition by the Charter recogniser in the very long term was still a possibility, or that a reformed IPSO may opt for recognition.

Can you detach the recognition body from the Charter? It was argued that an attempt to seek 'faux-recognition' could be very damaging to public confidence, but if IPSO will not countenance recognition under the charter they need to have some form of external audit.

Arbitration and mediation

It was agreed that arbitration is a vital part of any system and the current arrangements are unsatisfactory. Regulation 18ⁱ was criticised, as was the model of a complaints body that seeks to mediate claims rather than enforce standards consistently. Why should mediation take place under regulation 18? There was support for a system of arbitration, to give the public an opportunity for redress while publishers aren't crippled by legal costs.

But key issues remain:

- whether it should be voluntary or compulsory – should offering it be a precondition of membership?
- what is the incentive for the public? If there are no incentives it is difficult to enforce arbitration.
- how to handle the costs of legal representation.

Two different problematic situations can arise – large complainant/small publisher and vice versa.

Complaints

It was questioned why complainants still have to go to the publisher first. It is not clear why there should be referral to mediation once there is disagreement between the complainant and the newspaper. In general many felt that the system should improve transparency and build in more protection for complainants so that they do not feel pressure to drop complaints, and so that the system encourages standards improvement across the industry.

Investigations and Sanctions

It was argued that the system has been designed to let newspapers off the hook. Under regulation 40, investigations are too difficult to establish and there are simply too many opportunities for newspapers to head off an investigation under regulation 40-44. It is extraordinary that regulatees are notified under regulation 42 of investigation and given notice.

The Editors Code

The importance of the code of conduct was stressed. There were complaints that there is insufficient transparency about how this is being drawn up. Rule 10 was criticised and it was proposed that IPSO should at least be able to veto any change and propose changes.

The importance of internal reporting from the newspapers was mentioned along with the need for honesty and cooperation. It was argued that often the best way to deal with problems is through internal reporting. So far there has been very little change in this regard some suggested.

Process

Some participants criticised the closed and exclusive approach of the IPSO founders, arguing that the founding of IPSO was not a pan-industry discussion but an enterprise of part of the industry. Some major national newspapers were simply not consulted. Before these members would consider entering the self-regulatory mechanism, the founding documents would need to be revised.

ⁱ All references to regulations refer to the IPSO *Regulations* available, along with the other founding documents at <http://www.ipso.co.uk/>