

**PRESS RECOGNITION PANEL**

**Minutes of the meeting of the Board with academics and commentators held on  
13 April 2015 at 88 Wood Street, London EC2V 7QR**

**Present:** Dr David Wolfe QC (Chair of the Panel), Harry Cayton, Carolyn Regan, Harry Rich and Tim Suter

**Visitors:** Natalie Fenton, Goldsmiths, University of London  
Steve Hewlett, Guardian, BBC and University of Salford  
Damian Tambini, London School of Economics

**In attendance:** Susie Uppal (Executive Director), Ros Stevens (Regulatory Manager), Holly Perry (Interim Governance Manager) (taking notes)

**Welcome and introductions**

1. The Chair welcomed Natalie Fenton, Steve Hewlett and Damian Tambini to the meeting.
2. Following introductions, the Chair set out the planned format for the meeting, which was expected to last around an hour. This was one of a series of meetings which the Board was holding in order to seek early input to how the Panel could give life to the Royal Charter recognition criteria. To date, there had been polar opposite views on many of the key issues.
3. In terms of timescales, the Panel had now started preparing documentation setting out proposals for how it intended to go about the task of receiving and considering applications for recognition. The Panel then expected (between May and July 2015) to consult widely on those proposals before publishing them in final form later in the summer of 2015.
4. In addition to any points the visitors wished to raise, the Chair emphasised that the Panel would very much welcome comments – as part of the discussions, or in writing after the meeting – on the following points<sup>1</sup>:
  - the general approach the Panel should adopt to the recognition criteria and process;
  - how the Panel should approach the areas where the criteria for recognition were least specific;
  - how the Panel should give effect to its duty under paragraph 1 of Schedule 2 of the Charter to apply to the criteria concepts of: effectiveness, fairness

---

<sup>1</sup> The Panel wrote to attendees setting out the areas for discussion ahead of the meeting; details of the points covered in discussions with all stakeholders are published on the Panel's website: <http://www.pressrecognitionpanel.org.uk/documents/Letter%20to%20attendees.pdf>

and objectivity of standards; independence and transparency of enforcement and compliance, credible powers; and remedies, reliable funding and effective accountability;

- what evidence the Panel should require in support of applications;
- any relevant examples of best practice or other learning, including in those areas, of which attendees were aware;
- any particular dangers;
- how best the Panel should seek the views of the public and other interested persons on our draft proposals;
- whether recognition applications might need to include, or could be said to include, information which was or might be confidential; and if so, how the Panel should respond to that;
- whether the Panel should seek and take into account public comment on recognition applications which were received and, if so, how best the Panel should go about doing that; and
- thoughts about who the Panel should see, meet with and what else it should be doing.

5. The expectation was that the meeting would provide a forum for free and frank exchange of views. The meetings was being held in private, however a note of the key points discussed would be agreed by all participants for publication on the Panel's website.

## **Discussions**

### *Extent of the Panel's role and the costs of the Panel's operation*

6. DT expressed a view that the role the Panel had adopted to date was 'activist' (eg looking to consult widely and holding events across the UK, looking to produce guidance, looking to take an outreach role). While DT was supportive of this, he asked what the basis was for adopting such an approach. One interpretation of the Royal Charter was that the Panel should be adopting a minimalist role. The House of Lords Communications Select Committee had enquired about whether the Panel would be in a position to enter a 'holding pattern' and mothball its activities, if it found itself in a position where no regulators applied for recognition, and DT welcomed the Panel's views on this.
7. DW responded that the Charter in fact gave the Panel powers to issue guidance, and the Panel had decided to do this properly and therefore via public consultation. DW explained that in light of the level of public understanding, there was a need to adopt an active role. DW emphasised that the Panel was not looking to over-specify the guidance to accompany the

criteria set out in the Royal Charter, but did want to give sufficiently helpful detail to would-be applicants.

8. In relation to costs, the Panel was operating as efficiently as possible, incurring only those costs necessary for it to be in a position to receive applications by the autumn so that its Royal Charter commitments could be met. Beyond this, the Panel could scale back considerably if no applications were received or expected. The Panel had proactively considered the need to adopt a 'holding position' and therefore such an eventuality would not cause a problem.
9. HC added that there was a high likelihood that many observers would be critical whatever approach the Panel adopted. The Panel intended to do the work required to deliver the Royal Charter, at a sensible cost, and would be fully prepared to respond to questions and be held to account.
10. DW added that it was a matter of public record that the Panel had been given funds from the Exchequer of £3m for the first three years of operation and it was almost certain that the Panel would come in under budget in Year 1, and probably that it would also do so in Years 2 and 3.

#### *Plans for consultation and timing*

11. NF expressed a view that it was essential that the Panel was in a position to provide a tangible product ahead of the consultation roadshows – a sufficiently developed level of detail in relation to the accompanying guidance and application process would be necessary if consultees were going to be in a position to engage constructively. In addition, the summer months were not ideal. There would be a very short window for academics between the end of the examination period and the start of the research period. DW responded that the timing wasn't perfect, but that the Panel considered this provided the best balance between the competing imperatives involved.
12. NF added that the Panel would be advised to stick to the Leveson recommendations as the blueprint, and that the emphasis should be on keeping guidance and processes as simple and streamlined as possible. Transparency was also important, and needed to be effective. A period of pre-application dialogue would also be helpful for prospective regulators. DW responded that the Panel was committed to providing pre-submission advice; the process was fully intended to be interactive; and that the Panel had no intention of going beyond (because it has no power to go beyond) the ambit of the criteria in the Charter.

13. NF stressed that the date on which the Panel was in a position to accept applications for recognition needed careful forethought as the Panel had a duty to inform Parliament and the public on the first anniversary of such a date if the system was deemed to have failed.

#### *Recognition criteria guidance and best practice*

14. NF considered that in terms of how best to approach the recognition criteria guidance, it would be preferable for the Panel to seek out existing best practice either from other jurisdictions or other sectors, and ensure models were practicable in a UK press context. For example, the New York Times had a very highly regarded complaints system which should be examined by the Panel. DW agreed that such sources might inform the Panel's work, and added that the Panel's position in relation to assessing compliance was to require the minimum level of evidence – the Charter was both empowering and constraining in this regard. If the regulator could demonstrate it could satisfy each individual criterion, they would be recognised.
15. SH asked whether the Panel would accept organisations who met most but not all of the criteria. DW responded that there would be no assessment of 'nearly there' or 'not good enough' – it was not within the Panel's gift to award anything other than a pass or fail. If a regulator meets all the criteria the Panel must recognise it; if it does not the Panel cannot recognise it.

#### *Complaints*

16. Taking complaints as an example, TS asked attendees for views on how best the Panel should assess the full spectrum of characteristics of a complaints system. NF responded that any system needed to be quick and easy to understand. HC added that a complaints system could not be too complicated but could not be too simple either. The system needed to be principles-driven, so that regulators of all sizes could apply – the Panel's approach would not be prescriptive. DT added that the former Press Complaints Commission's website enabled complaints to be searched quite readily. So far, this was not the case with IPSO, though it was understood that IPSO planned to do more work on its website.
17. RS clarified that the Royal Charter required the complaints system to be 'adequate'. NF felt that 'adequate' could be interpreted in two ways – in relation to the function, and the outcome.

### *Whistle-blowing*

18. The Panel needed to give consideration to how best to assess the criterion relating to a whistle-blowing hotline. As a minimum, there would need to be a reasonable expectation that the whistle-blower would be listened to, and would not be sacked as a consequence of blowing the whistle.

### *Role of the Panel*

19. SH felt that some people were concerned that the Panel might be perceived as becoming the “regulator”. And, that anything that looked like the state being involved in regulation of the press would be very negatively received. The risk was that actual practice would, de facto, become the code of practice. And the more detailed an approach the Panel adopted, the worse the situation would be.
20. HC explained that many oversight regulators had to balance a tension between the need to ensure the regulatory system was adequately overseen with allegations from the regulators themselves about the burden of regulation. The Panel would adopt a position of requiring the minimum necessary of regulators to achieve the Royal Charter outcomes. DW added that this position was likely to favour smaller bodies in meeting the requirements.
21. DW responded that the Panel would challenge in the strongest possible terms any allegations of state control in how it exercised its remit. The Panel’s independence from the state was enshrined in the Royal Charter – any changes to the Panel’s remit required a two-thirds majority in both Houses of Parliament as well as the Scottish Parliament. NF enquired whether or not the Panel was required to publish what it meant for it to be independent of government. DW responded that the Panel had already done some work on this, and would continue emphasising the message at every opportunity.
22. SH added that it was difficult to object in principle to the principles of Leveson (for example, some form of kite-marking or similar was to be welcomed) however there would be a continual need to question the extent of the state’s hand in the regulatory arrangements.

### *Ad hoc reviews*

23. SH explained that a major issue of contention related to the Panel’s power to conduct ad hoc reviews. SH was interested in the Panel’s views regarding what might trigger an ad hoc review.

24. DW responded that the Panel had not yet considered this issues but would need to consider how it would approach the position if there evidence of failure in respect of any of the criteria once a regulator had been recognised.

*Prospect of bodies applying to be recognised*

25. SH noted that IPSO had stated publicly that it was not going to apply for recognition. The Guardian and Financial Times were taking an independent approach, but looked similarly sceptical. SH asked how the Panel would deal with a position where no bodies applied for recognition. DW explained that at the one year anniversary of the point the Panel was open for receipt of applications, it would publish a 'report' – which would cover all relevant publishers and the adequacy of their systems of regulation.

**Additional information**

26. NF asked that the Panel make every effort to engage with civil society groups; this was essential if the notion of the Panel operating in the public interest was to be credible.
27. DW would take particular note of the points raised in relation to managing the political risks, and having the Panel's 'holding position' ready if this was required. NF added that it was important that the Panel did not allow the politicians to take the initiative – it was essential that the Panel progressed its work as quickly and as proactively as possible.
28. DW concluded the session by inviting attendees to submit additional information as they wished.

**Closing comments**

29. The Chair thanked everyone for attending and for speaking so openly and frankly about issues.