

PRESS RECOGNITION PANEL
Minutes of the meeting of the Panel with the Independent group,
held on 26 May 2015 at 107-111 Fleet Street, London EC4A 2AB

Present:

From the Independent, Independent on Sunday, London Evening Standard and the i
Doug Willis, Managing Editor
Will Gore, Deputy Managing Editor

From the Press Recognition Panel
Dr David Wolfe QC, Chair
Harry Cayton, Board Member
Emma Gilpin-Jacobs, Board Member
Carolyn Regan, Board Member
Harry Rich, Board Member
Tim Suter, Board Member

Susie Uppal, Executive Director
Rick Borges, Regulatory Manager
Sadie East, Stakeholder and Communications
Jonathan Gorvin, Regulatory Manager
Rosalind Stevens, Regulator Manager
Holly Perry, Head of Governance (taking notes)

Welcome and introductions

1. The Chair (DW) welcomed DWi and WG to the meeting
2. Following introductions, DW set out the planned format for the meeting. 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. As well as meetings with academics, commentators, key interest groups, IMPRESS, IPSO and representatives of hyper local publishers, the Panel had also been keen to engage with the large national relevant publishers not part of IPSO – namely, Guardian News and Media, the Independent group and the Financial Times. The Panel wished to be clear on the full range of issues, to inform its work on implementing the Royal Charter.
3. In terms of timescales, the Panel was now finalising documentation setting out proposals for how it intended to go about the task of receiving and considering applications for recognition. The Panel planned (between 8 June and 31 July

2015) to consult widely on those proposals – including holding public meetings across the UK - before publishing them in final form later in the summer of 2015.

4. In addition to the points set out in writing by the Panel in advance of the meeting¹, DW emphasised that the Panel would very much welcome input from the Independent group on the proposals for assessing applications for recognition. Regardless of whether or not there were any formal applications for recognition, the Panel's processes and guidance were likely to be regarded as the benchmark and therefore the Panel wanted its approach to be helpful, useful and well informed. It was hoped that colleagues would be willing to assist on this basis.
5. DWi provided some background to his career by way of introduction. DWi first joined the Evening Standard in 1987 and was Managing Editor for six years. He was responsible for co-ordinating editorial operations when Lebedev switched the London title to a freesheet in 2009. DWi was appointed Managing Editor of Independent Print Ltd in 2011. In terms of WG's career, prior to his appointment as Deputy Managing Editor at the group, he was Director of External ad Public Affairs at the Press Complaints Commission. WG's role at the group focused principally on standards, compliance and complaints.

Discussions

Background and context

6. DWi confirmed that the group had not joined IPSO and had not yet made a decision about joining IMPRESS. At present, it was satisfied that the processes of its own that were in place to consider and act upon concerns raised by the public were adequate and appropriate. It was important for the group to have means of adequately dealing with the public, and issues of concern to the public, but these were being handled internally to the group's satisfaction.
7. DWi considered that IPSO was serious organisation, and the group had attended meetings to discuss the issues however the timing was not right to consider joining. With regard to IMPRESS, the view was that this did not feel to be the appropriate body for the company to join – many in the industry were

¹ The Panel wrote to the Independent group setting out the areas for discussion ahead of the meeting; details of the points covered in discussions with all publications are published on the Panel's website: <http://pressrecognitionpanel.org.uk/word/wp-content/uploads/2015/05/Letter-to-newspapers.pdf>

still trying to work out how the new arrangements would work, and how new regulators might impact on the landscape.

8. Overall, the group was of the view that any regulator, even if it incorporated the best minds in the industry, would struggle with the concept of self-regulation and preserving the freedom of the press. There was also considerable doubt within the group about the grounds for more than one regulator existing, and in fact there was a view that it was positively unhelpful to have more than one regulator.
9. WG explained that in relation to IPSO, some elements remained similar to the former PCC approach and some did not. It appeared to be the case that since setting up its processes, the public were using the IPSO processes, and IPSO appeared to be dealing with people in a fair way.

Editors' Code and approach to handling complaints

10. WG set out that when the Independent group decided not to sign up to IPSO, it made a conscious decision not to incorporate the Editors' Code word for word into its own internal code. Some tweaks and additions were made.
11. WG explained that the code was circulated to all new journalists, and regular training and update sessions were held with journalist staff. It was available on the website, with a link to the complaints form and a 'frequently asked questions' document.
12. When complaints were received, these were submitted directly to WG to deal with. The majority were clear cut, and could be dealt with through issuing a correction. In a small minority of cases, other ways of having to resolve matters needed to happen. Overall, the public appeared satisfied with the straightforward process in place.
13. DWi added that in cases where complaints could not be resolved, the group had stated that it would be prepared to go to arbitration, but this had not been necessary as yet. If a mistake was made, it would be corrected.

Complexity of the new system and independence of the Panel

14. WG set out that the PCC had regularly been asked to appear before Select Committees to explain its activity in view of the complexity around its role. There was a strong feeling, a scepticism even, within the industry about what appeared to be an even more complicated set of arrangements and set of institutions. DW responded that the Panel did not intend to introduce complexity, and would not go beyond what the Royal Charter specified. The

processes were in fact highly prescribed – for example the process of cyclical reviews were to take place biennially. Additionally, the Royal Charter gave the Panel absolute independence – structurally, there could be no genuine concerns about power that politicians might wield over the Panel. The Panel’s expertise was appropriate for its role and, in particular, given it was not regulating publishers. The Panel was keen to learn as much as it could from the industry, hence why it was meeting with as many as it could in the early phase of its work.

15. DWi explained that a particular gap in knowledge and understanding was the Panel’s role of as auditor. There was an interest in understanding more about how this would affect the industry as a whole. DW responded that the Panel did not have regulatory powers, and emphasised again its narrow and very specific role, arising directly from the requirements set out in the Royal Charter.
16. In terms of avoiding complexity, DWi noted that IPSO required complainants to raise matters with the individual newspaper in the first place in any event and therefore the approach the group was adopting seemed sound. The first line of defence was to adopt the highest standards of journalism, and therefore avoid complaints in the first place.

Arbitration

17. DWi noted that at present, IPSO did not yet have an arbitration process in place. WG indicated that the Independent group’s approach would be to find a formal arbitration process that the individual complainant would be content with. In terms of the process that IMPRESS was going to adopt, it was expected that this would be open to anyone. WG confirmed that the group was keeping all options open at the present stage.

Publishing information on complaints

18. HR asked whether the group had published any data on complaints. WG responded that it had not done so to date, but had a very good story to tell which would be of interest. However, doing so was expected to be resource intensive.

Observations on joining a regulator

19. TS suggested that there were three elements that needed to be in place for the system to work: an independent adjudicator, the ability to sanction, and the systematic investigation of issues and trends. These appeared not to be open to the Independent group on the grounds that it was not part of a regulator.

WG agreed, however no complainant had ever asked the question 'where should I go next?' WG added that editors were public figures and had nowhere to hide, and that social media had been a game changer. It was no longer possible to ignore complainants and hope that they would go away.

Preserving journalistic ethics

20. HC raised a question in relation to WG's column, *The only way is ethics*². It was clearly a difficult and complicated path to tread: individuals wanted their privacy preserved, but as a society we wished to have a free press. HC asked how the Independent group struck that balance. WG responded that the Independent did this through its Editor's Code. In addition, the group's publications did not push at the boundaries in the way that other publications did. In relation to complaints, issues of privacy were few and far between.

Hyperlocals and interpretation of 'relevant publisher'

21. WG asked how the Panel intended to determine whether or not hyperlocals were caught by the regime. DW responded that this was not a matter for the Panel to determine, but would be decided on a case by case basis. The Panel needed to have a general overview and understanding of the range of publishers who might want membership of an approved regulator; the definition was contained within the Crime and Courts Act 2013. The matter turned on three key tests: whether the site or publication amounted to news content; whether there were multiple authors; and whether there was editorial control of the content. There were then a scale test – so an individual blogger was not caught, however it was likely that a large number of news outlets being run by an individual, but with one, two or more contributors might well be caught, whether publication was online or in print.
22. In the Panel's view, DW explained the issue of hyperlocals raised no issues at all, except that in light of their size, and their important role in holding localities to account (politically or otherwise), they were likely to find the cover afforded by membership of a recognised regulator attractive.

Annual report and cyclical reviews

23. DW explained that in relation to annual reporting, the Panel had a framework within which it was required to operate, as set out in the Royal Charter. It was obliged to report on the first anniversary of opening for business (i.e. at the point of being ready to take receipt of applications). The report might be

² <http://www.independent.co.uk/voices/comment/the-only-way-is-ethics-rights-to-privacy-and-free-expression-will-always-be-at-loggerheads-10274404.html>

factual, or might contain narrative comment on the market outside those who had applied for recognition. The Panel would determine its approach at the appropriate stage, however it was highly likely to comment on 'substantial publishers' such as the Independent group. Comment made would not be published without engaging with the particular publication in advance.

Additional information

24. DWi asked whether the Panel's role was to look after the interests of the industry, or to look after the public and readers. DW responded that the Panel very much saw that its role was to preserve a free press in a free society, and that both the public's and commercial interests were at its heart. Vital to its purpose was ensuring that the public had an avenue through which complaints could be satisfactorily handled. The Panel did not have a role to contrast the commercial and public interest.
25. Following on from this, DW emphasised that there would not be a 'good enough' assessment of a regulator – either the criteria were met, or they were not. The Panel had no discretion to form a judgement.
26. HC added that nor did the Panel have a view on whether or not a publication was part of a regulator. Nevertheless, the Royal Charter gave the Panel a role to make comment as part of the annual reporting process.

Closing comments

27. DW concluded the session by inviting DWi and WG to submit additional information as they wished, no matter how small or specific, whether part of the formal consultation exercise or not. Getting it right was vital for ensuring that a successful framework was in place for the foreseeable future.
28. DW thanked DWi and WG for attending the meeting and for offering insights at a critical time for the Panel. DW added that any observations as part of the consultation would be very helpful.