

Dear Press Recognition Panel,

I am a member of the public, a supporter of the Royal Charter and have a longstanding interest in ensuring that the Leveson Report is delivered fully and effectively. I have considered the consultation and read Hacked Off's submission to the PRP consultation, a copy of which is [here](#). I am writing firstly to say that I back Hacked Off's submission, prepared with the input of victims of press abuse. I hope you will take note of this.

One issue which I am passionate about in a press regulator is the Code of Practice, and in response to the Consultation I would like to draw your attention to my views (which I share with Hacked Off) on how the PRP should apply the Charter criteria in respect of this particular matter below.

Standards Code

Criterion 7 says:

The standards code must ultimately be the responsibility of, and adopted by, the Board, advised by a Code Committee which may comprise both independent members of the Board and serving editors. Serving editors have an important part to play although not one that is decisive.

1. I believe the following guidance should be given:
 - It is clear that the PRP will need to provide applicants with guidance on the definition of "serving editor".
 - This will need to be the same as that for criteria 3 and 5, and will need to be such so as to allow the true intention of the criteria (which stresses the importance of independence from those performing editorial functions rather than simply industry leadership). Therefore deputy, assistant, executive, associate, news/features/comment/picture/night editors would all be covered by the definition and their participation in the advisory code committee would be welcome but when combined not decisive.
 - In order to deliver the objective the PRP will need to ensure that a Code Committee of any regulator which does not have a majority of "serving editors" does not, nevertheless, give a veto or special voting powers to serving editors

2. This criterion could be misinterpreted and it needs to be clear so "for the avoidance of doubt":
 - There must be a Code Committee but it must be advisory committee only not an executive committee
 - The majority of Code Committee members must not be serving editors to fulfil the "not decisive" requirements. This is because the reference to "serving editors' role not being decisive" here must relate to their role on the Code Committee as they are already excluded from the Board.

- The Committee need not be composed only of independent members of the Board and serving editors (and indeed none are compulsory).
3. In respect of examples of possible evidence, although the PRP proposes that applicants might provide...
- *“Terms of reference between the Board and Code Committee regarding decisions on the content of the code and compliance with the code”*; it is not clear that the last 5 words belong as compliance is not a function of the Code Committee.
 - However these terms of reference should put beyond doubt that ultimate responsibility for the content of the code lies with the Board.

Criterion 8 says:

The code must take into account the importance of freedom of speech, the interests of the public (including but not limited to the public interest in detecting or exposing crime or serious impropriety, protecting public health and safety and preventing the public from being seriously misled), the need for journalists to protect confidential sources of information, and the rights of individuals. Specifically, it must cover standards of:

- a) conduct, especially in relation to the treatment of other people in the process of obtaining material;*
- b) appropriate respect for privacy where there is no sufficient public interest justification for breach; and*
- c) accuracy, and the need to avoid misrepresentation*

The proposed indicators (which we believe are better described as guidance and clarification) are:

- The Regulator has demonstrably considered relevant legislation, codes, rules and/or guidance in developing the code.
- The Regulator meets the requirements set out in the criterion including in 8 (a),(b) and (c) in a way that is proportionate to its subscribers.
- It is not clear that the last nine words (“in a way that is proportionate to its subscribers”) are needed here because it is an important aspect of Leveson that the Code is a matter for the independent self-regulator and that the Recognition process does not seek to judge the code beyond the terms set out in this criteria and those that follow.
 - Similarly the suggestion that the recognition process determine whether the “code is reasonable in its terms” is inappropriate. If regulation fails because of an unreasonable code then that will be a matter for the independent regulator to fix.
- The code is framed in a manner consistent with the potential for complaints to be heard and decided upon by the Regulator under criteria 11 (a) to (c).

In keeping with the above, the PRP should make clear, for the avoidance of doubt, that it is for the Board of the regulator to determine what is “appropriate respect for privacy where there is no sufficient public interest justification for breach”.

It follows from this that a number of the suggested “possible evidence” examples are inappropriate:

- It is appropriate for a “copy of the code with an explanatory note of how the code takes into account the requirements of the criteria” to be expected from the regulator by the PRP but it is not necessary or appropriate for “ in the context of its subscribers.” to be included.
- The following 2 examples of possible evidence are inappropriate on the same basis:
 - o Description of the Board’s approach to the interests of the public and freedom of speech, and how they have been incorporated into the code.
 - o Information, if any, to show how feedback from interested parties is taken into account.

Criterion 8A says:

A self-regulatory body should provide advice to the public in relation to issues concerning the press and the standards code, along with a service to warn the press, and other relevant parties such as broadcasters and press photographers, when an individual has made it clear that they do not welcome press intrusion.

The PRP should provide guidance to applicants that under this criteria and/or under criteria 10 and 11 it is necessary that complainants are assisted in identifying the relevant clause(s) of the code when seeking to complain about an article rather than being left to work it out for themselves and possibly fail or give up.

In terms of possible evidence the PRP should suggest that operating procedures which show that prospective complainants are not forced to make their own reference to the code when complaining about an article.

Criteria 8B and 8C – no comments.

Criteria 8D says:

A self-regulatory body should establish a whistleblowing hotline for those who feel that they are being asked to do things which are contrary to the standards code.

- The PRP has suggested under “indicators” that “Concerns are welcomed, valued and treated seriously.”

This is not really an indicator, but the PRP is right to seek to guide applicants regulators on what such a hotline needs to achieve.

The following Guidance for applicants is suggested

- The Regulator requires from subscribers contractual guarantees that individuals are not victimised for contacting the hotline; safeguards and monitoring are in place to ensure that this does not happen (this is a clarification of the PRP’s suggestion)
- The Regulator requires from subscribers established processes that ensure alleged malpractice is identified and dealt with appropriately and effectively. (This is a clarification of the PRP’s suggestion)
- Requested or required confidentiality and anonymity are assured at all times (this is a clarification of the PRP’s suggestion)
- The Regulator demonstrates clear leadership and commitment to the protection of those engaged in whistleblowing. (This is a clarification of the PRP’s suggestion)

Possible suggested evidence to back up these suggestions would be:

- o Clear contractual requirements on subscribers to abide by a policy which protects those engaged in whistleblowing.

The PRP suggested these three which are correct:

- The Regulator ensures that the hotline is easily accessible and available to anyone who might reasonably want to access it.
- The Regulator has appropriate tools to support individuals who raise concerns
- The Regulator monitors and records data arising from any use of the hotline and learns from and acts appropriately on: concerns raised; action taken; and outcomes