

FINAL

PRESS RECOGNITION PANEL

**Minutes of the 11th meeting of the Press Recognition Panel Board
held on 22 September 2015 at 107-111 Fleet Street, London EC4A 2AB**

Present: Dr David Wolfe QC (Chair), Harry Cayton, Emma Gilpin-Jacobs, Carolyn Regan, Harry Rich and Tim Suter

In attendance: Susie Uppal (Executive Director), Holly Perry (Head of Governance), Paul Nezandonyi (Communications and Stakeholder Manager), Jonathan Gorvin (Regulatory Manager), Rosalind Stevens (Regulatory Manager), Atiqur Chowdhury (Research and Business Manager), John Speed (JS2 Ltd) and Megan Archer (JS2 Ltd).

BOARD MEETING – PUBLIC SESSION

Welcome

1. The Chair **welcomed** Members and attendees to the eleventh meeting of the Press Recognition Panel Board.
2. The Chair also **welcomed** the members of the public who were in attendance, who confirmed that they were happy to be named as having been present:
 - Geoff Cox, member of the public;
 - James Connal, Capital PR; and
 - Nathan Sparkes, Hacked Off Campaign (from paragraph 14).

Declaration of members' interests

3. There were no new declarations to note.

Minutes of the meeting held on 25 August 2015, outstanding actions and matters arising

4. The minutes of the meeting held on 25 August 2015 were **approved**. The

Chair would sign a copy of the minutes as a correct record.

5. The log of outstanding Board actions was **noted** and **agreed**.
6. The Board **noted** that there was just one matter arising not dealt with in the log of outstanding Board actions or elsewhere on the agenda: at its meeting on 25 August 2015¹, the Board had agreed that only if a significant further number of additional monitoring forms were received would diversity data be published in relation to the public consultation on the recognition framework. Since 25 August, a further 38 forms had been received, indicating a 26% response rate overall. The Board agreed that a short paper would be provided to the 20 October 2015 meeting, tabulating the data and making recommendations as to publication.

Finance report September 2015 – Paper PRP51(15)

7. The Board received a paper which updated the Board on the finance position as at 31 August 2015.
8. The following points were raised in discussion:
 - the Board was reminded that the £2.1m income received from the Exchequer in July 2015 had been treated as having been received in 2014/15 under FRS102, thereby recognising the PRP's full funding in the previous financial year. Discussions were ongoing with the National Audit Office (NAO), the PRP's external auditors, regarding recognition of the income in the statutory accounts;
 - there were no significant variances to report, other than items previously reported (office costs, meeting rooms, IT). The underspend as at 31 August 2015 was £51,827;
 - in relation to the second bank account, the Board **noted** that Megan Archer and Susie Uppal had met Barclays Bank on 26 August 2015. On the basis that no response had been received from HSBC, and that Barclays had indicated that it was content to take the PRP's business, the Board **agreed** the opening of a second bank account to Barclays, delegating authority to the Executive Director to conclude the matter;
 - a re-balancing of the 2015/16 budget would be discussed and agreed at the Board's 20 October 2015 meeting;
 - JS2 Ltd confirmed that there were no other significant elements to draw to the Board's attention.

¹ As at 25 August 2015, 16 diversity monitoring forms had been received via the web. A follow up communication had been sent to the Hacked Off group of supporters, asking individuals to complete a monitoring form at the same time as confirming whether or not their responses could be published.

9. The Board **noted** the latest financial position.

Governance Framework update – Paper PRP52(15)

10. The Board received a paper which invited the Board to approve a number of draft policies relating to the website, as well as a data protection policy and a procurement policy.
11. The following points were raised in discussion:

Web related policies

- the website terms and conditions document as drafted (at Annex B) set out that users should link to the home page of the website only – the Board **agreed** to adopt a less restrictive approach and allow users to link to other pages of the website, but emphasising that the onus would be on the users to ensure the links were kept up to date;
- it was noted that the website accessibility statement and the cookies policy were not simply aspirational, but would happen in practice.

Data Protection Act policy

- it was **agreed** that the Board would be informed of instances when Data Protection Act complaints were submitted to the Executive Director.

Procurement policy

- it was agreed that rather than make a differentiation between £2,500 and £25,000, the policy would be amended so that three written quotes were invited for all items above £2,500 and that advertising was undertaken only where appropriate;
- it was agreed that rather than name the Board Member personally, reference only to the role would be made in the second paragraph (i.e. Board Member with specific responsibility on behalf of the Board for finance matters).

12. The Board **approved** the following draft policies for publication on the PRP website, subject to reflection of the amendments raised in discussion:
- web accessibility policy;
 - website terms and conditions;
 - cookies;
 - website privacy policy;
 - Data Protection Act policy;
 - procurement policy.

13. The Board received a paper which provided the basis for a scoping discussion in relation to the Royal Charter requirements relating to ad hoc and cyclical reviews. In the consultation on proposals for receiving and determining applications for recognition, the PRP had acknowledged that the wording in the Royal Charter created an element of uncertainty for regulators that needed to be clarified. The PRP planned to consult on proposals relating to ad hoc and cyclical reviews – as well as arrangements for fee charging – in the first half of 2016.
14. The Board's views were sought on matters of principle and areas of interest, ahead of the executive developing the work on the proposals further. The following points were raised in discussion:

Triggers for an ad hoc review – how to define 'exceptional' and 'significant public interest'

- it was **agreed** that these were very difficult concepts to define;
- the PRP needed to be mindful that it would receive - potentially malicious – information intended to generate an ad hoc review;
- use of a risk matrix might help to give a clear indication of the level of seriousness of an matter;
- one option was for a two-step process, where there might be a compelling case or cogent evidence of a breach, sufficient to justify further enquiries (but without coming to a final view). Before triggering a review, the PRP would pursue a process to satisfy itself that the matter couldn't be easily and readily remedied (through, for example, informal mechanisms).

How proactive a role the PRP should play in gathering intelligence for reviews – both cyclical and ad hoc

- options included writing to regulators on a regular basis requesting updates, and monitoring media reports (which the PRP did some of already);
- it was **agreed** however that the PRP's intelligence gathering needed to be consistent with the Royal Charter and nothing beyond that;
- it was **agreed** that regulators' annual reports, and other publicly available information such as regulators' key performance against indicators, would be helpful.

If a serious breach occurred and triggered an ad hoc review, the extent to which the PRP should or should not broaden its review beyond the initial

breach – on the basis it might be indicative of systemic failures

- it was **agreed** that this would depend on the issue at stake - in some areas, failures might lead to systemic issues arising, however in other cases the issue might be self-contained. Some criteria naturally grouped together, and so issues arising in these areas might result in the need to look beyond the matter at issue. Care would need to be taken to look only at evidence of the Royal Charter criteria breach;
- one option was to raise the matter relating to individual criterion in question with the regulator, and determine the next steps depending on the regulator's response. If the issue could be dealt with satisfactorily in isolation, there was unlikely to be a need to broaden the review. However, if the regulator's response was unsatisfactory, this might lead to questions wider questions, and lead to a broader review.

Whether or not the PRP should publish the fact that an ad hoc review was being undertaken, or await the outcome of the review before publication

- it was **agreed** that the PRP should publish the fact that an ad hoc review was being undertaken, with accompanying information about the timescale and criteria for the review.

As part of cyclical reviews, whether to focus on each criterion equally, or given weight to certain criteria over others, based on feedback and information received prior to the review

- this question raised a philosophical point about the role of cyclical reviews – whether they were intended as a general review of all the criteria, or whether the PRPs should focus on some areas over others, perhaps based on feedback received prior to the review or the PRP's own intelligence gathering;
- there was support for the idea of a 'call for information', akin to the process for recognition;
- it was **agreed** that if the review focused on some criteria more heavily than others, the PRP would nevertheless make clear to the regulator that all Royal Charter criteria would be looked as part of the review.

How long cyclical and ad hoc reviews should take, and what level of review would be appropriate

- it was **agreed** that proportionality was important, and that the time taken should be neither disproportionate to the task, nor to the seriousness of the case;
- time would need to be allowed for the participative element, and for the regulator and the PRP to respond to any information provided. Thought would be given to this;

- in relation to cyclical reviews, notice could be given – the PRP would be in a position to anticipate and schedule the window of time during which a cyclical review would be undertaken, and provide this to the regulator together with detail about the time set aside for the participative element and the regulator and PRP to respond;
- in relation to ad hoc reviews, these needed to be conducted swiftly, and the PRP needed to be cognisant of the impact on the regulator;
- in relation to cyclical reviews, it would be important for the PRP to be clear about what evidence it wished to see, as well as clarity about how the announcement about the review would be published.

Whether or not to continue to pursue informal dialogue with regulators in respect of regulatory arrangements, as outlined in the PRP's interim arrangements

- the Board **agreed** that the PRP's position would need to be in line with that published in the final recognition framework;
 - regulators would be asked to ensure that the PRP was informed as soon as possible of any rule changes;
 - it was possible that informal discussion might trigger an ad hoc review, or that the PRP might be provided with intelligence (e.g. through a PRP whistleblowing hotline) that might trigger an ad hoc review – processes would need to be developed to cover both scenarios.
15. The Board **agreed** the key points raised in discussion and **noted** that a paper would be presented to the 20 October 2015 Board meeting building on the initial scoping discussion and developing the issues further, ahead of issuing proposals for consultation sometime in the first quarter of 2016.

Closing discussion

16. The Chair invited the members of the public who were in attendance to make any observations and to raise any questions.

Geoffrey Cox – member of the public, asked three questions:

- a) firstly, in relation to the timing of any application for recognition by IMPRESS, and the process the PRP would follow in reviewing the application. The Chair responded that the timing was a matter for IMPRESS, but that information on the PRP's process was available on the PRP's website. The PRP would publish the fact of an application, the content of the application, and allow a window of 20 days for submissions from the public and others;
- b) secondly, in relation to the publicity for the public attendance at the Chair responded that the PRP published information about the

meetings in good time ahead of each meeting (including papers), and also advertised the meetings using Twitter. ;

- c) thirdly, what role the PRP had, if IPSO chose not to apply for recognition. The Chair responded that the PRP would not have a role in commenting on regulators who chose not to apply for recognition beyond anything in the PRP's annual report on the state of recognition. The annual report would not take the form of a shadow assessment of IPSO or any other regulator, however. The PRP planned to consider the format for the annual recognition report in coming months, and planned to consult on its plans publicly ahead of publication of the first report (due September 2016).

17. No further comments were received.

Any other business

18. The Board formally **thanked** Rosalind Stevens for all her hard work in the role of Regulatory Manager, particularly her creative benefit. Rosalind would be leaving the PRP on 30 September 2015.
19. There were no other items of business.

Date and time of next meeting

20. The Board **noted** that the next scheduled meeting of the Board would be held on Tuesday 20 October 2015 at 09:00 (exact timings to be confirmed).