

Verification visit to IMPRESS 06.07.16

Part 1 discussion – Susie Uppal (SU), Patrick Reeve (PR) on behalf of PRP, Jonathan Heawood (HW), Ed Procter (EP) on behalf of IMPRESS

SU explained the purpose of the visit (1) to ask follow up questions in some areas to ensure that the PRP Board has the fullest information before them when making a decision and (2) to look at the operation of IMPRESS procedures so far, in particular in relation to them approving members.

SU explained that the application needs to be settled at some point and now seems appropriate; we do not want to see further revisions to documentation before the matter goes to the PRP Board. We appreciate that the reality is that a new regulator is bound to change its procedures as it sets up and deals with operational matters.

JH: IMPRESS would probably have made more changes if they hadn't felt the need to maintain an element of stability for the application.

1 Fees consultation –

This closes today. Only 12 responses received so far -if not many issues are raised they may get us the decision before the 19th. SU & PR explained what we expected to see from them in light of the PRP Board's clarification – summary of responses, reasons for IMPRESS final decision in light of the need to consider the commercial pressures on the industry and criterion 23.

SU: part of the explanation that IMPRESS have put forward as to how they reached their decision 'in agreement' with the industry is previous wider engagement on their fees -if they wish to rely on that we would like to see more details.

JH agreed to provide these.

2 Discuss further information provided in PRP clarification paper.

SU: We plan to publish this document and attachments at the end of the process e.g. letters to and from IPRT – are there any issues with this?

JH – they are obliged to seek agreement of IPRT to disclose matters to us – they will have to back to IPRT to agree disclosure.

Criterion 3 – PR: JH interviewed the panel members and recommended their appointment to IMPRESS Project Directors. What information did the Project Directors have before them when accepting the recommendations?

JH: he would check this, some of the applicants' details will already have been discussed by the Project Directors when they compared the 'long list', but basically the Directors accepted his recommendations.

Criterion 6 funding – PR can we have a copy of the letter written by the trustees of IPRT to IMPRESS on 20 June 2016?

JH: will seek agreement from IPRT.

SU reminded JH that a number of respondents to the call for information had made comments on the relationship between AMCT, IPRT, MM and IMPRESS. She wanted to make sure that we had a full understanding of the matter in case we needed to explain any matters to the PRP board. It would be useful therefore to have a full history of their involvement with Max Mosley, AMCT and IPRT. We had noted, for example, that IMPRESS and IPRT had been set up within days of each other.

JH – He started to think about the idea of an independent regulator in September 13. He discussed this with the Guardian and others including Hacked Off. He had also discussed with a number of potential funders. Through Hacked Off he received an introduction to Max Mosley (MM) and through his own connections he reached other potential funders, such as the Joseph Rowntree Reform Trust. MM was interested in the idea of funding an independent press regulator so that others would have the rights and remedies that MM has because of his wealth. At this stage neither MM or JH had any view on whether such a regulator would apply for recognition under the Charter. MM said he was prepared to fund a regulator – but it would have to be at arms' length to ensure the regulator's independence and he MM wanted the money to go via a charity as this would be tax efficient.

IPRT and the IMPRESS Project therefore developed in parallel although they were set up independently from each other. JH said that MM's lawyer Dominic Crossley set up IPRT trustees. A partner of his at Collier Bristow also advised JH on the technical side of setting up The IMPRESS Project as a limited company. JH had also attended a meeting with Dominic Crossley and Francesca Quint of Radcliffe Chambers regarding the charitable status of IPRT.

JH had provided evidence to the Charities Commission re IPRT charitable status as an expert on media but had no involvement with setting up IPRT – he had not known IPRT trustees personally and has only a very formal involvement with them in terms of the application for funding. He had met them once about a year ago in relation to IMPRESS funding application. The trustees behave quite correctly and distantly with IMPRESS.

JH had hoped other interested funders would also put funds into IPRT but their attitude had been that if MM was meeting the costs there was no need for them to do so at this stage.

SU: have MM, IPRT or AMCT had anything to do with the selection of the appointment panel or Board members?

JH: Absolutely not.

SU: have MM, IPRT or AMCT tried to influence anyone at IMPRESS or influence IMPRESS strategy or policy or attended any Board meetings?

JH: Absolutely not.

SU is there anything else that JH wishes to tell us which may cast doubt on the independence of IMPRESS from AMCT, IPRT or MM?

JH: No. nothing.

JH agreed to compile correspondence between IMPRESS and IPRT or AMCT and PR would inspect it. (This was not possible to arrange during the meeting -JH will e-mail PR when it is ready)

IMPRESS will get agreement from IPRT to disclose the correspondence attached to their recent further information and a copy of IPRT letter of 28 June in which they undertook not to invoke the catch-all clause as long as they (IPRT) were in funds. In JH's view, this clause (which is not in the agreement between AMCT and IPRT) had been as a result of IPRT lawyers doing a belt and braces job to protect their clients. AMCT had placed the money in fixed term investments which expire on the dates payments are due under the agreement. PR: this would be a useful document to disclose to PRP.

PR: Is JH still in contact with MM?

JH: I had one conversation with MM a few weeks ago following the first call for evidence to confirm that AMCT was open to any necessary steps to further strengthen independence of funding. MM confirmed that AMCT saw no reason why IPRT should not address the concerns raised in the call for information regarding the 'catch-all' notice provision.

SU: IMPRESS have said that they are going to amend their fee schedule every year on consulting their members. If IMPRESS consult in January on fees for April that same year, as envisaged in the documentation, then members will be stuck with the new fees for a year.

JH: They will look at that again - something may have been lost in the drafting process. The intention may have been to consult in January for implementation in April the following year.

Criterion 8 Code

SU explained again the PRP Board's view that we are required to assess the Editors Code against criterion 8 (notwithstanding the preamble).

JH: Leveson clearly came up with the recommendation which became criterion 8 with the Editors Code in mind.

PR: we want to know about the process involved in IMPRESS adopting the Code. Could they give us:

- Date and record of the IMPRESS Board's decision to adopt the Editors Code
- And, if there was a Code Committee at the time, the date and record of the Code Committee decision to recommend use of Editors Code to the IMPRESS Board

JH: there were discussions at a number of meetings – he will check and get back to us.

Criterion 10

PR the amendments to the Induction pack to deal with extension of time for complaints now seem to make no reference to that process and the flow chart now seems incomplete.

JH: they will look into this.

3 Operational issues

JH: IMPRESS are now operational and now have some publications in the regulatory scheme. They have dealt with 4 matters so far -one was an advisory notice sent to them by a lawyer that they distributed to their members the others were issues raised in relation to publications.

PR: Who handles complaints on a day to day basis and what experience/training do they have?

JH: Ed Procter is in overall charge of operations.

EP: (outlined his experience, including Chief Executive at Sport Resolutions).

Chris Elliot (Consultant Editorial Standards Adviser), former reader's editor for the Guardian will deal with the complaints.

The 'gatekeeper' for correspondence is Lee Hall, Business Manager. He will deal with if it is clearly not for IMPRESS (e.g. in relation to a publisher they do not regulate) but would otherwise refer matters on to Ed/Chris.

Assistance is provided by Brigit Morris (Policy and complaints officer) who is a qualified Australian lawyer.

PR: What are the expected volumes of complaints?

EP: too early to say at this stage – they expect the number of complaints to build up slowly with very few in the first 6-12 months and for small numbers to get through to the IMPRESS stage.

PR: How will the Board make their complaints decisions – at meetings etc.?

JH: initially at monthly meetings – they may need to have special meetings or agreements by e-mail in urgent cases if volumes are high, or set up a sub-committee.

PR Who will make decisions on whether to recommend that the Board should refer matters for arbitration?

JH: me

PR: How are individuals to know about their service to warn the press re-intrusion?

EP: It is on the website in the regulatory procedures.

JH: should be more prominent, they will look into it.¹

Part 2 – examination of procedures

Present Patrick Reeve (PR), Caroline Roberts (CR) (for PRP) and Ed Procter (EP) and Chris Elliott (CE) for IMPRESS

EP talked through IMPRESS procedures and standard letters pack online. They are going to be introducing an electronic case management system in due course.

PR and CR looked at the 4 matters that have been dealt with so far (see above). The correspondence appeared appropriate.

PR and CR then examined a number of files and explained that we were looking for the steps IMPRESS have taken to check that proposed members will be able to comply with the regulatory agreement and the regulatory procedures. This would include:

- Implementing and publishing complaints procedures
- Systems that will comply with the Code
- Whistleblowing e.g. staff not penalised, staff awareness
- Compliance records
- Arbitration Scheme.

¹ (EP: post meeting clarification - within 24 hours of this, the IMPRESS website was amended to include prominent references to the Advisory Notice Scheme

The following files were looked at:

Viewdigital, Shropshire Live (both have now completed the process and are IMPRESS regulated).

New Internationalist, and Brixton Bugle-still undergoing the process (although New Internationalist was stated to be 95% completed and IMPRESS is awaiting sign off by their co-operative board before a Regulatory Scheme Agreement can be entered into.

The files (and an examination of the websites) showed:

- IMPRESS use the application form to check if the publisher eligible
- They do a Companies House search or search of CIC register in relation to each publisher.
- They then have a checklist in relation to the procedures. The publishers are sent IMPRESS model policies for complaints & whistleblowing -which they have to send back (with or without amendments) agreeing to adopt.² (
- Publishers provide a statement of arrangements, dealing with matters such as who will be responsible for handling complaints.
- At the end of the process they are sent the regulatory scheme agreement, which annexes the regulatory scheme and arbitration scheme.
- It was noted that there were some matters outstanding which were expected to be completed post application -these included confirming that they had put the IMPRESS logo on their website; confirming that they had made information available about their complaints process; and giving employees notice of the whistleblowing policy.

CR pointed out that, for example, on Viewdigital website there was no indication of any complaints procedures despite them being regulated by IMPRESS.

EP said they were being chased up³.

² EP: Post meeting clarification. There is a third option, for publishers to write their own policies from scratch which are compliant with the IMPRESS Regulatory Scheme. The first phase of publishers were mainly small businesses that did not have existing policies in place who therefore chose to adopt amended versions of the IMPRESS model policies rather than write their own from scratch.)

³ EP: post meeting clarification –IMPRESS sent out the Regulatory Scheme Agreement to VIEWdigital on 27 May and made contact with VIEWdigital on twelve separate occasions between 27 May and 12 July to ensure that all outstanding compliance issues were resolved.)

PR: what are the procedures for follow up to ensure that outstanding matters are dealt with?

EP& CE: there are weekly meetings to discuss issues and follow up.

CE -you have to be patient with these small outfits -it may just be one person who is doing everything.

PR: when are you going to review members to ensure they remain compliant?

EP: this hasn't been decided yet. It will probably be at the point of the publisher's annual return, when IMPRESS will be implementing some form of rolling annual compliance audit. It is unlikely that anything more will be done unless complaints are received which throw up issues which cause IMPRESS to have more general compliance concerns regarding a publisher. At the moment the focus is on getting the members through the initial compliance process.