

## IMPRESS REGULATORY SCHEME: DOCUMENT CONTROL INDEX

This index cross references the amendments made by IMPRESS to the key documents of its regulatory scheme in response to questions and concerns raised, against the relevant criteria, during the application process for recognition.

Document and versions	Call for Info issues raised / PRP Questions	Changes made in revised document submitted to PRP on 20/04/2016	Changes made in revised document submitted to PRP on 01/07/2016
IMPRESS Regulatory Scheme  v.1 - 19/01/2016  v.2 - 20/04/2016  v.3 - 01/07/2016	(8a) Advisory Notice Service only extends to warning IMPRESS's own members	<b>Para 7.5</b> inserted "IMPRESS will consider requests to send Advisory Notices to publishers that it does not regulate, or to request that other regulators issue Advisory Notices".	No further changes made
	(9) Could you confirm how IMPRESS will ensure that the subscribers' complaints mechanisms manage conflicts of interest?	No changes made	<b>Para 2.3</b> amended (see italics below) "Publishers are required to provide IMPRESS with a statement of the arrangements, policies and personnel they have in place to deal with complaints and ensure compliance with the Code. This includes nominating a senior individual within each title to have responsibility for legal and standards compliance, <i>and a mechanism whereby that person is alerted as to the complaint, the name of the journalist involved and the name of the complainant at an early stage so that, where possible, the individual can pass the complaint to another person in the organisation in case of any conflict of interest.</i> "
	(10) IMPRESS does not appear to have a policy for dealing with the following issues: complaints who wish to be anonymous, multiple complainants/complaints, confidential information...  (10) Do you have any further comments on the points made by	<b>Para 4.4</b> amended (see italics below) "IMPRESS will accept complaints from a) anyone personally and directly affected by the alleged breach of the Code, b) where there is an alleged breach of the Code and there is public interest in the consideration of the complaint from a representative group	<b>Para 5.6</b> amended (see italics below "At the conclusion of a complaint or investigation, IMPRESS will issue an adjudication, <i>which will take account of requests by a complainant to remain anonymous and to redact any personal information which may cause a further intrusion into privacy or cause harm or considerable distress to the</i>

	<p>respondents (particularly Associated Press second response, paragraphs 67-70) on the need to ensure that complaints can be kept confidential and also to sometimes grant anonymity to complainants?</p>	<p>affected by the alleged breach, or c) from a third party seeking to ensure accuracy of published information. <i>In the event that a volume of complaints is received about a specific issue or related issues, IMPRESS may amalgamate these complaints into one or more 'lead' complaints and handle them accordingly.</i>"</p>	<p><i>complainant or a third party.</i> An adjudication may require appropriate remedial action and the publication of corrections and apologies. IMPRESS may direct the nature, extent and placement of corrections and apologies."</p> <p><b>Para 6.5</b> amended (see italics below) "A final determination will be published on the IMPRESS website within 7 calendar days of its issue. <i>All other documents and materials collected and shared during the course of investigating a complaint will be kept confidential and must not be published by any party involved in the complaint, except to the extent that disclosure may be required by a legal duty, to pursue or protect a legal right or that such documents may already be in the public domain.</i>"</p>
	<p>(12a) How will IMPRESS address the requirement of Criterion 21a to stay and sist?</p>	<p><b>Para 4.8</b> amended (see italics below) "IMPRESS will not accept complaints or refer to arbitration matters where the cause of a complaint is already subject to litigation. <i>Where a matter is subject to a threat of litigation, and an application is made to IMPRESS to stay or sist, IMPRESS will decide the application by considering how the interests of justice and a speedy resolution would be best served.</i>"</p>	<p>No further changes made</p>
	<p>(15) It is...unclear by precisely what means IMPRESS seeks to ensure that its current or future</p>	<p><b>Para 2.6</b> inserted "Once IMPRESS is satisfied that a publisher is compliant with the above internal governance</p>	<p>No further changes made</p>

	members are contractually bound with its regulatory scheme.	requirements, the publisher may enter into an IMPRESS Regulatory Scheme Agreement. The effective date of such Agreement marks the commencement of IMPRESS's regulatory remit and the publisher's regulatory obligations. IMPRESS's regulatory remit in relation to a publisher extends to materials first published and acts occurring after its commencement".	
	<p>22) By making an assessment (indeed a subjective assessment) of whether an individual has suffered real harm, IMPRESS is judging a claim on its merits... this will render arbitration service ineffective...</p> <p>(22) Unfairness in arbitration process. Criteria 22 only envisages there being one (opportunity to dismiss a claim)</p> <p>(22d) How does the arbitration scheme ensure that pre-publication matters are directed to the courts where appropriate?</p>	<b>Para 8.3</b> included "An IMPRESS decision to offer access to its arbitration scheme will be based on an administrative assessment of whether a claim is covered by the scheme. For the avoidance of doubt, it will not be based on an assessment of the merits of a claim. When arbitration is offered, publishers will cooperate in the arbitration."	<b>Para 8.2</b> amended (see italics below) "IMPRESS will only offer access to its arbitration scheme for civil claims between a claimant and a participating publisher for defamation, breach of confidence, misuse of private information, malicious falsehood or harassment. <i>Civil claims relating to pre-publication matters which aim to prevent publication are not covered by the IMPRESS arbitration scheme and will be directed to the courts where is it appropriate to do so.</i> "
<p>IMPRESS Regulatory Scheme Procedures</p> <p>v.1 - 19/01/2016</p> <p>v.2 - 20/04/2016</p> <p>v.3 - 01/07/2016</p>	(8a) Advisory Notice Service only extends to warning IMPRESS's own members	<b>Para 43</b> amended (see italics below) "Establish why person making contact does not welcome press intrusion <i>and whether they wish to request that a notice is sent to (i) a specific IMPRESS participating publisher; (ii) all IMPRESS participating publishers; or (iii) the wider</i>	No further changes

		<p><i>UK press and other relevant parties. Establish whether the request is to be published or not. Log, including any relevant clauses of standards code, and continue (FORM 6).</i></p>	
	<p>(10) It is often impossible for a publisher to provide a substantive response to a complaint within 21 days</p> <p>(10) Also if publishers are required to obtain the agreement of IMPRESS to any extension, then who would have authority to grant this on behalf of IMPRESS and how would any such request be dealt with sufficiently speedily? How would 'exceptional circumstances' be interpreted?</p> <p>(10) IMPRESS does not appear to have a policy for dealing with the following issues: complaints who wish to be anonymous, multiple complainants/complaints, confidential information...</p> <p>(10) Do you have any further comments on the points made by respondents (particularly Associated Press second response, paragraphs 67-70) on the need to ensure that complaints can be kept confidential and also to sometimes grant anonymity to complainants?</p>		<p><b>Para 18</b> amended (see italics below)  <i>“Establish date of publication or act complained of (FORM 4A) and whether complainant has brought complaint to IMPRESS within time limit and, if not, whether there are exceptional circumstances in which IMPRESS should extend the time limit. Exceptional circumstances could include (i) an atypically complex complaint which may involve multiple parties or an investigation requiring interviews with multiple witnesses; or (ii) a delay caused by unavoidable and unforeseen events such as illness, bereavement, extended absence of a key witness or a natural disaster or serious accident. All requests to extend time limits must be approved by either the Chief Operating Officer or Chief Executive Officer within 24 hours of a request being made.”</i></p> <p><b>Para 26</b> amended (see italics below)  <i>“Undertake final check (FORM 5) to ascertain that complaint comes under scope of IMPRESS Regulatory Scheme. Confirm with complainant that you have accurately logged nature of complaint and all relevant details and understood any anonymity and confidentiality issues or concerns. Explain what will happen next, making it clear that the</i></p>

			<p><i>nature of the complaint and identity of the complainant will be shared with the publisher. Consider whether to amalgamate into a lead complaint(s) if multiple complaints have been received on a similar issue and it is not practical to correspond to each complainant individually. Check that the complaint is not the subject of current or possible future litigation. Contact publisher to request response to complaint, reminding them that this will be normally be shared with complainant unless they make a request that parts of their response are not shared and IMPRESS agrees to this request. Send <b>LETT 6</b> to complainant and <b>LETT 7</b> to publisher. Log and continue.”</i></p> <p><b>Para 28</b> amended (see italics below) “Confirm receipt of publisher response to complaint, sending reminder if necessary. Send publisher response to complainant for reply, <i>reminding them that their reply will normally be shared with publisher unless they make a request that parts of their reply are not shared and IMPRESS agrees to this request. Send <b>LETT 9</b> to complainant. Log and continue.</i></p> <p><b>Para 34</b> amended (see italics below) “Send any relevant material to publisher (or both parties in case of a complaint), <i>taking account of provisions for confidentiality in clause 5.4 of IMPRESS Regulatory Scheme,</i> and invite representations within reasonable</p>
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			<p>stated deadlines. <b>Log, Send LETT 13 and continue.</b></p> <p><b>Para 38</b> amended (see italics below) “Agree proposed adjudication and sanction with IMPRESS Board, <i>taking account of any request for anonymity and confidentiality, agreed by exception DOC 5</i>) in accordance with Paragraph 6.3 of IMPRESS Regulatory Scheme. <b>Log and continue.</b>”</p>
	<p>(22) By making an assessment (indeed a subjective assessment) of whether an individual has suffered real harm, IMPRESS is judging a claim on its merits... this will render arbitration service ineffective...</p> <p>(22) Unfairness in arbitration process. Criteria 22 only envisages there being one (opportunity to dismiss a claim)</p>	<p><b>Para 46</b> amended (see italics below) “Establish that complainant wishes to make a civil claim for compensation and that claimant has completed an IMPRESS application for arbitration form (<b>FORM 7</b>). <i>Check that application meets administrative criteria for scheme: (i) the claim is made against a publisher regulated by IMPRESS; (ii) the claim is related to one of the areas of civil law covered by the scheme; (iii) the claim is not a pre-publication matter where it is appropriate for it to be directed to the courts (iv) the claim provides a clear statement setting out the harm or financial loss suffered by the</i></p>	<p>No further changes</p>

		<p><i>claimant; (v) the claim describes a specific action or activity of a publisher that has caused the alleged harm or financial loss; (vi) the claimant explains why the complaint is not suitable for resolution by the IMPRESS complaints procedure. Make a recommendation to the IMPRESS Board about whether the application falls within the administrative scope of the IMPRESS arbitration scheme.</i></p> <p><b>Log, submit (FORM 7) to the IMPRESS Board for consideration and continue.</b></p>	
<p>IMPRESS/CIArb Arbitration Scheme Rules</p> <p>v.1 - 19/01/2016</p> <p>v.2 - 20/04/2016</p> <p>v.3 - 01/07/2016</p>	<p>(22) By making an assessment (indeed a subjective assessment) of whether an individual has suffered real harm, IMPRESS is judging a claim on its merits... this will render arbitration service ineffective...</p> <p>(22) Unfairness in arbitration process. Criteria 22 only envisages there being one (opportunity to dismiss a claim)</p> <p>(22) Please confirm how your arbitration scheme 'directs appropriate prepublication matters to the courts' as required by the criterion?</p>	No changes	<p><b>Para 1</b> amended (see italics below) "The IMPRESS/CIArb scheme relates to civil claims between a claimant and a participating publisher for:</p> <ul style="list-style-type: none"> <li>(a) defamation;</li> <li>(b) breach of confidence;</li> <li>(c) misuse of private information;</li> <li>(d) malicious falsehood; or</li> <li>(e) harassment.</li> </ul> <p><i>The Scheme does not cover pre-publication matters which seek to prevent publication."</i></p>

<p>IMPRESS/CIArb Arbitration Scheme Guidance</p> <p>v.1 - 20/04/2016</p> <p>v.2- 01/07/2016</p>	<p>(22) By making an assessment (indeed a subjective assessment) of whether an individual has suffered real harm, IMPRESS is judging a claim on its merits... this will render the arbitration service ineffective...</p> <p>(22) Unfairness in arbitration process. Criteria 22 only envisages there being one (opportunity to dismiss a claim)</p>	<p>The first version (v. 1) of the Arbitration Scheme Guidance was not included in the original application submitted to PRP on 20/01/2016. The Arbitration Scheme Guidance was first submitted to PRP on 20/04/2016.</p>	<p>Amendments were made to the Arbitration Scheme Guidance to clarify that pre-publication matters would be directed to courts as appropriate.</p>
<p>Arbitration Agreement</p> <p>v.1.1 - 19/01/2016</p>		<p>No changes</p>	<p>No changes</p>
<p>CIArb Contract</p> <p>v.1.1 - 19/01/2016</p>		<p>No changes</p>	<p>No changes</p>
<p>PCaW Contract</p> <p>v.1.1 - 19/01/2016</p>		<p>No changes</p>	<p>No changes</p>
<p>IMPRESS Publisher Induction Pack</p> <p>v.1.1 – 20/04/2016</p> <p>v.1. 2 - 01/07/2016</p>	<p>(9) No steps taken to satisfy itself that publishers have adequate complaints handling mechanisms</p> <p>(9) It is unclear what processes, if any, IMPRESS has so far followed to satisfy itself that its current members have satisfactory internal governance processes</p> <p>(9) IMPRESS's Application form for members does not even seek information as to whether</p>	<p>The first version of the Publisher Induction Pack (v 1.1) was not part of the original application made to the PRP on 20/01/2016. It was first submitted to the PRP on 20/04/16 as part of IMPRESS's response to the first call for information.</p> <p>This addresses concerns raised about IMPRESS's systems for ensuring that publishers have adequate systems.</p>	<p>v.1.2 A second version of the Publisher Induction Pack was submitted to the PRP on 01/07/2016.</p> <p><b>Page11</b> a new template <b>Statement of Arrangements</b> was included which contained the following section:</p> <p><b>"Internal authority structure</b></p> <p>[include who owns the publication, how it is managed, who reports and is accountable to who, where editorial control lies, who is</p>

	<p>publisher meets the definition of a relevant publisher</p> <p>(9) Could you confirm how IMPRESS will ensure that the subscribers' complaints mechanisms manage conflicts of interest?</p>		<p>responsible for legal and compliance and how conflicts of interest are managed to ensure that editors are not responsible for investigating complaints against their own decisions]"</p>
<p>Annual Report Template</p> <p>v.1 – 20/04/2016</p> <p>v.1 - 01/07/2016</p>	<p>(21) The annual report template that you provided (document 40 with your application) does not appear to contain provision for all of the information required by this criterion.</p>	<p>No changes</p>	<p>v 1.2 was a brand new document designed to show how each of the reporting requirements set out in Criterion 21 would be met.</p>
<p>Regulatory Scheme Agreement</p> <p>v. 1 – 20/01/2016</p> <p>v. 2 – 20/04/2016</p>	<p>(15) It is...unclear by precisely what means IMPRESS seeks to ensure that its current or future members are contractually bound with its regulatory scheme.</p>	<p>A significantly revised version of the Regulatory Scheme Agreement was submitted to the PRP on 20/04/2016.</p> <p>The main amendments that are relevant to concerns raised were:</p> <p><b>Para 1.1</b> "You agree to be bound by the terms of this agreement and to be regulated by IMPRESS in accordance with the Regulatory Scheme and the Arbitration Scheme from time to time in force, the current versions of which are attached hereto as Schedule 1 of this agreement".</p> <p><b>Para 2.1</b> "From the moment You sign this Agreement and We countersign it You will become a Participant in the Regulatory Scheme; as a result, You will be bound by the terms of this agreement</p>	<p>No further changes</p>

		<p>for so long as the Regulatory Scheme exists and for so long as You remain a Participant”.</p> <p>The IMPRESS Regulatory Scheme and Arbitration Scheme Rules were included in Schedule 1 of the Agreement.</p>	
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