(i) Extract from the Leveson Report: (i) Part K, Chapter 7, Section 4 ("Voluntary independent self-regulation")

4. Voluntary independent self-regulation

4.1 I now turn to what is required in order to build a genuinely effective independent self-regulatory system. Lord Black talked of his model as 'independently-led self regulation'.[145] Professor Baroness O'Neill, Professor of Philosophy at the University of Cambridge, commented that:[46]

"I've noticed a lot of misuse of the phrase "independent regulation" for what is actually self-interested regulation. So what we need first to do is to get away from that…"

This identifies the problem rather well. What is required is independent self-regulation. By far the best solution to press standards would be a body, **established and organised by the industry**, which would provide genuinely independent and effective regulation of its members and would be durable. If such a body were to be established, and were to command the support of all key players in the market, there would be no need for further intervention, although I believe that there would remain a need for some further support in relation to ensuring that independence and providing incentives for membership.

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1 Footnotes to this section

45. p21, para 28, Submission-by-Lord-Black-of-Brentwood1.pdf

46. p89, lines 10-14, Professor Baroness O'Neil, Transcript-of-Afternoon-Hearing-16-July-2012.pdf

47. This is equally apparent from an analysis of the evidence quoted at 3.1-3.13 above

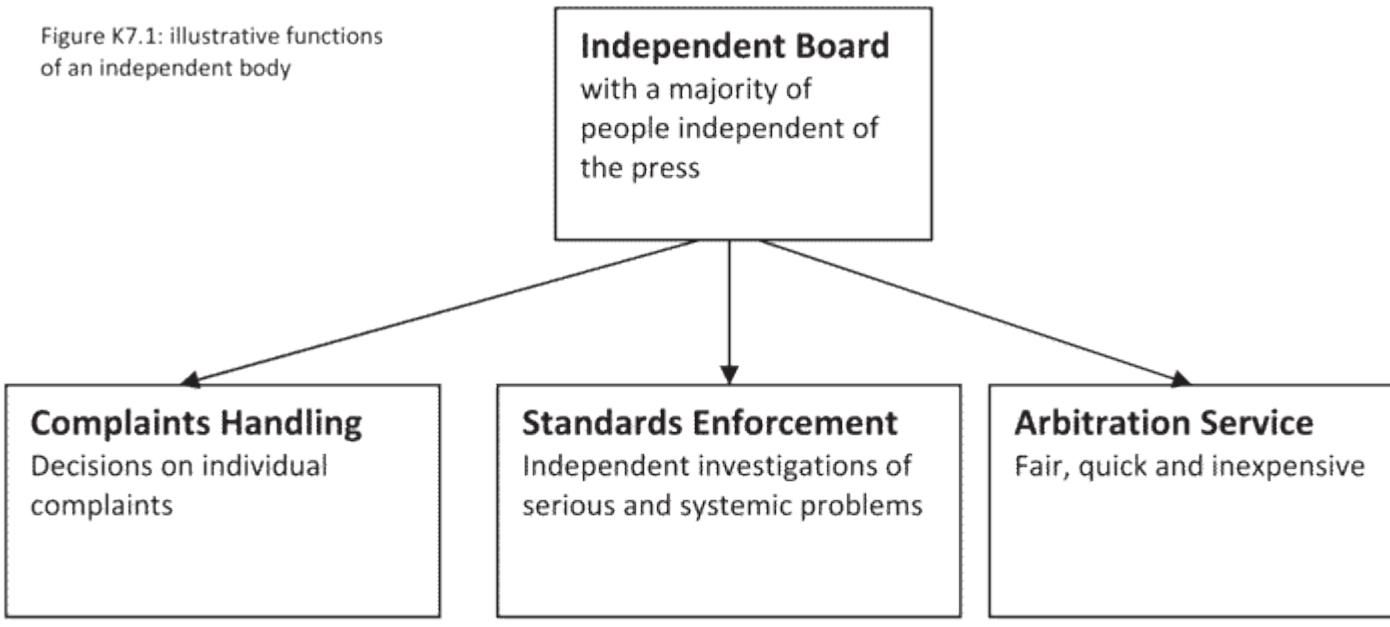
48. These are the amounts suggested by Lord Black in his proposal, p12, paras 2.1-2,2, Lord-Black-of-Brentwood-Annex-C1.pdf. There is some disagreement in the industryabout whether these limits are equitable and reasonable: in setting up the regulator, that would be an issue that would have to be addressed.

49. Part J, Chapter 3

4.2 It is important to be clear about what I mean by 'genuinely independent and effective regulation'. My criteria for an effective regulatory regime set the broad framework. What I will do now is set out at a level of detail the minimum criteria that I believe it would be necessary to have in place in order to deliver against that broad framework.

4.3 In summary, I envisage that the industry should come together to create, and adequately fund, an independent regulatory body, headed by an independent Board, that would: set standards, both by way of a code and covering governance and compliance; hear individual complaints against its members about breach of its standards and order appropriate redress; take an active role in promoting high standards, including having the power to investigate serious or systemic breaches and impose appropriate sanctions; and provide a fair, quick and inexpensive arbitration service to deal with any civil complaints about its members' publications. Figure K7.1 below provides an illustrative structure, but this is not intended to be prescriptive in terms of organisation.

Figure K7.1



4.4 It is important both to note and to underline that these functions are not dissimilar to the basic structural framework proposed by Lord Black on behalf of the industry.

Independent governance

4.5 Independence of the regulatory body is absolutely critical.

I recommend that an independent self-regulatory body should be governed by an independent Board. In order to ensure the independence of the body it is essential to ensure that the Chair and members of the Board are appointed in a genuinely open, transparent and independent way, without any influence from industry or Government.

4.6 Further, in order to ensure the independence of the body, the Chair of the Board should be clearly and demonstrably independent of the press. By that I mean that he or she should have no current, or recent, affiliation with any particular press organisation. He or she should certainly be committed to freedom of expression and freedom of speech, but that must be matched by a commitment to uphold the rights of others and to the need to provide an appropriate balance in a democratic society in precisely the way that Articles 8 and 10 of the European Convention on Human Rights (ECHR) identify that balance. The Chair of the Board should also be independent of any political party.

4.7 The independence of the appointment process is important and by no means trivial. There are a number of specific criteria which I believe should be met in relation to the Chair of the Board.

I recommend that, first, the appointment should be made by an appointment panel. The selection of that panel must itself be conducted in an appropriately independent way and must, itself, be independent of the industry and of Government.

Without being prescriptive, it could include distinguished public servants with experience of senior independent appointments such as the Commissioner for Public Appointments and the Chair of the Judicial Appointments Commission.

4.8 The body (and the Chair that leads it) will have the task of setting and enforcing standards in the press, specifically balancing the interests of freedom of speech and the interests of individuals; there are not many more important balances to be struck. In order to ensure that the full complexity of the task is taken into account by the appointment panel, it is essential that the appointment panel should be capable of balancing the public interest in freedom of speech and the protection of privacy and should be free of political influence.

I recommend that the appointment panel:

a. **should be appointed in an independent, fair and open way;**
b. **should contain a substantial majority of members who are demonstrably independent of the press;**
c. **should include at least one person with a current understanding and experience of the press;**
d. **should include no more than one current editor of a publication that could be a member of the body.**

4.9 I do not intend to say more about the appointing panel. It is critically important that the industry, in a fair and open way, get together to identify independently minded people in whom the public can have confidence to make up the appointing panel. It will then be the task of that body to find and appoint a Chair who demonstrably meets the criteria of fair minded and balanced independence to which I have referred. In doing so, the industry will be committing itself to organising independent regulation.

4.10 Of equal importance is the fact that the Board itself must be independent of the press, but sufficiently expert to ensure that regulatory decisions are appropriate, proportionate and practical.

I recommend that the appointment of the Board should also be an independent process, and the composition of the Board should include people with relevant expertise. The requirement for independence means that there should be no serving editors on the Board.

As with the appointment panel, it is essential that the Board should be capable of balancing the public interest in freedom of speech and the protection of privacy and should be free of political influence.

I recommend that the members of the Board should be appointed by the same appointment panel that appoints the Chair, together with the Chair (once appointed), and should:

a. **be appointed by a fair and open process;**
b. **comprise a majority of people who are independent of the press;**

c. include a sufficient number of people with experience of the industry who may include former editors and senior or academic journalists;

d. not include any serving editor; and

e. not include any serving member of the House of Commons or any member of the Government.

Membership

4.11 Ideally the body would attract membership from all news and periodical publishers, including news publishers online. It is important for the credibility of the system, as well as for the promotion of high standards of journalism and the protection of individual rights, that the body should have the widest possible membership among news providers. Clearly this will be unlikely to include broadcasters who are already covered by the Broadcasting Code. It has been accepted that, although I am very anxious that it remain voluntary, it must involve all the major players in the industry, that is to say, all national newspaper publishers and their online activities, and as many regional and local newspaper publishers, and magazine publishers, as possible. This is not meant to be prescriptive at the very small end of the market: I would not necessarily expect very small publishers to join the body, though it should be open to them to do so on appropriate terms. Having said that, however, I have no doubt that there would be advantages in doing so. Ideally it would also include those who provide news and comment online to UK audiences.[47]

4.12 I recognise that most blogs have very different processes, audiences and business models to most newspapers, and that consequently it may be difficult to establish one set of requirements, for example in respect of internal governance, annual reporting or membership fees, that is appropriate for all different types of publisher. It is important, however, that all types of publishers should be able to join such a body, and to do so on terms that are not manifestly inappropriate for their business model.

4.13 I therefore recommend that membership of the body should be open to all publishers on fair, reasonable and non discriminatory terms, including making membership potentially available on different terms for different types of publisher.

Funding

4.14 The industry, through Lord Black, has made a principled point that the industry should fund self-regulation without requiring input from the public purse. Certainly, I agree that any industry established independent regulatory body must be funded by its members. There are, however, some important points to be made about funding. The body will only be able to do what it is funded to do. If it is to be genuinely independent in operational and strategic terms, it must have both some certainty and some influence over the level of its funding across a reasonable period. Practice in the industry has been for an industry body (PressBoF) to set, and levy, the membership fees for self-regulation. In my opinion there is no need for such a body to exist at all: it would be perfectly possible for the regulator to set its own fees and collect them directly from its members, taking account of the financial position of the industry. Equally, however, there is not necessarily any problem of principle with an industry body acting as a coordinator.

4.15 However the fees are set and collected, the Board should establish the budget that it requires in order to carry out its functions effectively, and fees should be levied accordingly. As I have identified earlier, two issues arise in relation to independence of funding. One is the absolute level of funding, and the other is security of funding over a reasonable planning period. Both are important if the regulator is not to be at risk of being effectively held to ransom by its funding members.

4.16 I recognise that it is not appropriate that the regulator should have a blank cheque, anymore than that the industry should have a strangle-hold on the regulator's budget. In practice, if the regulator is too expensive, publishers will not join.

I recommend that funding for the system should be settled in agreement between the industry and the Board, taking into account the cost of fulfilling the obligations of the regulator and the commercial pressures on the industry (which are not as great for a number of the larger publishers as they are for the smaller, regional press). There should be an indicative budget that the Board certifies is adequate for the purpose. Funding settlements should cover a four or five year period and should be negotiated well in advance.

4.17 I recognise that the start-up costs of such a body may be significant and those putting together such a proposal may need to look for sources of funding to help to cover some of those costs. In this context I do not believe it to be unreasonable for some public funding to be made available to facilitate the establishment of a satisfactory, genuinely independent, press regulatory body.

Standards code

4.18 The new regulatory regime must have a standards code. The current Editors' Code has been widely praised by those in the industry. It has been developed by the industry over the last two decades and has adapted to take account of new concerns and issues that have arisen. I have made no attempt during the course of this Inquiry to conduct a full scale evaluation of the Code of Practice. My role is to make recommendations for an effective and independent structure for setting and enforcing standards, not to set those standards. That is properly a role for the independent regulatory body, in consultation with the industry and with the wider public. Where comments on, or criticisms of, the Code have been made in evidence I have reflected them in this report, but that should not be read as an analysis of the Code.

4.19 However, there are a few general points I would like to make about the contents of the Code. First, if the Code is to provide an ethical framework for editors and journalists to work within, then it is important that it should set the ethical and legal context within which it applies, and seek to provide some positive depiction of ethical journalism. Second, it is important that the Code should be clear and practical. Clauses that are either impossible to comply with (as the Inquiry has been told is the case with clause 1(iii) relating to the separation of opinion and fact) or that are not entirely clear as to their intention and effect, will serve only to bring the Code itself into disrepute and disuse.

4.20 Both of these points (along with some of the academic comment that was offered to the Inquiry) suggest that the current Code would benefit from a thorough review, with the aim of developing a clearer statement of the standards expected of editors and journalists. Thus, if, for example, the present formulation relating to the separation of opinion and fact does not work, a reconsideration of the wrong being targeted might lead to that concern being addressed in a different way. In structural terms, whilst it is of course essential that editors should take pride in

their Code, and that it should be thoroughly grounded in real world current experience of the industry, it cannot be right that the standards to which the industry are to be held are set without independent oversight.

4.21 In order for the new regulatory regime to have the independence required to secure public trust and confidence, it is essential that it should be the regulator who approves a code of standards to which members must adhere. The Board could well be advised by a Code Committee including serving editors and journalists, but with independent members as well: indeed, I can see no reason why the Code Committee in the amended form as proposed by Lord Black should not be constituted as a formal advisory body to the Board.

I recommend that 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.

4.22 As a further step to secure public confidence, it appears to me that it would be valuable if the Board was to satisfy itself that the proposed Code had been subjected to public consultation, albeit on the basis that the Code Committee would then analyse the result of any consultation and provide the Board with the benefit of its experience on issues that might have arisen. Thus the Code would command the confidence of both the public and the industry.

4.23 As I have said above, I have no particular desire to comment on the actual content of the Code. It is both important and appropriate, however, that I make some recommendations about the scope and coverage of the Code. The Code will be the document that articulates the nature of the boundaries between journalism, its subjects and its readers. As such it is essential that it fully reflects the interests of all three.

I therefore recommend that the Code must take into account the importance of freedom of speech, the interests of the public (including the public interest in detecting or exposing crime or serious impropriety, protecting public health and safety and preventing the public from being seriously misled) and the rights of individuals. Specifically, it must cover standards providing for:

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.**

4.24 The Code must set out a clear picture of how good journalism serves the public interest and the implications that has for journalistic behaviour. The Inquiry has heard that different editors have different views on what constitutes the public interest, and that may well be the case. The Code will have to take a sufficiently broad approach to encompass the different views and different perspectives of different types of journalism. However, the regulator, when applying the Code, will have to adopt a consistent interpretation of the public interest. If an editor can create his own definition of the public interest without any constraint then the standards will be meaningless. The regulator, alongside the Code, must provide guidance on the interpretation of the public interest that justifies what otherwise would constitute a breach of the Code and must do so in the context of the different provisions of the Code so that the greater the public interest, the easier it will be to justify what might otherwise be considered as contrary to standards of propriety. That guidance should be available for editors and journalists to use when making day-to-day decisions, and should also be the basis of decisions taken on complaints about breach of the Code.

Organisational requirements

4.25 The concerns about press standards that the Inquiry has heard about give rise to equivalent concerns about governance, across some parts of the press, in relation to internal procedures for dealing with complaints and ensuring legal and standards compliance. An effective new regulatory regime should address these internal governance issues. It is important that the companies should take responsibility for their own compliance with the standards that they sign up to. I do not expect the regulator necessarily to define the governance processes that member companies should adopt, though it may choose to set principles. However:

I do recommend that the Board should require of those who subscribe, appropriate internal governance processes, transparency on what governance processes they have in place, and notice,

of any failures in compliance, together with details of steps taken to deal with failures in compliance.

4.26 Publishers should have adequate (and timely) processes in place for dealing with complaints from readers and members of the public about breach of standards. It is absurd that complainants should be encouraged to take their complaints to a regulatory body instead of the company concerned seeking, in the first instance, to deal with the complaint themselves. Taking a complaint to the regulator should be the last step, not the first.

I recommend that the Board should require all those who subscribe to have an adequate and speedy complaint handling mechanism; it should encourage those who wish to complain to do so through that mechanism and should not receive complaints directly unless or until the internal complaints system has been engaged without the complaint being resolved in an appropriate time.

4.27 It is already generally accepted that the editor of a newspaper is ultimately responsible for all that happens within it. That must be true, and it must be accepted and acted on at a practical level. Editors must, as a matter of course, accept personal responsibility, not only for every word printed in their paper but also for the methods by which information is gathered, the judgments made about intrusion into private matters and the culture that operates in their newsrooms.

4.28 I note that the proposals put forward by Lord Black cover very similar ground in relation to internal governance and accountability. The proposals he makes in respect of the requirement for an effective in-house complaint system, an annual compliance return to the regulator and having a nominated senior individual with responsibility for compliance, are entirely consistent with my recommendations here. As for the complications of compliance for small newspapers, there is no reason why this responsibility should not either be officially delegated to someone with other duties (provided that, in this context, they are required demonstrably to act independently of management) or, alternatively, a group of papers could combine to make a single appointment: I am not seeking to be dogmatic as to how the aim is achieved.

Powers

Complaints

4.29 In order to be effective the regulatory body must have appropriate powers. There are two different aspects to the powers that the body should have: first, it needs to have the right powers to deal appropriately with individual complaints about breach of the code; and second, it needs to have the right powers to deal with serious or systemic standards failure.

4.30 Looking first at dealing with complaints:

I recommend that the Board should have the power to hear and decide on complaints about breach of the standards code by those who subscribe. The Board should have the power (but not necessarily in all cases, depending on the circumstances, the duty) to hear complaints whoever they come from, whether personally and directly affected by the alleged breach, or a representative group affected by the alleged breach, or a third party seeking to ensure accuracy of published information. In the case of third party complaints the views of the party most closely involved should be taken into account.

The Board will need to have the discretion not to look into complaints if they feel that the complaint is without justification, is an attempt to argue a point of opinion rather than a code breach or is simply an attempt to lobby, but they should, as a matter of principle, have the power to take up any complaint that is brought to them.

4.31 I recommend that decisions on complaints should be the ultimate responsibility of the Board, advised by complaints handling officials to whom appropriate delegations may be made.

It is not for me to make specific organisational recommendations about how the body should be structured or the mechanism whereby disputes might be capable of resolution. There is, however, no reason why the Board should not establish a small complaints committee to deal with complaints in the first instance.

4.32 Having said that, it is necessary to add that it is absolutely clear to me that it is unacceptable to have serving editors playing any role in determining the outcome of individual complaints.

I recommend that serving editors should not be members of any Committee advising the Board on complaints and any such Committee should have a composition broadly reflecting that of the main Board, with a majority of people who are independent of the press.

Whatever arrangements are put in place for the practical handling of complaints, ultimately decisions must be a matter for the Board.

4.33 I recommend that it should continue to be the case that complainants are able to bring complaints free of charge.

This is one of the best features of the existing PCC system, which is carried over to Lord Black's proposal for the future.

Standards

4.34 Turning now to serious and systemic concerns, it is essential that the body should have the power to act as a regulator.

Consequently, I recommend that the Board, being an independent self-regulatory body should have authority to examine issues on its own initiative and have sufficient powers to carry out investigations both into suspected serious or systemic breaches of the code and failures to comply with directions of the Board. Those who subscribe must be required to cooperate with any such investigation.

Again, it is unnecessary for me to make detailed recommendations on structures, but those carrying out investigations must have sufficient relevant experience and expertise and be demonstrably independent of the press. Lord Black's proposal meets many of the requirements set down here, but I have already made clear my concerns that this aspect of Lord Black's proposal is so weighed down with process that it is difficult to see how the investigative powers could ever be used successfully. The new regulatory body must be able to undertake investigations when and where it thinks appropriate, and to rely on the cooperation of members. The investigation process must be simple and credible and, while I recognise the need for a level of reconsideration (whether by appeal or

otherwise), this should be only at significant stages in order to ensure that the process can be operated effectively: ultimately, any decision is ultimately amenable to judicial review.

4.35 The new regulatory body should, as the PCC currently does, act on behalf of individuals to ask the press to stay away when requested to do so, and may choose to provide an advisory service to editors in relation to consideration of the public interest in taking particular actions.

Remedies and sanctions

4.36 In the same way as with powers, this section breaks down in to two parts: the first relates to the remedies that the regulator can award to individuals in relation to breaches of standards that have affected them, and the second relates to the sanctions that the regulator should be able to impose in relation to breaches of standards.

I recommend that the Board should have both the power and a duty to ensure that all breaches of the standards code that it considers are recorded as such and that proper data is kept that records the extent to which complaints have been made and their outcome; this information should be made available to the public in a way that allows understanding of the compliance record of each title.

4.37 In the first case of complaints:

I recommend that the Board should have the power to direct appropriate remedial action for breach of standards and the publication of corrections and apologies. Although remedies are essentially about correcting the record for individuals, the power to require a correction and an apology must apply equally in relation to individual standards breaches (which the Board has accepted) and to groups of people (or matters of fact) where there is no single identifiable individual who has been affected.

It should, of course, be the subject of discussion between the complainant and the title but, in the end:

I recommend that the power to direct the nature, extent and placement of apologies should lie with the Board.

4.38 Turning to the second case:

I recommend that the Board should have the power to impose appropriate and proportionate sanctions (including financial sanctions up to 1% of turnover, with a maximum of £1million),[48] on any subscriber found to be responsible for serious or systemic breaches of the standards code or governance requirements of the body. The sanctions that should be available should include power to require publication of corrections, if the breaches relate to accuracy, or apologies if the breaches relate to other provisions of the code. Financial sanctions should be appropriate and proportionate.

4.39 It is important that the existence and use of financial sanctions should be transparent, in order to encourage effective compliance with the system. It is equally important to consider what would happen to any financial penalties levied. In a statutory regulatory system such penalties would be paid into the consolidated fund. This is obviously inappropriate in the case of a self-regulatory body. However, if the body were to be able to draw on fines to meet its ongoing costs there would be an inappropriate incentive on the body to levy fines. The solution proposed by Lord Black is that a ring-fenced enforcement fund should be established, with fines being used only to finance investigations into systemic or significant breaches. This approach seems to me to be an acceptable way of dealing with the issue.

4.40 For the avoidance of doubt:

I recommend that the Board should not have the power to prevent publication of any material, by anyone, at any time although (in its discretion) should be able to offer a service of advice to editors of subscribing publications relating to code compliance which editors, in their discretion, can deploy in civil proceedings arising out of publication.

In that way, there is potentially the opportunity for the regulatory body, should the need arise, to give reasoned opinions on issues brought to them by editors, or by individuals concerned about potential publication of a matter, that might provide explanation and context and thereby assist the court in any subsequent consideration of the matter.

4.41 Any material that generates a greater practical understanding of the approach to decisions made by editors and the constraints under which they are made is likely to help and I have little doubt that, if that context is provided by an independent regulator, it will carry real weight. In that way, it could help to shape the way that the courts apply the law in these cases. Given the often voiced concerns about the willingness of courts to grant injunctive relief, supportive context in this area might help both claimants and publishers better to understand context and be better able to reach a fair and balanced solution to the issue of injunctive relief then being argued. Independent focus on the balance between Articles 8 and 10 can only assist the thinking of all.

4.42 It is essential for the public confidence in the system that the Board should regularly publish information on the performance of the regulatory body and on the compliance records of its subscribers.

I therefore recommend that the Board should publish an Annual Report identifying:

a. **the body's subscribers, identifying any significant changes in subscriber numbers;**
b. **the number of complaints it has handled and the outcomes reached, both in aggregate for the all subscribers and individually in relation to each subscriber;**
c. **a summary of any investigations carried out an the result of them;**
d. **a report on the adequacy and effectiveness of compliance processes and procedures adopted by subscribers; and**
e. **information about the extent to which the arbitration service had been used.**

Arbitration service

4.43 The high cost and real complexity of civil law and procedure, as it relates to media issues, has been a theme running through this Inquiry. Both complainants and publishers have complained of how slow and expensive it is to take an issue to court. However, there are a substantial number of disputes every year between individuals and publishers that are about the civil rights of the complainants. Under the current system some of these the subject of legal action, though very few see their way through to a judgment of the court. Some manifest as complaints to the PCC but the

complainants are often too unsure of their rights or do not commence proceedings because they are unable to afford (or are too concerned about the potential consequences of) litigation.

4.44 The balance of power between the publishers and complainants in these cases has shifted over time. At one time publishers could rest secure in the knowledge that only the very rich and very determined would be able to make a challenge in relation to defamation or privacy. Then the introduction of Conditional Fee Agreements (CFAs) and after the event insurance changed the balance and ordinary people were able to make claims. Some high profile claims were made, not least with regard to phone hacking, and many complainants were successful in their actions. But the balance is now moving back, with the new changes to the CFA regime, meaning that individuals will no longer be able to take action without fear of potentially impossibly damaging costs: this problem has been examined in detail and is an area that is very likely to come under further scrutiny.[49]

4.45 It is self evident that this situation is far from ideal. What is needed is a quick, fair and inexpensive system for resolving these disputes. Of course, no one can be forced to give up their right to go to court in pursuit, or for the protection, of their rights. However, that does not argue against the need for some arbitral system to be available.

4.46 I recommend that the Board should provide an arbitral process in relation to civil legal claims against subscribers, drawing on independent legal experts of high reputation and ability on a cost-only basis to the subscribing member: it should not be difficult to provide such expertise, not only from those who have retired from the Bench but also from the most senior ranks of the legal profession. The process should be fair, quick and inexpensive, inquisitorial and free for complainants to use (save for a power to make an adverse order for the costs of the arbitrator if proceedings are frivolous or vexatious). The arbitrator must have the power to hold hearings where necessary but, equally, to dispense with them where it is not necessary. The process must have a system to allow frivolous or vexatious claims to be struck out at an early stage.

4.47 As acknowledged above, neither publishers nor complainants can be forced to use such a system. However, the regulator should offer publishers the right to use the system and, equally, all complainants should be encouraged to use it as well. I consider below how use of the provision of an arbitration service could be incentivised by way of costs advantages both for potential claimants and

for publishers along with the wider benefits that it could bring. Mechanisms for appeal to the courts (by way of review rather than rehearing) would have to be acknowledged.

4.48 It is worth repeating that the ideal outcome is a satisfactory independent regulatory body, established by the industry, that is able to secure the voluntary support and membership of the entire industry and thus able to command the support of the public. I have set out here the minimum requirements for a 'satisfactory independent regulatory body'. I recognise that, whilst this has much in common with the model proposed by the industry, there are substantive differences between what I am recommending and the model put forward by Lord Black. The main differences are in the extent of the independence of the body from the industry, first in the appointments process, second in the role of serving editors and third in the allocation of funding. In terms of organisational structure and the contractual framework, there is no reason why Lord Black's model should not be capable of adaptation to meet the requirements set down here if the industry were able to support such a move, and if the other, more substantive, changes around independence and effectiveness were made.

(ii) Recommendations 34 to 36 (inclusive), 38, 43, 44 to 45 (inclusive) and 47 from Leveson's Summary of Recommendations

Internal Governance

34. In addition to Recommendation 10 above, a new regulatory body should consider requiring: (a) that newspapers publish compliance reports in their own pages to ensure that their readers have easy access to the information;34 and (b) as proposed by Lord Black, that a named senior individual within each title should have responsibility for compliance and standards.[35]

Incentives to membership

35. A new regulatory body should consider establishing a kite mark for use by members to establish a recognised brand of trusted journalism.[36]

The Code

36. A regulatory body should consider engaging in an early thorough review of the Code (on which the public should be engaged and consulted) with the aim of developing a clearer statement of the standards expected of editors and journalists.[37]

Powers and sanctions

38 In conjunction with Recommendation 11 above, consideration should also be given to Code amendments which, while fully protecting freedom of speech and the freedom of the press, would equip that body with the power to intervene in cases of allegedly discriminatory reporting, and in so doing reflect the spirit of equalities legislation.[39]

The public interest

43 A new regulatory body should consider being explicit that where a public interest justification is to be relied upon, a record should be available of the factors weighing against and in favour of publication, along with a record of the reasons for the conclusion reached.[44]

44 A new regulatory body should consider whether it might provide an advisory service to editors in relation to consideration of the public interest in taking particular actions.[45]

Access to information

45. A new regulatory body should consider encouraging the press to be as transparent as possible in relation to the sources used for stories, including providing any information that would help readers to assess the reliability of information from a source and providing easy access, such as web links, to publicly available sources of information such as scientific studies or poll results. This should include putting the names of photographers alongside images. This is not in any way intended to undermine the existing provisions on protecting journalists' sources, only to encourage transparency where it is both possible and appropriate to do so.[46]

47. The industry generally and a regulatory body in particular should consider requiring its members to include in the employment or service contracts with journalists a clause to the effect that no disciplinary action would be taken against a journalist as a result of a refusal to act in a manner which is contrary to the code of practice.[48]

[34] Part K, Chapter 3, para 4.26 [35] Part K, Chapter 7, para 4.28 [36] Part K, Chapter 4, para 5.41 [37] Part K, Chapter 7, para 4.20 [39] Part F, Chapter 6, Para 8.22 [44] Part F, Chapter 6, para 2.74 [45] Part K, Chapter 7, para 4.35 [46] Part F, Chapter 6, para 9.75 [48] Part K, Chapter 4, para 16.4