

## NUJ response to the PRP call for information

The National Union of Journalists did not respond immediately to the call for information as we considered that so little had changed over the past 18 months or so that there was little that we could usefully add to a report for Autumn 2016. However, we think a responsible press is incredibly important to the future democracy of the UK and that its independent regulation is vital to ensuring high standards of the press. It therefore makes sense to reiterate our views on the system for overseeing press regulation in the UK set up by parliament against the wishes of publishers and the government, the two main powers identified by critics and Leveson as most likely to damage such independence.

To answer your questions:

- 1) It is not possible to categorise the new system of overseeing regulation as either a success or a failure at this time. As a body set up to ensure that any regulator that chooses to apply for recognition complies with a set of standards as laid out in the Charter and recommended by the Leveson report, the PRP has the support of the NUI. However, as identified by the statements and actions at the time of agreeing the Royal Charter it does not have the support of publishers who feel that they would prefer to have a regulator that is of limited independence or better still, under their direct control, and one that does not have to answer or explain itself to anyone. Those publishers set up IPSO as a regulator that would fulfil their requirements of a regulator that would be heavily dependent on the publishers and would not fulfil all the requirements of the Charter or pick up on all the recommendations of the Leveson Report. Despite claiming that it intended to make IPSO a regulator rather than the complaint handler that virtually all interested parties now accept was the best the Press Complaints Commission managed, it is now virtually identical in its systems and operation to the PCC. It has recently launched a “whistleblowing hotline” for employees, but it is not clear what happens to any complaints it gets nor is there any evidence that journalists have been offered a “conscience clause” in contracts of employment allowing them to refuse assignments they believe could breach the code of practice.

It is not, however, the PRP’s fault that IPSO, and the publishers that set it up, bypassed the Leveson recommendations and the wishes of parliament and large parts of the public. It is the way the PRP handles applications from would-be regulators that is important and the application from Impress has so far shown that the PRP is taking its responsibilities seriously and has carefully measured Impress’s ability to regulate the publishers that have applied to it according to the Charter principles. Whilst we cannot yet say whether the PRP has been a success or a failure we are optimistic that we will soon see a regulator that is truly independent, working under the Charter guidelines and the oversight of the PRP.

- 2) The choices for publishers and regulators are similar. IPSO was set up mainly by the publishers of national newspapers and their associated regional papers and national

magazines in order to avoid some of the requirements of the Charter and in order to avoid their regulator being overseen by anyone. Its limited reporting and transparency are evidence of that.

The constitution of IPSO ensures that the power remains firmly in the hands of publishers and any claims of independence are largely illusory as the PRP would have quickly identified had IPSO applied for recognition. As well as control, it is also important to publishers that IPSO code remains the property of the editors' committee because a tougher code could lead to decisions by the regulator that would have far more impact. The publishers and the PCC refused in the past to introduce a system of fines for serious breaches of the code despite calls on them to do so from the Culture, Media and Sport select committee, the NUJ and others. They introduced them as a penalty available to IPSO as a political necessity following the Leveson report. However, with the present IPSO code and adjudication practices there is no real likelihood that a fine will ever be levied as it would be very difficult to find circumstances in which one could legitimately be applied under the present code and IPSO operations. Similarly, there is concern, particularly from regional papers, that an arbitration system as identified by Leveson, would be unnecessarily expensive for them as it would usually involve only the national press. IPSO is now investigating setting up a system but it would not be obligatory and papers could opt out, circumventing Leveson's recommendation. For those publishers who seek to avoid serious regulation whilst claiming to want a responsible press these are sufficient reasons to avoid recognition. Other publishers though (including almost certainly some regional papers currently members of IPSO) want to work with a regulator that matches the Leveson recommendations and the Charter guidance in order to show their readers and the public at large that they do take their responsibilities for high standards of journalism seriously. It is not surprising that at the moment these seem (through their application to Impress) to largely be small publishers or hyperlocals. This is partly, of course, because many are trapped by corporate decisions however many potential applicants are keen to join a recognised regulator but are trapped by the Catch 22 that they won't apply until the regulator is recognised because they only want to belong to a recognised regulator, but the supporters of IPSO use a lack of members as a reason to suggest Impress should not be recognised. The NUJ hopes that the PRP will recognise Impress as it believes Impress is keen to involve all stakeholders and that its membership will grow rapidly once it achieves recognition allowing it to do a much more serious job of raising press standards and upholding responsible journalism than IPSO.

For your interest, our recent Delegate Meeting (biennial conference of the entire union) in April 2016 agreed the following motion:

This DM notes that more than three years after the publication of the Leveson report:

- Regulation of the press in the UK has not significantly improved from the situation exposed by the report.

- Journalists still have little or no protection from editors seeking saleable stories regardless of ethical considerations.
- Claims by the Independent Press Standards organisation that replaced the discredited Press Complaints Commission to operate an ethical hotline for journalists seems little more than lip service to promises made by some publishers nor is this DM convinced by IPSO chair, Sir Alan Moses, February 2016 claim that IPSO is independent of publishers as recommended by the Leveson report.
- That the Government is backtracking on David Cameron's pledge to phone hacking victims to support firm regulation whilst guaranteeing press freedom.

This DM expresses its disappointment that after millions of pounds of taxpayers' money expended on the inquiry, scores of journalists facing criminal proceedings and destruction of their careers and livelihoods and five years of public debate that has been seriously damaging to journalism in the UK national newspapers in the UK and their publishers still fail to take their responsibilities seriously, hiding their failings behind another pointless so-called regulator.

This DM condemns the Prime Minister and the Media and Culture Secretary John Whittingdale for their refusal to introduce legislation agreed by parliament following the Leveson report that is intended to encourage publishers to sign up to a Leveson compliant regulator.

This DM welcomes the January 2016 application by Impress, the alternate press regulator, for Royal Charter recognition and wishes the would-be regulator well. DM notes that it intends to be Leveson compliant matching the 29 requirements and is independent of publishers whilst involving journalists on its board and in its development. DM therefore instructs the NEC to urgently seek discussions with Impress about their proposed new code of practice, the management of a journalists' hotline and other matters of mutual concern.

Chris Frost  
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