Subject: Call for information on the success of the recognition system so far
Date: Wednesday, 26 July 2017 at 13:22:35 British Summer Time
From: Simon Carne
To: Consultation

Dear PRP

I am writing with a brief observation in response to the Press Recognition Panel's call for information on the success of the recognition system so far.

In its 2016 annual report to Parliament, the PRP observed that, without Section 40 of the Crime and Courts Act 2013, the recognition system was not yet properly in place. That remains the case and is, in my view, the fundamental issue at the heart of the recognition system. I doubt that the PRP needs any help from me in making that point.

I do, however, wish to make the observation that it is becoming increasingly clear that the unrecognised regulator, IPSO, is exhibiting behaviour suggestive of **regulatory capture**, in it is acting as though its primary duty was the success of those it regulates rather than the elimination of the harm that it was set up to regulate against. For example, in a speech to the Society of Editors in October 2016, the Chairman of IPSO said: "The essence of our press is that it cannot and should not be forced into doing anything it does not choose to do".

Shortly after that, during the consultation by the DCMS into section 40, IPSO weighed in to support the publishers, saying, quite bluntly, that it opposed section 40 because the press does: "… the vast majority of the UK press have rejected the recognition system. This being the situation, IPSO does not agree that section 40 should be commenced."

During the consultation, the press had, quite openly, set its face against making low-cost arbitration an option which claimants could choose. The press was, of course, free to hold that opinion. But, rather than being transparent about its motives, it employed myths, half-truths and blatant untruths in an attempt to bolster a claim that it would be an affront to press freedom if publishers were required to foot the higher costs which would flow from having denied claimants the low cost option. The recourse to such deceptive arguments was conducted without any sign of correction or control by IPSO who chose not only to supported the publishers it regulates, as noted above, but IPSO also deployed an argument which was neither factually accurate nor logically sustainable.

In IPSO's submission to the DCMS, it argued as follows:

- "Section 40 has in mind a system of regulation in which the majority of the UK press is covered by a single system of regulation." That statement is not true.

- "The legislation does not … take into account the provision of an established regulatory scheme outside the system of recognition. In particular, it does not account for those publishers who are opposed to the system of recognition who are nonetheless willing to engage with a press complaints system, offer reasonable settlements or provide an appropriate low cost method for resolving legal claims."

  This argument ignored recent history and stood logic on its head. Section 40 was framed in the context that previous enquiries into the functioning of the press concluded with recommendations which the press did not sufficiently follow through. In the absence of section 40, the same outcome has (so far) occurred once again.

I am happy for this response to be published and/or for my name to be associated with it. If the PRP

wishes to discuss the matter with me, I am happy to do so.

Kind regards

Simon Carne

Simon Carne | Business Consulting | www.simoncarne.com
G7 Regent Court Wrights Lane London W8 5SJ