Press Recognition Panel
Mappin House
4 Winsley Street
London W1W 8HF

Nathan Sparkes
Policy Manager
Hacked Off

Sent by email only

18 March 2019

Dear Mr Sparkes,

Thank you for your letter dated 5 March 2019.

Our recently published report on the recognition system considered some of the arrangements of IPSO and other organisations in order that we could report on the success or failure of the recognition system. As you note, we have concluded that the existence of the PRP, the existence of the Charter and having section 40 remain on the statute books has led to some limited improvements in standards.

One set of improvements has come because IMPRESS successfully applied to be recognised by the PRP. However, although IMPRESS offers increased public protections, its membership is currently limited, and the recognition system does not cover all significant relevant publishers.

Other major newspapers outside of IPSO such as the Guardian and the FT have reviewed their complaints handling systems. These attempts at self-regulation have not been independently reviewed by the PRP to confirm the quality and independence of the service being provided to the public because the information needed to conduct such a review is not in the public domain. In addition, these bodies are not regulators who have applied to be assessed against the Royal Charter by the PRP.

Some of IPSO's actions suggest that it acknowledges the importance of improving standards. IPSO's compulsory arbitration scheme is its third iteration of such a scheme, and it offers increased public safeguards compared to the other two schemes. We have not reviewed any evidence as to the effectiveness of the scheme against the Royal Charter or sought to qualify what IPSO says. The information needed is not available publicly and IPSO has also not applied to be assessed and recognised by the PRP.

Although it is called a ‘compulsory’ scheme, as we say in our report, in practice only some publishers have agreed to participate. You have rightly pointed out that the Scheme Membership Agreement on IPSO's website states: ‘No PGRE shall be obliged to participate in the Arbitration Service.’ However, it is our understanding that members of the compulsory scheme must accept any genuine arbitration claim. The Arbitration Scheme Rules state: ‘Participating Members are compelled to use the Scheme on a case by case basis, for the duration of the current Scheme Membership Agreement’.

In other words, the position seems to be that a publisher is not obliged to join the ‘compulsory’ IPSO scheme, but that once they do so they have to accept arbitration in a qualifying case. It is in the latter sense only that the scheme is compulsory.

Our report also notes that the Regulatory Funding Company also has a veto over the existence or continued existence of any arbitration scheme.

The PRP has not reviewed how well the arbitration scheme is working in practice and we are not able to offer any further evidence.

The limited improvements outlined above confirm for the PRP that effective self-regulation, with an effective system of incentives, would lead to the increased standards intended following the Leveson Inquiry. It remains our view that section 40 of the Crime and Courts Act should be commenced straightaway.

Yours sincerely,

David Wolfe QC
Chair of the Press Recognition Panel
office@pressrecognitionpanel.org.uk