

## The Leveson Charter: what does 'independent' self-regulation mean?

With the Conservative Party's proposed **royal charter** published, the debate is all about whether the body would be sufficiently independent from the press. This is part of a longer debate about wresting control of the PCC from the ink-stained hands of the editors.

Since it was set up following Calcutt in 1992, control of the PCC has been dragged slowly away from the industry to the current system whereby the board is composed of a majority of non press members. The Royal Charter published today would further reduce control of the editors, but stop short of a more fully independent model as proposed by **Hacked Off**.

This is not of course going to be the only bone of contention. There is still doubt about whether a Royal Charter – which the Privy Council can amend is more, rather than less prone to interference from politicians as we pointed out **last week**.

Tinkering with self-regulation is an extremely delicate operation. This is partly because of what Leveson described as a problem peculiar to media policymaking, namely the closeness and reciprocity between politicians and the press. Whatever was the involvement of press interests in negotiation of the proposed settlement over control of the self-regulatory body, there will linger a suspicion that some kind of a deal was made to retain some press influence.

The bigger question of course is whether this will work: will it set up the right incentives for editors to improve behaviour whilst not bankrupting them? will it advantage the bloggers unfairly? will local newspapers – which in general don't invade privacy – pay for the sins of the tabloids?

Do I approve of the Charter? it looks like some kind of progress, but only against the low standard of what existed before. The simple fact is that we simply don't have enough information to decide whether to approve or disapprove of this new instrument. In order to make any calculation about whether this framework sets up the correct incentives, we need more research and evidence about how Leveson's incentives and fines will impact the various actors. With a closed debate, carried on behind closed doors, it is impossible to ascertain if the cost-benefit calculations of the various actors will lead to behaviour change without chilling of speech.

This is why I will keep my powder dry about this Royal Charter for now. It is just one part of the overall framework. It is illogical for the government to expect its coalition partners, or the opposition, or the broader public to agree or not agree to one piece of the puzzle in isolation. We need also to hear from the Press about what it will do to revise its codes, and what its commitments are for genuine change. If this is a new deal for the public communication system of the UK, we need a full, open and transparent public debate about it. The Prime Minister can help make this happen, but the real impetus should come from civil society.

'Independent' self-regulation as proposed by Leveson was always something of an oxymoron. If we are to regulate ourselves, how can the regulator be independent? The goal, surely is to improve accountability of the regulators, and newsmakers themselves; not to the Privy Council, as this proposal clearly does, but to the wider public.

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