

Martin Moore: How Publishers' Plans for New Press Regulator Fail the Public



*On 18 July the Media Standards Trust released **an analysis** of the PressBoF's proposal for an Independent Press Standards Organisation (IPSO) to replace the PCC. Here MST Director **Martin Moore**, briefly gives his main criticisms of the PressBoF plan.*

How much better it would be if the plans put forward by major newspaper publishers last week for a new system of press regulation fitted with Leveson's recommendations. We could all move on from the post-Leveson stalemate and start a new chapter in relations between the press and the public. Newspapers could, once the system was recognized, benefit from protection in the courts when threatened by corporations or wealthy individuals. Vulnerable people would know that, if wrongly turned over by a newspaper, they would be able to gain some fair redress.

But sadly the plans do not fit with the judge's recommendations. Not only do they not fit, these plans do not come close. They fail even to achieve the Prime Minister's '**Leveson principles**' that he set out in November of last year.

As they stand, the plans put forward by the industry will not provide speedy and up-front corrections for people who have suffered press abuse. They will not provide fair redress for ordinary people who have been libeled or had their privacy seriously intruded upon. This proposed new regulator will not be able to take complaints on their merit. Nor will it be able to impose serious sanctions on major publishers. The regulator proposed in these plans would have a profound lack of any functional or meaningful independence from the industry.

"Crucially", David Cameron said on 29th November, a new regulator "must have the power to demand up-front, prominent apologies". The Independent Press Standards Organisation (IPSO) proposed by major publishers, has no such power. Indeed the process for seeking a correction or apology is even more drawn out and complicated than the current system. The complainant must, in the first instance, go to the publisher concerned. Only when the internal processes have been 'exhausted' (their word not mine) can the complaint move on to the regulator. The regulator then tries to mediate – rather than regulate – by engaging in an exchange of letters between the parties. If, after this process has been exhausted, it actually wants to take action, then the publisher can still appeal. Pity the exhausted complainant.

Leveson recommended that the press should provide an arbitration scheme that could give inexpensive and effective legal redress for those who had suffered abuse but could not afford to go to the High Court. Arbitration should also, Leveson said, protect publishers from wealthy, and potentially abusive, claimants. Yet, the IPSO Charter only commits to running an arbitration scheme after a pilot, and then makes arbitration optional to each publisher. Moreover, after the pilot the press funding body reserves the right to veto the scheme.

Complaints should be taken on merit, Leveson said, not according to who made them. Yet the IPSO plans deliberately make it more difficult for those who are not personally referenced in an article to complain. It is harder, in the IPSO plans, for a representative group or organisation to complain than it is currently.

Many headlines that refer to the press' plans talk about the 'Million Pound Fines' the regulator will impose on miscreant news publishers. But the chance of such a fine ever being imposed is **slim** to

vanishing. A fine can only be imposed following an investigation, yet the investigation process set out is so lengthy, and provides so many opportunities for the publisher to object, that the regulator is more likely to run out of money than be in a position to impose a million pound fine.

Perhaps most importantly of all, the regulator proposed by the press is far from the independent body envisioned by Lord Justice Leveson. At almost every level it is dependent on the industry and on the industry's Regulatory Funding Committee, the successor to the Press Standards Board of Finance (PressBoF).

Lord Justice Leveson made clear in his report that 'a profound lack of functional or meaningful independence from the industry... [lay] at the heart of the failure of the system of self-regulation of the press' (Volume IV, Part J, Para 3.1, p1,520). The central cause of this lack of independence was, Leveson said, PressBoF.

Yet these plans essentially make the successor of PressBoF – the Regulatory Funding Committee – the controller of the new system.

It would be wrong to say there are not differences between the proposed IPSO system and that led by the PCC. In the new system news organisations need to have internal complaints processes, and the regulator is expected to monitor coverage. However, the additional powers in the proposed system are so circumscribed and qualified that, from the perspective of the public, there would be minimal material change. The IPSO plans are a long way away from the system Leveson recommended.

The post gives the views of the author, and does not represent the position of the LSE Media Policy Project blog, nor of the London School of Economics.

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