

## The Leveson Report Anniversary: A Celebration or a Commemoration?



*One year on from the release of the Report from the Leveson Inquiry, LSE Postgraduate Students **Anri Van Der Spuy** and **Emma Goodman** argue that there appears to be a stalemate in progress towards implementation of the Report's recommendation.*

Last Friday, 29 November, marked the one-year anniversary of the publication of the **Leveson Report**, which contains Lord Justice Leveson's recommendations for the future of press regulation in the UK. But, looking back on what has happened in relation to press regulation over the past year is there cause for celebration or for commemoration?

At the **Leveson Anniversary Lecture**, hosted on 29 November by the **Media Standards Trust** and **Article 19**, David Yelland, former editor of *The Sun*, offered his stark opinion: "Where are we one year on from Leveson? The answer is pretty clear: absolutely nowhere." Yelland lamented an apparent failure by the press to engage reasonably in the regulation challenge that it is currently faced with: "What a shambles we have made, and how badly we have failed the British people."

This apparent failure adds to the plethora of press failures identified by Justice Leveson a year ago when he made it clear that the periodic neglect of standards by some parts of the UK press meant there was a need for change. But change has been interpreted in varying ways. Over the past 12 months we have watched parliamentarians and members of the press clash not only with each other, but even with Justice Leveson and so-called press victims in debates over the course of action for press regulation in the UK.

Dave Banisar, senior legal counsel at Article 19, who also spoke at the Leveson Anniversary Lecture, emphasised that this debate has wider implications beyond the UK. Many other countries that may be evaluating the ways in which they govern their press systems are watching what is going on in the UK, and there is an inherent risk that some governments might use any state-endorsed UK system to justify censorship and oppression if it is not appropriately presented and extrapolated.

On the one hand, parliament's response to Justice Leveson's recommendation for "a voluntary independent self-organised regulatory system" to ensure the maintenance of press standards has been a cross-party **Royal Charter**, approved by the Privy Council on 30 October this year. Any regulator that this established would be purely voluntary, but the **Crime and Courts Act 2013**, passed in May, provides the key incentive to join: it advises courts to treat publishers differently – in a libel case for instance – according to whether they are part of an approved regulator or not. If they are, complaints will be decided by arbitration, but if they are not, they run the risk of exemplary damages if they lose a case, and have to pay complainants' costs even if they win.

Press victims, represented by the **Hacked Off** campaign, have given their support to the Charter, but much of the press remains bitterly opposed to any kind of regulation that is endorsed by the state. Some members of the press (with the noteworthy exclusions of *The Guardian*, *Financial Times* and *The Independent* as well as several regional publishers) have published their own plans for a new self-regulator, the Independent Press Organisation (**IPSO**). While IPSO has been loudly and publically hailed by many in the industry as a body that promises to address all the key recommendations in the Leveson Report, there lingers uncertainty as to the viability of such claims.



The Media Standards Trust's **assessment** of IPSO has found that it only satisfies about 30% of Leveson's recommendations pertaining to self-regulation, with uncertainty about whether IPSO could meet six recommendations. Particular concerns relate to IPSO's apparent lack of independence; the nature of its proposed complaints procedure; and the failure to provide citizens with more viable options in terms of civil claims. (It is worth noting that the Media Standards Trust has close ties to the Hacked Off campaign.) As Gordon Ramsay **suggested** earlier this month, '[I]t is difficult to see how it will gain the public confidence necessary to rebuild trust in journalism.' However, as publishers seem unwilling and unlikely to sign up to a Royal Charter-supported regulator, it currently seems the only feasible way forward. Yelland said he believed that for the impasse to be broken, editors must embrace just a "chink" of humility, and update IPSO by just a "smidgen". Change starts slowly, he added.

While the year that has passed since the publication of the Leveson Report has certainly been an interesting one, and trials of those involved in phone-hacking have now started, these 12 months have not yielded the most productive of outcomes. What Yelland called 'a shambles' is perhaps rather more of a stalemate. It remains to be seen whether the Leveson inquiry and its recommendations, and all the months of work and testimonies that went into it, will be just as ineffective as the six other such inquiries into the press over the past 70 years.

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

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December 2nd, 2013 | [Guest Blog, Press Regulation](#) | [1 Comment](#)

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5

