

## The Clock is Ticking for IPSO, UK's New Press Regulator



*Media Policy Project Director Damian Tambini calls on the board of the new press regulator, IPSO, to reform it fast or resign.*

Journalists have been imprisoned in the UK in the past weeks and more are to be sentenced. This is a sombre moment, and one in which it would be hoped that the newspaper industry and civil society might resolve to reach a new settlement to prevent such a mess occurring again in the future.

Phone hacking was not a one-off. It was a precursor of a future in which not only phone-calls, but leaky vaults of personal data of all kinds will tempt journalists to push ethical and legal boundaries. But we are still far from a constructive, inclusive debate about the balance of law and self regulation in resolving these issues. What passes for a debate – and the proposals for self regulation of part of the industry – are self-interested infighting that is leeching away trust in the media and trust in democracy itself.

### Continuing mistrust

One of the most galling things about the response of newspaper editors to reform of regulation of their industry has been the invocation of the **principle of press freedom** to see off proposals for improved accountability. In the debacle over hacking no one has done more to undermine press freedom than those papers responsible for the crimes and the cover up.

Society gives newspapers certain privileges: principally the right to self-regulate – but also source protection and public interest defences and a range of other benefits – and in return they are expected to act responsibly. It is the failure to act responsibly, and the abject failure of self-regulation that put these privileges in jeopardy. The attempt by newspapers – including those innocent of hacking – to exaggerate the threat to press freedom and attempt to distort public opinion through misinformation about the trials only serves to undermine their position in the long term.

Current developments present little hope for a swift resolution. Sir Alan Moses, the new chair of IPSO, the newspaper-sponsored 'regulator', has begun a round of public and private meetings – including **one hosted by the LSE Media Policy Project**, and he is expected to meet formally with his board in late July. As he continues his 'listening tour' he is likely to meet a chorus of mistrust and disapproval.

### Fixing IPSO

The first weeks of the new board will be crucial. If the founding documents of IPSO are anything to go by, the new body is no better than the PCC, and in some respects it is worse. It has been set up to protect newspapers and frustrate claimants, and falls way short of the **proposals set up by Leveson** or other **independent experts**. Only if the board can extract early, public and clear commitments to radical reform of its founding documents will the body have any chance of establishing any legitimacy in the eyes of the public.

It has been abundantly clear for some time that the rules **outlined in five documents** on the IPSO website are over –**complex and unbalanced**. They have been designed by a firm of lawyers that appear to have been asked not to develop a fair system of effective redress that will balance the rights of complainants and publishers, and ensure a virtuous circle of improving journalistic standards, but to limit risk and liability for newspapers and give the appearance of protection. And

great swathes of the structures deemed necessary for self-regulation – such as effective systems of arbitration – are simply missing. IPSO has no input into revisions of the editorial code.

Crucial new powers that have been trumpeted by IPSO as improvements over the PCC, such as the new powers of investigation are wrapped in so many qualifications as to make investigation almost impossible. For example rule 42 in [the Regulations](#) establishes that IPSO has to warn newspapers when they are going to conduct an investigation and give two weeks' notice. It seems that editors will now have an ample grace period in which to dispose of not only of their laptop porn collections, but also of other embarrassing – or incriminating – documentation.

And then there is the issue of audit and recognition. If IPSO has explicitly excluded recognition under the charter there remains a need for external review of some kind. Any system that is ultimately controlled by newspapers will be viewed with suspicion, so there is a need for a highly creative solution in this area.

## Reform or resign

IPSO in its current form is unacceptable. It should inspire no confidence from the public, from newspapers that may join in future, from victims of press intrusion or from Parliament. If Sir Alan Moses has not introduced root and branch reforms of the body by Christmas at the very latest, he should resign. If he does not have a clear indication from the newspapers that finance IPSO that their founding documents should be rewritten, he should go sooner than that. The board should not permit RFC to use Moses or the board as a delaying tactic or a smokescreen.

*This article 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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