

The IMPRESS Project: a viable, independent model of press regulation?



Jonathan Heawood is director of the IMPRESS Project, which is building a regulatory body for the UK press. Last week, he spoke with the LSE Media Policy Project and members of the industry, academia and civil society about the project's progress and goals. Here is an excerpt of his remarks.

IPSO has now officially launched, but it did so under a cloud, and with the support of only part of the industry. The Independent, the Guardian and the Financial Times no longer belong to the self-regulatory body for press journalism. This was not the outcome intended by Leveson, Parliament, nor the public, and this is why the **IMPRESS Project** is in the process of designing an alternative.

We have used the criteria in the Royal Charter as the recipe for our regulator. These criteria, far from imposing draconian restrictions on any regulator, are, for the most part, quite ambiguous. What is an 'open, transparent and independent' appointment process? What are 'appropriate' internal governance processes? What is an 'inquisitorial' arbitral process?

We have been working methodically through the 23 criteria and using our judgement to make sure that, where there are open questions, we answer them in a way which strengthens the independence and effectiveness of the IMPRESS regulator.

The 23 criteria boil down to what I call the three A's: Appointments; Articles; and Arbitration.

The first of these requires the appointment of an independent Board to the regulator. To that end, the Project Board advertised for and recruited an **Appointment Panel** with a 'significant majority' of members who are independent of the press, and a number of members with a current understanding and experience of the press. That Panel is chaired by **Aidan White**, with **Caroline Instance** as deputy chair. Other members of the nine-strong Panel come from academia, the law, the city, the NGO sector and journalism.

They are now in the process of recruiting a Chair to the Board of the IMPRESS regulator, and will then recruit a full Board with a majority of independent members, which is expected to be in place by the end of the year. Its members will have to be both regulatory and entrepreneurial, overseeing the rapid growth of a completely unique organisation, a start-up regulator. They will appoint a Chief Executive. They will approve a business plan for the five-year period, 2015-2020. And, crucially, they will decide whether the regulator should seek recognition under the Royal Charter.

The Board's first task is to finalise and sign the Memorandum and Articles of Association. Unlike Sir Alan Moses at IPSO, this Chair, and her or his colleagues, will be completely free to review and, if they so desire, rewrite the paperwork. We will put the draft documentation out for consultation, so that any major stumbling blocks can be identified and resolved before the Board comes together. But they will bring their own expertise and they may want to put their own stamp on the Articles, procedures and membership agreements.

Alongside the appointments process and the drafting of the Articles, we have also established an **arbitration scheme**, in partnership with the Chartered Institute of Arbitrators, which provides a low-cost forum for the resolution of defamation and privacy disputes involving publishers. In due

course, this could become an exclusive benefit of participation within IMPRESS, but it is currently available to any publisher with a relevant dispute.

There will be a transitional period, during which The IMPRESS Project continues to function as the legal entity, until the new IMPRESS regulator is up and running and The IMPRESS Project can be wound up. We expect this to happen at the end of March 2015.

IMPRESS has a positive duty to promote press freedom. So, unlike a regulator which merely responds to complaints, IMPRESS is free both to initiate investigations, as IPSO is, and to publish research or recommendations on issues where the Board believes it has a role to play.

Regulation in a digital future

Some have suggested that all of this – Leveson, the Charter, regulation – is irrelevant, ‘because of the internet’. It isn’t: the internet makes the need for independent regulation more pressing, not less. It creates new pressures on standards. It also explodes our understanding of ‘journalism’ and ‘the press’.

Thanks to convergence, all forms of news publisher will soon find themselves occupying the same space, whether they began life in broadcast, print or online. It will be impossible to justify a distinct system of broadcast regulation, with requirements for impartiality and taste and decency. Broadcast content is already coming to us through digital channels. Spectrum may soon be a thing of the past, and without spectrum to secure, broadcasters have very little reason to subject themselves to regulation.

At the same time, increasing numbers of amateur journalists are also providing content through digital channels. They may come at this with high standards, low standards, or no standards. We need their information and ideas, and it would be useful to know which of these new voices we can trust.

The current solutions to these simultaneous challenges of convergence and fragmentation are either state regulation, in the form of Ofcom, or no regulation. I would like to suggest a new solution, which is that we take this post-Leveson model, of independent regulation with statutory underpinning, and expand it to cover all forms of online content – on a voluntary, but incentivised basis, based more on carrots than sticks. The **Ofcom Code** sets a ‘gold’ standard for news, with its requirements on impartiality and taste and decency. The **Editors’ Code of Practice** allows far greater partisanship to the printed press; it represents a kind of ‘silver’ standard. Perhaps amateur news publishers will develop their own ‘bronze’ standard, based on their view of what constitutes reasonable conduct.

In this brave new world, each kind of publisher would identify themselves. Some broadcasters might like to step down from gold to silver, whilst some print or online publishers might like to go up a level. Each level of regulation would be accompanied by different incentives, which would be underpinned by an arm’s-length recognition process, of the kind set out in the Royal Charter. The public could easily distinguish between different kinds of publisher, just as they distinguish between different kinds of food.

The post-Leveson model of independent, voluntary regulation, with statutory underpinning and incentives, is far better equipped for the future than most people have realised. At The IMPRESS Project, we are putting the blocks in place so that, when the future hits us we are ready for it, with an approach based on shared values, not commercial or political interests.

One way or another, I’m confident that IMPRESS will achieve its objectives. We, and/or IPSO, or another body, will eventually offer a system of regulation which is independent of both the state and the industry, and which can effectively uphold the public interest in press freedom and reasonable standards of journalism.

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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