

IMPRESS: The Independent Monitor for the Press CIC Regulatory Scheme Procedures

These procedures are intended to help IMPRESS officers navigate the IMPRESS Regulatory Scheme and associated policies. If, on first contact, a member of the public or a publisher does not provide all the necessary information to commence these procedures, an IMPRESS officer will contact the member of the public or the publisher, usually by telephone, to establish the necessary information. All references in these procedures to 'the IMPRESS Board' should be read as applying to any suitably qualified official or subcommittee appropriately mandated by the IMPRESS Board. These procedures will be reviewed on a regular basis and may be revised. Nothing in these procedures should be read in any way which is incompatible with the requirements of the Royal Charter on Self-Regulation of the Press, the IMPRESS Regulatory Scheme, the IMPRESS Regulatory Scheme Agreement or the IMPRESS Articles of Association.

Create Log = create a contact record and allocate a reference number on CRM
Log = add to CRM record

Annex 1 includes a full list of letters, forms and document templates that support the implementation of the Regulatory Scheme.

PUBLISHER APPLICATION AND COMPLIANCE PROCESS

If a publisher has been logged as a prospect by BDM in CRM go to Clause 4.

- 1) Establish name and contact details of publisher making contact and whether they have been in contact with us before.
 - a) YES – **Log and resume publisher application.**
 - b) NO – **Create Opportunity and open Account in CRM and continue (FORM 1).**
- 2) Establish whether publisher is interested in joining IMPRESS.
 - a) YES – **Log and continue.**
 - b) NO – **Log reasons and close.**
- 3) Contact publisher by telephone to seek to arrange meeting to discuss application

- a) YES publisher agrees to meeting – **Log and continue.**
 - b) NO publisher does not agree to meeting – **Log reasons and close.**
- 4) Undertake preliminary credit checks and Companies House searches to verify status of publisher and flag up any potential risks. Assess whether to continue application.
- a) YES – **Log and continue.**
 - b) NO – **Log, send LETT 1A and close.**
- 5) Send publisher Induction Pack (If meeting in person, obtain signed copy of application form (**FORM 2**).)
- a) YES – **Log and continue.**
 - b) NO – **Log and place follow up telephone call action in diary.**
- 6) Undertake compliance assessment of publisher application against the governance standards set out in the Regulatory Scheme (**DOC 1**).
- a) Approve – **Log and go to clause 9.**
 - b) Approve with minor development support – **Log and go to clause 8.**
 - c) Reject – **send LETT 1A and close.**
- 7) If necessary, follow up with publisher to request further information to verify compliance/undertake development support. **Log and continue.**
- 8) Once publisher compliance has been verified, send copy of IMPRESS Regulatory Scheme Agreement to publisher for signing (**DOC 2**), along with **LETT 2 setting out any final actions required of the publisher. Log in CRM and continue.**
- 9) When agreement returned, check publisher displays IMPRESS logo, complaints policy and has contacted employees and contributors to inform them of change. **Log in CRM and continue.**
- 10) Send **LETT 2B/2C** to publisher with signed IMPRESS Regulatory Scheme Agreement, contract, accreditation certificate (**DOC 3**) and invoice. **Log in CRM and continue.**
- 11) Add publisher to list of publishers on IMPRESS website and include effective date that publisher comes under IMPRESS's regulatory remit. Ensure all publisher details are entered in CRM. and. Ensure Publisher Application and Compliance Report are saved to CRM. Close Opportunity. **Log and close.**

STAGE 1 COMPLAINTS PROCESS: INITIAL CONTACT AND ASSESSMENT

Web complaint form should be received via web portal, containing the required information.

- 12) Establish name and contact details of person making contact and whether they have already contacted us before and, if so, any reference number.
 - a) YES. Establish point reached in process – **Log and resume case activity or refer to case handler.**
 - b) NO – **Create record in CRM and a corresponding Outlook Folder in Case Referrals folder and continue.**
- 13) Establish name of publisher and publication in question. **Log in CRM and continue.**
- 14) Establish whether publisher in question is regulated by IMPRESS
 - a) YES – **Log and continue.**
 - b) NO – Check whether publication is regulated by alternative regulator. If so, refer contact to alternative regulator as appropriate. **Log and send LETT 3 to complainant, save in CRM and close.**
- 15) Establish whether article complained about was first published after commencement of IMPRESS's regulatory remit.
 - a) YES – **Log in CRM and continue.**
 - b) NO – **Log and send LETT 3 to reject complaint, save in CRM and close**
- 16) Establish whether complaint is subject to current litigation.
 - a) YES – **Log in CRM and send LETT 3 to reject complaint, save in CRM and close**
 - b) NO – **Log and continue**
- 17) Establish whether contact is acting as agent, means of contact preferences and any reasonable adjustments required, including any anonymity or confidentiality issues. **Log in CRM and continue.**
- 18) Establish whether contact is best handled as:

- a) A complaint – **Log and continue**.
- b) A request for an Advisory Notice – **Log and go to clause 44**.
- c) A claim for compensation made under IMPRESS CI Arb Arbitration Scheme – **Log and go to clause 47**.

19) Establish date of publication or act complained of and whether complainant has brought complaint to IMPRESS within time limit and, if not, whether there are exceptional circumstances in which IMPRESS should extend the time limit. Exceptional circumstances could include (i) an atypically complex complaint which may involve multiple parties or an investigation requiring interviews with multiple witnesses; or (ii) a delay caused by unavoidable and unforeseen events such as illness, bereavement, extended absence of a key witness or a natural disaster or serious accident. All requests to extend time limits must be approved by either the Chief Operating Officer or Chief Executive Officer within 24 hours of a request being made.

- a) YES: time limit has not expired – **Log and continue**.
- b) NO: time limit has expired – **Send LETT 3 to complainant, save to CRM and close case**.

20) Establish whether complainant has brought complaint to attention of publisher.

- a) YES – **Log and continue**.
- b) NO – **Log and go to clause 23**.

21) Establish whether publisher has responded substantively to complaint within 21 days of its communication.

- a) YES – **Log and continue**.
- b) NO: 21 days have not yet passed – **Log as premature, and go to clause 23**.
- c) NO: 21 days have passed without a substantive response – **Log and go to clause 24**.

22) Establish why complainant is dissatisfied with publisher's response. **Log and go to clause 24**.

23) Establish whether matter is so urgent that IMPRESS should accept complaint before it has been brought to attention of publisher or before 21 days have passed since its communication to publisher. In assessing whether a matter is so urgent, IMPRESS shall consider whether exceptional circumstances apply such as (i) any harm caused to the complainant by IMPRESS not investigating immediately; (ii) whether it is in the public interest for IMPRESS to investigate immediately or (iii) capacity of the publisher to manage any conflicts of interest in handling the complaint.

- a) YES – **Log and continue.**
- b) NO – Ask complainant to bring complaint to attention of publisher or wait until 21 days have passed since complaint's communication to publisher. **Log and send LETT 5A to publisher and LETT 4 to complainant. Diary forward one month reminder to contact complainant to enquire if settled and send LETT4A to complainant. If complainant does not respond by deadline send LETT4C. If complainant does not respond by further deadline send complainant LETT4D. Log in CRM and close.**

24) Establish nature of complaint and establish whether complainant is:

- a) A representative group affected by alleged breach – **Log and continue.**
- b) Personally and directly affected by alleged breach of standards code – **Log and go to clause 26.**
- c) A third party seeking to ensure accuracy of published information – **Log and go to clause 26.**

25) Establish whether there is a public interest in consideration of complaint.

- a) YES – **Log and continue.**
- b) NO – **Log and close case; send LETT 8A to complainant.**

26) Carry out a preliminary assessment to establish whether the complaint engages the IMPRESS Standards Code (or the Editor's Code if material was published or acts occurred prior to 24 July 2017) and to check that the complaint is not manifestly unjustified.

- a) YES – **Log and continue.**
- b) NO – **Log and close case; write to complainant to inform them of reason for decision.**

27) Draft complaint summary. [DOC 3] Confirm with complainant that you have accurately logged nature of complaint and all relevant details and understood any anonymity and confidentiality issues or concerns. Explain what will happen next, making it clear that the nature of the complaint and identity of the complainant will be shared with the publisher. Send LETT 6 to complainant. Log and continue.

28) Consider whether to amalgamate into a lead complaint(s) if multiple complaints have been received on a similar issue and it is not practical to correspond to each complainant individually. Re-check that the complaint is not the subject of current or possible future litigation.

- 29) Consider whether the case concerns a directly-affected individual who will be impacted by investigation and/or adjudication. Send **LETT6A** and complaint summary to directly-affected individual/s. Log any anonymity and confidentiality issues or concerns. **Send DA party acknowledgement/response and LETT6B to the complainant. Log and continue.**
- 30) Contact publisher to request response to complaint, reminding them that this will be normally be shared with complainant unless they make a request that parts of their response are not shared and IMPRESS agrees to this request. **Send Complaint Summary and LETT 7 to publisher. Send DA party acknowledgement/response and LETT6B to publisher. Log and continue.**

STAGE 2 COMPLAINTS PROCESS: INVESTIGATIONS

- 31) Establish whether information leading to investigation is from:
- a) a complaint, or complaints – **Log and continue.**
 - b) a whistleblower, or whistleblowers, approaching IMPRESS directly – **Log and go to clause 31.**
 - c) a whistleblower, or whistleblowers, approaching IMPRESS via Public Concern at Work – **Log and go to clause 31.**
 - d) IMPRESS acting on its own initiative – **Log and go to clause 31.**
- 32) Confirm receipt of publisher response to complaint, sending reminder if necessary. Send publisher response to complainant for reply, reminding them that their reply will normally be shared with publisher unless they make a request that parts of their reply are not shared and IMPRESS agrees to this request. **Send **LETT 9** to complainant. Log and continue.**
- 33) Confirm receipt of reply from complainant and forward to publisher for information (**LETT 10**). **Log and continue.**
- 34) Establish nature of allegation or allegations **Log, including any relevant clauses of standards code, in CRM and continue.**
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- 35) If relevant/necessary, agree with IMPRESS Board whether further investigation is required into complaint or allegation, or allegations, and form that further investigation should take, taking into account any application to stay or sist the investigation

- a) YES. Full investigation requiring appointment of independent investigator or expert – **Log and continue.**
 - b) YES. Paper investigation requiring publisher (or either party in case of a complaint) to produce further information or document – **Log, send LETT 12 and go to clause 35.**
 - c) NO. Sufficient information has been collected to make an adjudication – **Log, send LETT 11 to complainant and publisher and go to clause 36.**
 - d) NO. Decision is made to stay or sist the investigation – **Log and close until further notice.**
- 36) Approve appointment and terms of reference of independent investigator(s) or expert(s) with the board. **Send LETT 15** to appoint and brief investigator(s) or expert(s) and **LETT 16** to notify publisher of details and requirements. **Log and continue.**
- 37) Receive, proof-read and finalise independent investigation or expert report. **Log and continue.**
- 38) Send any relevant material to publisher (or both parties in case of a complaint), taking account of provisions for confidentiality in clause 5.4 of IMPRESS Regulatory Scheme, and invite representations within reasonable stated deadlines. **Log, Send LETT 13 and continue.**
- 39) Contact publisher and complainant (if investigation arises from a complaint) to confirm that investigation is complete and that adjudication will follow. **Log, send LETT 14 and continue.**

STAGE 3 COMPLAINTS PROCESS: ADJUDICATION

- 40) If relevant, agree with IMPRESS Board whether necessary for determination of complaint for publisher (or both parties in case of a complaint) to attend oral hearing.
- a) YES – Agree panel membership with IMPRESS Board, fix date and venue, request necessary attendance (**LETT 17**) and send joining instructions and papers to the Panel and parties (**LETT 18**). **Log and continue.**
 - b) NO – **Log and go to clause 42.**
- 41) Convene oral hearing. **Log and continue.**

- 42) Liaise with IMPRESS Chair over appointment of Regulatory Committee members to either Committee A or Committee B. Advise the Chair of any board members to be recused due to known conflicts of interest.
- 43) Before finalising appointment of board members to a Regulatory Committee, confirm with each member that there are no conflicts of interest which prevent them from being seen to impartially consider the complaint(s) at hand.
- 44) Liaise with Chair of Committee to sign off final proposed adjudications and to resolve any conflicting opinions of Committee members. Consider whether to convene regulatory committee in person or on the papers; a) is this an investigation where there is a single straightforward issue; b) a matter where precedent exists, and the issue is one of factual or subjective interpretation, or c) to convene an in-person regulatory committee is disproportionate to the issues to be decided.
- 45) Confirm with Chair whether an in person regulatory committee is required
- a) Yes – **Log and continue.**
 - b) No – Log and draft Adjudication (**DOC 5A**) with notes addressing any specific issues or points that the Executive consider the Committee should focus its attention on. If any Committee member disagrees with the Executive proposed adjudication, they may request a meeting of the Committee in person or by telephone conference to discuss the issues; Executive to coordinate with Chair.
- 46) Convene Regulatory Committee via Admin Control.
- a) If an in-person Committee is convened, it is the responsibility of the Executive to set out an agenda for each meeting which addresses the issues to be considered by the Committee and requires members to confirm that they are free of any conflict of interest before participating in the discussion. The Committee Chair must summarise the decision and reasoning of the Committee at the end of the meeting in such a way that the members, and the Executive who will draft the adjudication, have a clear understanding about what has been decided and why.
- 47) Send through template (**DOC 5B**) and draft adjudication (**DOC 5A**) via Admin Control. Log any responses from Committee members. Agree proposed adjudication and sanction with IMPRESS Board, taking account of any request for anonymity and confidentiality, agreed by exception (**DOC 5**) in accordance with Paragraph 6.3 of IMPRESS Regulatory Scheme. **Log and continue.**
- 48) Send publisher and complainant (or parties in case of a directly-affected party) proposed adjudication and sanction (**DOC 5A**) with 7-day time limit for response (**LETT 19**). **Log and continue.**

- 49) Consider any responses to proposed adjudication and sanction, including any requests for redactions received within 7-day time limit. **Log and continue.**
- 50) If responses concern spelling/grammar and redactions, make changes immediately and inform parties of change. **Log and proceed to step 51.** If publisher requires more time to comply with direction, or if new information or evidence brought to light, the Board will need to reconsider adjudication and sanction. **Log, notify parties of reconsideration and proceed to step 45**
- 51) Notify IMPRESS Board and parties of final adjudication and date final adjudication will be published – within 7-day time limit after proposed adjudication issued (**DOC 5B and LETT 20**). **Log and continue.**
- 52) Publish adjudication and sanction on IMPRESS website (in a redacted form, where necessary) (**DOC 5B**). **Log and close.**

ADVISORY NOTICE REQUEST

- 53) Establish why person making contact does not welcome press intrusion and whether they wish to request that a notice is sent to (i) a specific IMPRESS participating publisher; (ii) all IMPRESS participating publishers; or (iii) the wider UK press and other relevant parties. Establish whether the request is to be published or not. **Log, including any relevant clauses of standards code, and continue (FORM 6).**
- 54) Agree with IMPRESS Board whether to issue Advisory Notice and who to issue it to.
- a) YES – **Log, notify person making contact (LETT 21A) and continue.**
- b) NO – **Log, notify person making contact (LETT 8C) and close.**
- 55) Issue Advisory Notice by e-mail (**DOC 6**). **Log and close.**

ARBITRATION

- 56) Establish that complainant wishes to make a civil claim for compensation and that claimant has completed an IMPRESS request for arbitration form (**FORM 7A**).
- 57) Invite the publisher to provide a response to the request for arbitration and share these with the complainant.

- 58)** Check that application meets administrative criteria for scheme: *(i) the claim is made against a publisher regulated by IMPRESS; (ii) the claim is related to one of the areas of civil law covered by the scheme; (iii) the claim is not a pre-publication matter where it is appropriate for it to be directed to the courts (iv) the claim provides a clear statement setting out the harm or financial loss suffered by the claimant; (v) the claim describes a specific action or activity of a publisher that has caused the alleged harm or financial loss; (vi) the claimant explains why the complaint is not suitable for resolution under the IMPRESS complaints procedure.* Make a recommendation to the IMPRESS Board about whether the application falls within the administrative scope of the IMPRESS arbitration scheme. **Log, submit (FORM 7) to the IMPRESS Board for consideration and continue.**
- 59)** Confirm whether IMPRESS Board agree suitability of complaint for determination by arbitration.
- a) YES – **Log, contact claimant and publisher (LETT 22) and continue.**
 - b) No – **Log, contact claimant and publisher with reasons (LETT 8D) and close.**
- 60)** Prepare arbitration agreement (**FORM 7B/ARB1**) and send to parties along with a copy of the CI Arb/IMPRESS Arbitration Scheme Rules. Request that parties return a signed copy of the arbitration agreement (**LETT 22**). **Log and continue.**
- 61)** Once signed arbitration agreement has been received, send arbitration agreement (**DOC 7/ARB1**) to CI Arb to trigger commencement of arbitration (**LETT 24**). **Log and continue.**
- 62)** Confirm fee arrangements in writing with the CI Arb and arbitrator. **Send LETT 25. Log and continue.**
- 63)** Contact arbitrator over issuing of any directions. Arrange telephone conference call or meeting between arbitrator and parties to discuss the procedure, directions and any preliminary issues and then distribute Directions Order. Send Directions Order (**DOC 8**) to parties, including any neutral role that IMPRESS will play in supporting the arbitration proceedings to ensure that the parties understand the process and do not undermine the fairness of the process by permitting any party to communicate directly with the arbitrator outside of the agreed procedure. **Log and continue.**
- 64)** Contact parties to ensure that documents set out in Paragraph 16 of IMPRESS CI Arb Arbitration Scheme are exchanged in accordance with timetable set down by arbitrator's directions. **Log and continue.**

65) Confirm with arbitrator whether oral hearing is required.

- a) Yes – **Log** diary entry for conclusion of arbitration award six months after commencement of arbitration **and continue**.
- b) No – **Log** diary entry for conclusion of arbitration award three months after commencement of arbitration **and go to clause 55**.

66) Contact arbitrator and parties to arrange time and venue for hearing. Ensure that all parties have agreed a bundle of documents to refer to. **Log, send LETT 26 and continue**.

67) If arbitration award has not been received one week before deadline for its conclusion, send reminder to arbitrator. **Log receipt of arbitration award and continue. Arrange for payment of arbitrator fee**.

68) Confirm with parties that IMPRESS will publish final award within seven days of its conclusion, unless arbitrator has agreed to redact parts of award. **Log and continue**.

69) Publish final award, including any redactions agreed by arbitrator (**DOC 9**) on IMPRESS website within seven days of its conclusion. **Log and close**.

ANNEX 1: SUPPORTING LETTERS, FORMS AND DOCUMENT TEMPLATES

Ref	Audience	Purpose
LETT 1/APP	Publisher	Letter to accompany IMPRESS Regulatory Scheme Agreement and accreditation certificate
LETT 2/APP	Publisher	Letter to accompany copy of IMPRESS Regulatory Scheme Agreement and setting out final steps required of publisher.
LETT 3/COM	Complainant	Letter to complainant explaining that (i) IMPRESS does not have jurisdiction to deal with complaint and signposting complainant to alternative regulator; or (ii) complaint is out of time; or (iii) the article was first published prior to commencement of IMPRESS's regulatory remit; or (iv) the complaint is subject to current litigation.
LETT 4/COM	Complainant	Letter to complainant advising them to refer complaint to publisher or to wait 21 days before referring complaint to IMPRESS
LETT 5/COM	Publisher	Letter to publisher to advise them of receipt of complaint that they have 21 days to resolve
LETT 6/COM	Complainant	Letter to complainant to acknowledge acceptance of complaint and to advise of next steps
LETT 7/COM	Publisher	Letter to notify publisher that complaint has been accepted and to invite publisher response
LETT 8A/COM	Complainant	Letter to complainant explaining that IMPRESS is unable to accept complaint and the reasons why
LETT8B/INV	Complainant / Publisher	Letter to complainant or publisher (if required) explaining that IMPRESS will not be undertaking an investigation and the reasons why
LETT 8C/ADV	Complainant	Letter to complainant explaining that IMPRESS will not issue an Advisory Notice and the reasons why
LETT 8D/ARB	Complainant	Letter to complainant explaining that IMPRESS has not accepted its application for arbitration and the reasons why
LETT 9/INV	Complainant	Letter to invite complainant to reply to publisher response to their complaint
LETT 10/INV	Publisher	Letter to inform publisher of the reply made by the complainant to the publisher's response
LETT 11/INV	Complainant / Publisher	Letter to publisher and complainant (if a complaint) to confirm that no further investigation is required and that matter has been referred to the IMPRESS Board for adjudication
LETT 12/INV	Publisher	Letter requesting additional documents
LETT 13/INV	Publisher / Complainant	Letter to share additional documents with other party and to request representations

LETT 14/INV	Publisher	Letter to publisher and complainant (if a complaint) to confirm that the investigation is complete and that matter has been referred to IMPRESS Board for adjudication
LETT 15/INV	Investigator / Expert	Letter of appointment of independent investigator/expert setting out brief and terms of appointment
LETT 16/INV	Publisher	Letter to publisher to inform them of the scope of an investigation and of additional requirements
LETT 17/ADJ	Complainant/Publisher	Letter to publisher and complainant (if a complaint) to confirm requirement for an oral hearing and to confirm date and venue
LETT 18/ADJ	Complainant / Publisher / Hearing Panel	Letter to publisher, complainant (if a complaint) and hearing panel to confirm final joining instructions for oral hearing and bundle of documents
LETT 19/ADJ	Publisher	Letter to publisher to invite response to proposed adjudication and sanction
LETT 20/ADJ	Publisher / Complainant	Letter to accompany final adjudication and sanction explaining action required of the publisher
LETT 21/AVN	Complainant	Letter to complainant confirming acceptance of Advisory Notice Request
LETT 22/ARB	Complainant / Publisher	Letter informing parties that matter is to be referred to arbitration
LETT 23/ARB	Complainant / Publisher	Letter enclosing arbitration agreement for parties to sign and return to IMPRESS
LETT 24/ARB	CI Arb	Letter of referral for arbitration to CI Arb including signed arbitration agreement
LETT 25/ARB	Arbitrator / Publisher	Letter confirming arbitrator fees
LETT 26/ARB	Publisher / Complainant / Arbitrator	Letter to the parties confirming arrangements for an oral hearing
Ref	Audience	Purpose
FORM 1/APP	Publisher	IMPRESS Regulatory Scheme initial enquiry form
FORM 2/APP	Publishers	IMPRESS Regulatory Scheme full application form
FORM 3A/COM	Complainant	Form capturing contact details of complainant and publisher
FORM 3B/COM	Complainant	Form capturing details about whether contact is acting as agent, preferences and any reasonable adjustments, along with full details of the complaint and the Executive's preliminary assessment.
FORM 4A/INV	Internal	Form capturing full details of a serious breach of the IMPRESS Regulatory Scheme (that is not a complaint) that may require further investigation
FORM 6/ADV	Complainant	Advisory Notice Request Form

FORM 7A/ARB	Complainant	Claimant Arbitration Request
FORM 7/ARB	Internal	Recommendation to Board on whether to accept arbitration request
Ref	Audience	Purpose
DOC 1/APP	Internal	IMPRESS Regulatory Scheme compliance checklist
DOC 2/APP	Publisher	IMPRESS Regulatory Scheme Agreement
DOC 3/APP	Publisher	IMPRESS Regulatory Scheme Publisher Accreditation Certificate
DOC 4INV	Internal	Investigation report template
DOC 5A/ADJ	Publisher	Adjudication report template - Proposed
DOC 5B/ADJ	Publisher	Adjudication report template – Final Unpublished
DOC 5C/ADJ	Publisher	Adjudication report template – Final Published
DOC 6/AVN	Publisher	Advisory Notice template
DOC 7B/ARB1	Publisher / Complainant / CI Arb	Arbitration Agreement
DOC 8/ARB	Publisher / Complainant	Arbitration Standard Directions Order
DOC 9/ARB	Publisher / Complainant / CI Arb	Arbitration Award template