



PRP EIGHTH ANNUAL STATE OF RECOGNITION REPORT — CALL FOR INFORMATION: BACKGROUND AND QUESTIONS

Call for information on the effectiveness and independence of press regulation in the UK — October 2023

Introduction

The Press Recognition Panel (PRP) was established in 2014 to oversee the system of press self-regulation in the UK (known as ‘the Recognition System’) independently from the Government, the industry or any other third party. Our role is to ensure that press self-regulators are protecting the public from press harm while upholding the freedom of speech of the press.

Each year, we are required to report on the extent to which the system has succeeded in its aims. We plan to publish our next report in early 2024 and are keen to hear from anyone with an interest in the regulation of the press and news publishers, including the public, consumers, journalists, academics, news publishers, media organisations, politicians, and campaigners.

Call for Information questions

This year, in producing our report year we intend to explore the following questions:

1. Given the Government’s intention to repeal legislation which would have enabled members of the public to seek redress through the courts in instances of press harm, protected from legal costs from unregulated news publishers, we are inviting people and organisations to share their views and experiences as to the current challenges in making a claim against a news publisher.
2. There are currently two standards codes which news publishers can opt to apply (rather than developing their own): The [Impress Standards Code](#) and the [Editors’ Code](#). We are inviting perceptions and evidence on these standards codes as to the expectations they set for press conduct, performance and behaviour.
3. The Online Safety Act 2023 exempts content produced by news publishers, including content produced by members of the public and posted on news publishers’ ‘comments’ sections from the safety duties for platforms. We would like to hear from anyone who may have experienced harassment or abuse arising from online news reporting or a comment, whether in the report or in

the comments from other users.

Further background information on these topics can be found below.

Experiences of press complaints processes

As in previous years, we would also invite consumers and organisations to share case studies and personal stories with us about their experiences of using the complaints processes and redress mechanisms of news publishers. We are happy to receive these in writing, or to meet with you in person or online.

How to respond to this call for information

If you have any information that you would like us to consider, we are happy to receive feedback in writing, by phone, in person or online.

Write to us: Mappin House, 4 Winsley Street, London W1W 8HF

Email: Consultation@pressrecognitionpanel.org.uk

Phone: 020 3443 7072

If you would like to meet with us, please contact us using the details above to arrange.

The call for information will run from 30 October 2023 to 15 January 2024.

Confidentiality

We wish to publish a list of everyone who responds to this call for information and their responses. We may also quote or refer to specific responses in our final report.

When providing information, please indicate if you do not want your name and/or response to be published.

Background information

About the PRP

The PRP was established following the recommendations of the Leveson Inquiry into the Culture, Practices and Ethics of the Press under Royal Charter in 2013. The [Royal Charter on the Self-Regulation of the Press](#) sets out how the PRP oversees press self-regulatory bodies by recognising them as 'Approved Regulators'.

Being an Approved Regulator means that the public can have confidence that the

press self-regulator acts independently, is financially secure, holds its member news publishers to account against a robust Standards Code, operates a complaints-handling system which is both transparent and impartial and has an arbitration system in place to provide affordable access to justice outside of the courts.

To be recognised by the PRP, self-regulatory bodies must meet the Charter's criteria. The criteria require self-regulatory bodies to have systems that are robust and fair enabling everyone to seek redress in the event of poor journalistic practices. Publishers can join such a self-regulatory body on a voluntary basis.

Different sectors of the press can establish independent self-regulatory bodies as may be most appropriate to them whether that is international, national, regional, local, print, online or any combination of these. The recognition system envisages that there can be more than one scheme of self-regulation.

Press standards

Currently there is only one Approved Regulator, [Impress](#), which has met the criteria set out for an independent self-regulatory body. Impress regulates over 200 publications. Impress has recently updated its [Standards Code](#) which included strengthening its contents against the requirements of the Royal Charter's requirements in response to developments in practice such as taking account of the emerging use of AI in journalism.

Other national and local newspapers belong to a body called the [Independent Press Standards Organisation \(IPSO\)](#) which is not an Approved Regulator. IPSO is required by its funding body to enforce the [Editors' Code](#) which is overseen by a separate body known as the [Editors Code of Practice Committee](#). Neither IPSO nor the Editors Code of Practice Committee have sought to come within the Recognition System and, as currently constructed, would not meet the requirements of the Royal Charter criteria.

A significant number of news publishers belong to neither Impress nor IPSO choosing to operate their own in-house complaints system or do not provide a complaints system at all.

Affordable access to justice

Previous Governments designed incentives in legislation for publishers to join a recognised self-regulatory body scheme. In particular, section 40 of the Crime and Courts Act 2013 in England Wales was intended to provide affordable access to justice to the public when they had been harmed by news publishers, whilst also protecting news publishers' freedom of speech in the event that wealthy organisations or individuals trying to mis-use the courts to bury investigative journalism in legal costs (so called 'Strategic Litigations Against Public Participation')

or ‘SLAPPs’).

Section 40 enables a member of the public to bring a claim (for example for libel, harassment or misuse of private information) against a news publisher through the courts, protected from costs, if that news publisher is not a member of an Approved Regulator (subject to some exceptions). Equally, if such a claim is brought against a news publisher who is a member of an Approved Regulator, and the claim could otherwise have been resolved through the Approved Regulator’s arbitration scheme, that news publisher would be protected from costs.

However, section 40 has never been implemented and subsequent Governments have indicated an intention to repeal it. The draft Media Bill, which underwent pre-legislative scrutiny in 2023, contained a provision to achieve this. We now anticipate that this legislation will be brought forward in 2024.

Online publishers

The Online Safety Act 2023, which intends to tackle ‘harmful’ content on social media and elsewhere online, has now received Royal Assent — the last step in becoming law. A key element of the legislation is to establish regulatory oversight, via Ofcom, over those who host user generated content which could potentially include online publishers (some of whom may not currently be subject to a self-regulatory process or obligation).

However, the Act also provides for an exemption for news publishers who publish online from Ofcom oversight. Section 56 of the Online Safety Act 2023 states that content on websites from UK-based news publishers, including both articles and user comments, would be exempted from Ofcom oversight subject to meeting a set of conditions.

As currently drafted, the conditions allow for broad interpretation enabling the wide variation in practice between news publishers in the application of standards and complaints handling to continue.

The legislation could have been a vehicle to create a level playing field for all news publishers and create a coherent system setting clear basic standards, transparently overseen by the uniquely independent PRP. However, Parliament has chosen not to take this approach. This will leave Online Platforms, operating under Codes of Practice and guidance issued by Ofcom, to determine which organisations meet the loose definition in the legislation and which do not.

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