BOARD PAPERS

82nd Press Recognition Panel Board Meeting

Tuesday 22 April 2025

PRESS RECOGNITION PANEL BOARD MEETING

82nd Meeting of the Press Recognition Panel
10:00 – 15:00 Tuesday 22 April 2025
Mappin House, 4 Winsley Street, London, W1W 8HF

AGENDA

			Indicative timings
	Public session		
1.	**Welcome**	Chair	10:00 – 10:00
2.	**Apologies for absence**	Chair	10:00 – 10:00
3.	**Declarations of interest**	Chair	10:00 – 10:05
4.	**Minutes of the meeting held on 17 February 2025, outstanding actions and matters arising** *For noting*	Chair	10:05 – 10:10
5.	**Cyclical Review of Impress** Paper PRP09(25) *For discussion*	SU/PR	10:10 – 12:30
6.	**Chief Executive's report Feb and March 2025** Paper PRP07(25) *For noting*	SU	12:30 – 12:35
7.	**Finance report March 2025** Paper PRP08(25) *For noting*	SU/JS2	12:35 – 12:45
8.	**Annual Governance procedures and policies review** Paper PRP10(25) *For decision*	Chair	12:45 – 13:00
9.	**Any other business and close of public session** *Including comments from the floor*	Chair	13:00 – 13:10
	Confidential session		
10.	**Minutes of the meeting held on 17 February 2025, outstanding actions and matters arising** *For noting*	Chair	13:10 – 13:05

11.	**Chief Executive's report Feb and March 2025** Paper PRP07(25) *For noting*	SU	13:05 – 13:10
12.	**Finance report March 2024** Paper PRP08(25) *For noting*	SU/JS2	13:10 – 13:15
13.	**Risk Register Review** Paper PRP11(25) *For discussion*	Chair	13:15 – 13:30
14.	**Communications Strategy** Paper PRP12(25) *For discussion*	SU	13:30 – 14:15
15.	**ARC Annual Self-Assessment Oct 2024** Paper PRP13(25) *For noting*	Chair	14:15 – 14:20
16.	**Minutes of the ARC meeting held on 17 February 2025** Paper PRP14(25) *For noting*	Chair	14:20 – 14:25
17.	**Forward Plan** Paper PRP15(25) *For noting*	SU	14:25 – 14:30
18.	**Any other business and close of meeting**	Chair	14:30 – 14:40

Date and time of next meeting: Tuesday 10 June 2025, 10:00 – 13:00
Location: Mappin House, 4 Winsley Street, London, W1W 8HF

PRP INDEPENDENTLY OVERSEEING PRESS REGULATION

PRESS RECOGNITION PANEL

Minutes of the 81st Meeting of the Press Recognition Panel Board

Monday 17 February 2025 10:00 – 13:00

Held at Mappin House, 4 Winsley Street, London W1W 8HF

Present: Kathryn Cearns (Chair), Mark Williams, Annie Mullins, Zahera Harb, Suzanne Rab and Hayley Stallard

In attendance: Susie Uppal, Chris Waiting, John Speed (joined online), Charlie Billington (joined online) and Hal Briggs

BOARD MEETING — PUBLIC SESSION

Welcome and Opening

1. The Chair welcomed the Members and attendees to the 81st meeting of the Press Recognition Panel (PRP) and opened the meeting at 10:00.
2. Chris Waiting joined the meeting in his capacity as Special Advisor on Industry Matters.

Apologies for absence

3. None.

Declaration of member's interests

4. Board member Zahera Harb informed the Boad that she resigned as a Trustee of Dart Centre Europe for Journalism and Trauma in December 2024.
5. Board member Mark Williams informed the Board that he has resigned as Trustee Director of Horizons in January 2025.

Matters of the meeting held 10 December 2024, outstanding actions and matters arising

6. The minutes of the meeting held on 10 December 2024 were **noted** as being factually correct. The Chair **agreed** to sign a copy of the minutes as a correct record.

Chief Executive Report December 2024 and January 2025

Paper PRP01(25)

7. The Board **noted** the contents of the Chief Executives report and papers for December 2024 and January 2025 with thanks.
8. The Chief Executive informed the Board that no further communication has been received in relation to the Freedom of Information request received in December 2024. The Board noted that whilst the PRP is not listed within the FOI Act the PRP will, where possible, provide information that is not commercially sensitive and therefore redacted copies of contracts were submitted to the requester within the required timescales.

9. Redacted.
10. Redacted.
11. The Board **noted** the inclusion and release of the letters to the Prime Minster and the Rt Hon Lisa Nandy MP issued on the 31 January. The Board **noted** that the Chair will continue to write stating that the issues remain and that alternative options need to be discussed. The Board unanimously **agreed** with this approach.

Finance Reports December 2024 and January 2024

Paper PRP02(25) and Paper PRP03(25)

12. The Board **noted** the contents of the Finance reports and supporting annexes for the periods ending 31 December 2024 and 31 January 2025.
13. The Board **noted** the inclusion of the draft budget, John Speed confirmed that the budget will be finalised and updated following the PRP strategy day taking that is due to take place on the 19 February 2025. The Board **agreed** to discuss whether the Board wishes to undertake any research in the next budget period. The Board agreed to discuss at the strategy day.
14. Redacted.

Annual Governance Procedures and Policies Review

Paper04(25)

15. The Board **noted** and agreed the proposed revisions to the first tranche of PRP procedures and policies as part of the 2025 annual review.
16. The Board **noted** that a draft AI policy had been reviewed by ARC on the 17 February and that ARC recommended Hal Briggs attends an AI seminar then shares a briefing note with Board member Hayley Stallard ahead of presentation within the second tranche of policies under review by the Board at its meeting on the 22 April 2025.
17. The Chair **asked** the Executive to check whether new procurement rules coming in to force at the end of February 2025 change our status in any way.

18. Board member Suzanne Rab asked the Executive to review the terms and conditions of service for Board members policy and add a para around how Board members should deal with third-party contacts approaching them directly in their PRP capacity looking for advice/assistance on PRP matters including the correct channel of communication in responding to such. **Post meeting note**: the terms and conditions of service for Board members has been updated to include this para - Board members contacted by third-party contacts approaching them in their PRP capacity looking for advice/assistance on PRP matters should (before responding) seek guidance from the Chief Executive and the Chair on how best to respond.

Any other business

19. None raised.

20. The Chair closed the public session at 11:00.

BOARD MEETING — CONFIDENTIAL SESSION

Matters of the meeting held 10 December 2024, outstanding actions and matters arising

21. The minutes of the meeting held on 10 December 2024 were **noted** as being factually correct. The Chair agreed to sign a copy of the minutes as correct.

Chief Executives Report December 2024 and February 2025

Paper PRP01(25)

22. The Board **noted** the contents of the Chief Executives report for December 2024 and January 2025 papers with thanks.

Finance Reports December 2024 and January 2025

Paper PRP02(25) and Paper PRP03(25)

23. The Board **noted** the contents of the Finance reports and supporting annexes for the periods ending 31 December 2024 and 31 January 2025.

Draft Business Plan 2024/24

Paper PRP05(25)

24. Redacted

25. Redacted

26. Redacted

Final Draft SORR

Paper PRP06(25)

27. Redacted

28. Redacted

29. Redacted

30. Redacted

31. Redacted

Forward Plan

32. The Board **noted** and **agreed** with the matters being proposed for April 2025.

Any other business

33. Redacted

34. Redacted

Date and time of the next meeting

35. The next scheduled meeting of the Board will take place at 10:00 on Tuesday 22 April 2025 at Mappin House.

Meeting close

36. The Chair closed the meeting at 11:20.

Drafted: Halina Briggs, PRP Executive Administration Manager

Signed: Kathryn Cearns, PRP Chair

PRP09(25)

PRESS RECOGNITION PANEL BOARD

Cyclical Review of IMPRESS — PRP Executive Assessment

Meeting: 22 April 2025	**Status:** for decision
Lead responsibility: Susie Uppal, Chief Executive	**Contact details:** Hal Briggs

Purpose

1. To provide the Board with the PRP Executive's Assessment in relation to the continued compliance of IMPRESS with the criteria in Schedule 3 of the Charter (Annex A).

2. To provide the Board with the PRP Executive's Assessment in relation to the fairness, effectiveness and sustainability of IMPRESS' arbitral process.

3. For the Board to make its decision in relation to the matters in 1 and 2 and agree to publish a report of the Cyclical Review of IMPRESS and take any appropriate further action.

Background

4. Under the Royal Charter, the PRP Board must review whether a Regulator recognised under the Charter continues to meet the recognition criteria on a cyclical basis.

5. Under paragraph 5 of Schedule 2 to the Charter, the Board must review the recognition of a Regulator as soon as is practicable after the end of the period of two years beginning with the day of recognition and every three years thereafter. The 8-year anniversary of recognition was the 25 October 2024.

6. Under paragraph 10 of Schedule 2 of the Charter the Board must prepare and publish a report of any review it conducts, whether of a cyclical or ad hoc nature.

7. Paragraphs 6 and 7 of Schedule 2 of the Charter also set out provisions in relation to the arbitration process run by any Regulator:

"6. As part of its Cyclical Review of a Regulator the PRP Board may call for (or receive voluntarily from a Regulator) evidence from that Regulator about the fairness, effectiveness and sustainability of its arbitral process (including any small administration fee) and its complaints handling (to the extent that this interacts with the arbitral process), including from any assessment of these arrangements that the Regulator has undertaken, and b) seek evidence on the matter from third parties."

"7. Where the PRP Board has received such evidence as part of a Cyclical Review, it shall consider that evidence, and publish its conclusions on the fairness, effectiveness and sustainability of the Regulator's arbitral process. Such conclusions may include:

a) recommendations about or revisions to the PRP's policies and guidance on the operation of criterion 22 (published in accordance with paragraph 13 (policies and guidance) of Schedule 2);

b) directions to the Regulator to amend any small administration fee; or

c) that where it determines the requirement to provide an arbitral process causes serious financial harm to subscribers who publish only on a local or regional basis, PRP may allow recognition to continue on the basis that such subscribers may, but need not, participate in the Regulator's arbitral process. In such a case criterion 22 shall be interpreted accordingly."

Cyclical Review

8. Having gathered and assessed the appropriate evidence in accordance with the PRP's guidance on cyclical and ad hoc-reviews, the Executive has prepared the attached assessment and recommendations in relation to IMPRESS' continued compliance with the Royal Charter criteria (Annex B).

9. The assessment also includes the Executive's recommendation in relation to any conclusions as to the fairness, effectiveness and sustainability of IMPRESS' arbitral process. This is included in the discussion of criterion 22.

10. This assessment has been prepared to assist the Board in reaching a decision. The Board is not bound by either the analysis or the recommendations and must make its own decisions in accordance with the Charter and the criteria set out in Schedule 3.

11. The Board alone will decide whether IMPRESS continues to meet the criteria and if it does so, whether to allow recognition to continue on the basis that local or regional subscribers to IMPRESS scheme may, but need not, participate in the Regulator's arbitral process.

12. The final version of the Cyclical Review report must accordingly reflect the Board's views. We will circulate a draft for approval after the Board meeting.

13. If the Board decides that IMPRESS does not continue to meet all 29 criteria in Schedule 3 of the Charter then they will need to consider paragraph 11 of Schedule 2 of the Charter. This allows the PRP to withdraw recognition where following a review, the Board is satisfied that either:

- The Regulator is not meeting the recognition criteria; or
- The Board has insufficient information to determine whether or to what extent the Regulator is meeting those criteria.

14. Recognition may only be withdrawn if the Board has given the Regulator at least three months' notice in writing of its proposal to do so. The Charter provides that this notice can be cancelled during that period.

Main findings of the PRP Executive Assessment

15. Overall, our assessment is that IMPRESS continues to meet the requirements of the recognition criteria. There are a few developments that are drawn to the PRP Board's attention in the assessment including:

(a) the appointment of a new Chair and new members of the Board and Appointments Panel
(b) the ongoing development of the IMPRESS Standards Code
(c) changes to the IMPRESS' regulatory arrangements
(d) IMPRESS plans to establish two wholly owned subsidiaries for fund raising purposes, and
(e) changes to the IMPRESS arbitration scheme

16. We have included a significant amount of analysis in relation to criterion 23: whether the regulatory body is open to all on a fair, reasonable and non-discriminatory basis. This partly relates to investigations launched by IMPRESS into two of its members who subsequently resigned their membership.

17. However, a key concern regarding criterion 23, as in previous cyclical reviews, concerns public statements made by some IMPRESS senior figures that comment adversely on particular national publishers (not IMPRESS members). Whilst these incidents have reduced compared to previous cyclical reviews and we assess that the arrangements that IMPRESS have put in place are sufficient to manage the risk of non-compliance against this criterion as regards decision-making in individual regulatory cases, it is unfortunate that we feel the need to raise the issue yet again.

Timeline and next steps

18. Following the PRP Board's discussion on 22 April 2025, we will prepare the Board's Cyclical Review Decision Report. This will capture the key points raised in relation to the Board's consideration of the PRP Executive Assessment for each of the criteria.

19. The draft report will be circulated to the whole PRP Board for final approval by circulation in mid-May 2025 and our intention would be to publish by early June.

Devolved Nations

20. There are no implications/differences in relation to the areas of work covered in this paper and the devolved nations.

Communications

21. This matter will be considered in the public session of the Board meeting. The Board will wish to publish its own decision and Cyclical Review report thereafter.

Risks

22. There may be a risk of legal challenge to the process either by IMPRESS if the decision is made that they do not continue to meet the criteria or more generally by third parties who oppose the Recognition system.

Recommendations

23. The Board is asked to:

(a) Decide whether IMPRESS continues to comply with the criteria in Schedule 3 of the Royal Charter;
(b) Reach any conclusions on the fairness, effectiveness and sustainability of the Regulator's arbitral process;
(c) Agree to publish a Cyclical Review Decision Report reflecting the conclusions in relation to (a) and (b);
(d) In the event that the Board decides that IMPRESS does not meet all of the criteria or that sufficient information is not available to assess compliance, decide what next steps to take in accordance with the Charter.

Attachments

Annex A: Schedule 3 of the Charter
Annex B: 2025 Cyclical Review of IMPRESS – PRP Executive Review and Recommendations

SCHEDULE 3

RECOGNITION CRITERIA

The following requirements are the recognition criteria for the Scheme of Recognition established under Article 4 of, and Schedule 2 to, this Charter:

1. An independent self-regulatory body should be governed by an independent Board. In order to ensure the independence of the body, the Chair and members of the Board must be appointed in a genuinely open, transparent and independent way, without any influence from industry or Government. For the avoidance of doubt, the industry's activities in establishing a self-regulatory body, and its participation in making appointments to the Board in accordance with criteria 2 to 5; or its financing of the self-regulatory body, shall not constitute influence by the industry in breach of this criterion.

2. The Chair of the Board (who is subject to the restrictions of criterion 5(d), (e) and (f)) can only be appointed if nominated by an appointment panel. The selection of that panel must itself be conducted in an appropriately independent way and must, itself, be independent of the industry and of Government.

3. The appointment panel:

   a) should be appointed in an independent, fair and open way;
   b) should contain a substantial majority of members who are demonstrably independent of the press;
   c) should include at least one person with a current understanding and experience of the press;
   d) should include no more than one current editor of a publication that could be a member of the body.

4. The nomination process for the appointment of the Board should also be an independent process, and the composition of the Board should include people with relevant expertise. The appointment panel may only nominate as many people as there are vacancies on the Board (including the Chair), and the Board shall accept all nominations. The requirement for independence means that there should be no serving editors on the Board.

5. The members of the Board should be appointed only following nomination by the same appointment panel that nominates the Chair, together with the Chair (once appointed), and should:

   a) be nominated by a process which is fair and open;
   b) comprise a majority of people who are independent of the press;
   c) include a sufficient number of people with experience of the industry (throughout the United Kingdom) who may include former editors and senior or academic journalists;
   d) not include any serving editor;

e) not include any serving member of the House of Commons, the Scottish Parliament, the Northern Ireland Assembly, the National Assembly for Wales, the European Parliament or the House of Lords (but only if, in the case of the House of Lords, the member holds or has held within the previous 5 years an official affiliation with a political party) or a Minister of the Crown, a member of the Scottish Government, a Northern Ireland Minister or a Welsh Minister; and

f) in the view of the appointment panel, be a person who can act fairly and impartially in the decision-making of the Board.

6. Funding for the system should be settled in agreement between the industry and the Board, taking into account the cost of fulfilling the obligations of the regulator and the commercial pressures on the industry. There should be an indicative budget which the Board certifies is adequate for the purpose. Funding settlements should cover a four or five year period and should be negotiated well in advance.

7. The standards code must ultimately be the responsibility of, and adopted by, the Board, advised by a Code Committee which may comprise both independent members of the Board and serving editors. Serving editors have an important part to play although not one that is decisive.

8. The code must take into account the importance of freedom of speech, the interests of the public (including but not limited to the public interest in detecting or exposing crime or serious impropriety, protecting public health and safety and preventing the public from being seriously misled), the need for journalists to protect confidential sources of information, and the rights of individuals. Specifically, it must cover standards of:

a) conduct, especially in relation to the treatment of other people in the process of obtaining material;

b) appropriate respect for privacy where there is no sufficient public interest justification for breach; and

c) accuracy, and the need to avoid misrepresentation.

8A. A self-regulatory body should provide advice to the public in relation to issues concerning the press and the standards code, along with a service to warn the press, and other relevant parties such as broadcasters and press photographers, when an individual has made it clear that they do not welcome press intrusion.

8B. A self-regulatory body should make it clear that subscribers will be held strictly accountable under the standards code for any material that they publish, including photographs, however sourced. This criterion does not include advertising content.

8C. A self-regulatory body should provide non-binding guidance on the interpretation of the public interest that justifies what would otherwise constitute a breach of the standards code. This must be framed in the context of the different provisions of the code relating to the public interest.

8D. A self-regulatory body should establish a whistleblowing hotline for those who feel that they are being asked to do things which are contrary to the standards code.

9. The Board should require, of those who subscribe, appropriate internal governance processes (for dealing with complaints and compliance with the standards code), transparency on what governance processes they have in place, and notice of any failures in compliance, together with details of steps taken to deal with failures in compliance.

10. The Board should require all those who subscribe to have an adequate and speedy complaint handling mechanism; it should encourage those who wish to complain to do so through that mechanism and should not receive complaints directly unless or until the internal complaints system has been engaged without the complaint being resolved in an appropriate time.

11. The Board should have the power to hear and decide on complaints about breach of the standards code by those who subscribe. The Board will need to have the discretion not to look into complaints if they feel that the complaint is without justification, is an attempt to argue a point of opinion rather than a standards code breach, or is simply an attempt to lobby. The Board should have the power (but not necessarily the duty) to hear complaints:

    a) from anyone personally and directly affected by the alleged breach of the standards code, or
    b) where there is an alleged breach of the code and there is public interest in the Board giving consideration to the complaint from a representative group affected by the alleged breach, or
    c) from a third party seeking to ensure accuracy of published information.

    In the case of third party complaints the views of the party most closely involved should be taken into account.

12. Decisions on complaints should be the ultimate responsibility of the Board, advised by complaints handling officials to whom appropriate delegations may be made.

12A. The Board should be prepared to allow a complaint to be brought prior to legal proceedings being commenced. Challenges to that approach (and applications to stay or sist) can be decided on the merits.

13. Serving editors should not be members of any Committee advising the Board on complaints and should not play any role in determining the outcome of an individual complaint. Any such Committee should have a composition broadly reflecting that of the main Board, with a majority of people who are independent of the press.

14. It should continue to be the case that complainants are able to bring complaints free of charge.

15. In relation to complaints, where a negotiated outcome between a complainant and a subscriber (pursuant to criterion 10) has failed, the Board should have the power to direct appropriate remedial action for breach of standards and the publication of

corrections and apologies. Although remedies are essentially about correcting the record for individuals, the power to direct a correction and an apology must apply equally in relation to:

a) individual standards breaches; and
b) groups of people as defined in criterion 11 where there is no single identifiable individual who has been affected; and
c) matters of fact where there is no single identifiable individual who has been affected.

16. In the event of no agreement between a complainant and a subscriber (pursuant to criterion 10), the power to direct the nature, extent and placement of corrections and apologies should lie with the Board.

17. The Board should not have the power to prevent publication of any material, by anyone, at any time although (in its discretion) it should be able to offer a service of advice to editors of subscribing publications relating to code compliance.

18. The Board, being an independent self-regulatory body, should have authority to examine issues on its own initiative and have sufficient powers to carry out investigations both into suspected serious or systemic breaches of the code and failures to comply with directions of the Board. The investigations process must be simple and credible and those who subscribe must be required to cooperate with any such investigation.

19. The Board should have the power to impose appropriate and proportionate sanctions (including but not limited to financial sanctions up to 1% of turnover attributable to the publication concerned with a maximum of £1,000,000) on any subscriber found to be responsible for serious or systemic breaches of the standards code or governance requirements of the body. The Board should have sufficient powers to require appropriate information from subscribers in order to ascertain the turnover that is attributable to a publication irrespective of any particular accounting arrangements of the publication or subscriber. The sanctions that should be available should include power to require publication of corrections, if the breaches relate to accuracy, or apologies if the breaches relate to other provisions of the code.

19A. The Board should establish a ring-fenced enforcement fund, into which receipts from financial sanctions could be paid, for the purpose of funding investigations.

20. The Board should have both the power and a duty to ensure that all breaches of the standards code that it considers are recorded as such and that proper data is kept that records the extent to which complaints have been made and their outcome; this information should be made available to the public in a way that allows understanding of the compliance record of each title.

21. The Board should publish an Annual Report identifying:

a) the body's subscribers, identifying any significant changes in subscriber numbers;
b) the number of:

(i) complaints it has handled, making clear how many of them are multiple complaints,
(ii) articles in respect of which it has considered complaints to be without merit, and
(iii) articles in respect of which it has considered complaints to be with merit, and the outcomes reached,

in aggregate for all subscribers and individually in relation to each subscriber;

c) a summary of any investigations carried out and the result of them;
d) a report on the adequacy and effectiveness of compliance processes and procedures adopted by subscribers; and
e) information about the extent to which the arbitration service has been used.

22. The Board should provide an arbitral process for civil legal claims against subscribers which:

a) complies with the Arbitration Act 1996 or the Arbitration (Scotland) Act 2010 (as appropriate);
b) provides suitable powers for the arbitrator to ensure the process operates fairly and quickly, and on an inquisitorial basis (so far as possible);
c) contains transparent arrangements for claims to be struck out, for legitimate reasons (including on frivolous or vexatious grounds);
d) directs appropriate pre-publication matters to the courts;
e) operates under the principle that arbitration should be free for complainants to use[1];
f) ensures that the parties should each bear their own costs or expenses, subject to a successful complainant's costs or expenses being recoverable (having regard to section 60[2] of the 1996 Act or Rule 63 of the Scottish Arbitration Rules[3] and any applicable caps on recoverable costs or expenses); and
g) overall, is inexpensive for all parties.

[1] The principle that arbitration should be free does not preclude the charging of a small administration fee, provided that: (a) the fee is determined by the Regulator and approved by the Board of the Recognition Panel; and (b) the fee is used for the purpose of defraying the cost of the initial assessment of an application and not for meeting the costs of determining an application (including the costs of the arbitration).

[2] Section 60 (Agreement to pay costs in any event): *An agreement which has the effect that a party is to pay the whole or part of the costs of the arbitration in any event is only valid if made after the dispute in question has arisen.*

[3] The Rules are set out in Schedule 1 to the Arbitration (Scotland) Act 2010. Rule 63 (Ban on pre-dispute agreements about liability for arbitration expenses) M: *Any agreement allocating the parties' liability between themselves for any or all of the arbitration expenses has no effect if entered into before the dispute being arbitrated has arisen.*

23. The membership of a regulatory body should be open to all publishers on fair, reasonable and non-discriminatory terms, including making membership potentially available on different terms for different types of publisher.

Press Recognition Panel

Cyclical review of the recognition of IMPRESS under the Royal Charter

22 April 2025

Contents

Executive assessment and recommendations to the PRP Board

Section 1: Introduction

1.1 Purpose of document

This document contains the PRP Executive’s assessment and recommendations on the next steps to the PRP Board in relation to the third cyclical review of the recognition of IMPRESS: The Independent Monitor for the Press CIC (‘IMPRESS’) as an independent regulatory body under the terms of the Royal Charter on Self-Regulation of the Press (‘the Charter’).

This report has been prepared to assist the PRP Board in reaching a decision. The Board is not bound by either the analysis or the recommendations and must make its own decisions in accordance with the Charter and the criteria set out in Schedule 3 thereof. The Board alone will decide whether IMPRESS continues to meet the criteria.

1.2 Role of the PRP Board

Under paragraph 5 of Schedule 2 to the Charter the PRP Board must review the recognition of a Regulator as soon as is practicable after the end of the period of two years beginning with the day of recognition (25 October 2016 in the case of IMPRESS) and every subsequent three-year period thereafter.

The outcome of the previous cyclical review was agreed by the PRP Board on 14 June 2022.

Under paragraph 10 of Schedule 2 of the Charter the PRP Board must prepare and publish a report of any review it conducts, whether of a cyclical or ad hoc nature.

Paragraphs 6 and 7 of Schedule 2 of the Charter also set out provisions in relation to the arbitration process run by any regulator. The PRP Executive’s recommendations to the PRP Board in relation to IMPRESS arbitral process are contained in the discussion of criterion 22.

1.3 The Leveson concepts and the indicators

In assessing the application against the criteria in Schedule 3, paragraph 1 of Schedule 2 of the Charter also requires the PRP Board to consider the concepts of: “effectiveness, fairness and objectivity of standards, independence and transparency of enforcement and compliance, credible powers and remedies, and reliable funding and effective accountability”, as articulated in the Leveson Report (Part K, Chapter 7, Section 4 (‘Voluntary independent self-regulation’). We refer to these as ‘the Leveson concepts’ in this report.

The Leveson concepts were taken into account by the PRP in drafting the indicators against each criterion in the PRPs recognition matrix. A version of this matrix was supplied to IMPRESS in advance of the cyclical review to inform their self-assessment against the criteria. We have also:

(a) Raised additional questions of IMPRESS in order to satisfy ourselves in relation to the Leveson concepts. Details of these questions and IMPRESS answers are contained under the relevant criteria.

(b) Looked at how IMPRESS has operated in practice during the three years since the last cyclical review in order to gauge effectiveness, independence and transparency of enforcement and compliance and credible powers and remedies in particular.

1.4 The cyclical review process

The PRP Board has issued guidance on the cyclical review process in accordance with its powers under paragraph 13 of Schedule 2 of the Charter. We have followed that guidance throughout this process.

We asked IMPRESS to complete a self-assessment of their continued compliance against the criteria covering the three-year period since the last cyclical review, identifying any changes to their arrangements that had changed. We did this via the matrix which included additional questions relating to some key issues.

The chronology of the review is as follows:

Date	Activity
13 November 2024	IMPRESS provided their self-assessment in the matrix document.
5 December 2024	We published the self-assessment as part of our Call for Information on the cyclical review.
03 January 2025	We raised further queries in writing with IMPRESS on aspects of their compliance with the criteria and requested further documentation.
15 January 2025	Close of call for information. No responses were received.
17 January 2025	IMPRESS provided responses and supporting evidence to our additional questions.
24 January 2025	Verification visit to IMPRESS. During this visit we were given access to systems and files relating to applications for IMPRESS membership, complaints, investigations and arbitration and IMPRESS officials were on hand to answer questions.
17 February 2025	Second verification visit to IMPRESS during we which we raised questions relating to independence and adequacy of funding with the Chair and CEO of IMPRESS.
12 March 2025	We sent the draft of this report to IMPRESS for comments on any factual issues.
24 March 2025	IMPRESS confirmed that it had no comments.

We also wrote to a selection of IMPRESS publishers inviting them to contact us to discuss the cyclical review (Letter].

By agreement IMPRESS also circulated a copy of the letter to the remainder of their publisher members inviting them to contact us directly if they had any information relevant to the review.

We received a response from only one publisher that had become an IMPRESS regulated publisher in 2023. The response stated

"In answer to your four questions:

- *no complaints have been made or referred to IMPRESS about articles published by our publication;*

- *we have not had any need of the IMPRESS arbitration scheme;*
- *we found the process of applying to be a member straightforward. It was helpful to us too in thinking through our approach to complaints handling and reviewing our editorial guidelines;*
- *there are no other matters we wish to raise*."

In December 2023 we received correspondence from a journalist relating to an error concerning funding in IMPRESS' annual report for the year ending 2023. This issue is discussed in relation to criterion 1.

Summary of recommendations

In our view IMPRESS continues to meet all the 29 criteria set out in Schedule 3 of the Charter. We also invite the PRP Board to consider our comments on the fairness, effectiveness and sustainability of the IMPRESS arbitral process.

Section 2: Detailed assessment and recommendations in relation to IMPRESS continued compliance with the criteria and their arbitral process

Structure of the assessment

This part of the report deals with each criterion of Schedule 3 of the Charter separately. The structure of each section is as follows:

- The criterion and any indicators
- A historic summary of the Board’s consideration at the previous cyclical review
- IMPRESS self-assessment and evidence in support in relation to continued compliance for the current review
- PRP Executive assessment of the IMPRESS submission, supporting evidence and any evidence sourced from elsewhere
- PRP Executive recommendation as to whether it considers that IMPRESS continues to demonstrate ongoing compliance against the requirements of the Charter.

Because of the close links between criteria 1 to 5, a single recommendation in relation to them is included after the discussion of criterion 5.

Criterion 1

> *An independent self-regulatory body should be governed by an independent Board. In order to ensure the independence of the body, the Chair and members of the Board must be appointed in a genuinely open, transparent and independent way, without any influence from industry or Government. For the avoidance of doubt, the industry's activities in establishing a self-regulatory body, and its participation in making appointments to the Board in accordance with criteria 2 to 5; or its financing of the self-regulatory body, shall not constitute influence by the industry in breach of this criterion.*

Summary of the PRP Board's conclusions from the previous cyclical review

At the last Cyclical Review, the Board concluded that IMPRESS met this Criterion (and the linked Criteria 2–5). The Board acknowledged that Criteria 1 to 5 are interlinked and needed to be considered together. The Board accepted the Executive's Assessment that:

- IMPRESS' Appointment Panel continues to oversee an independent, open, fair and transparent process
- As per Criterion 5, the IMPRESS Board continues to be balanced appropriately between those who are demonstrably independent of the industry (constituting the majority) and those with industry experience
- Given the composition of the Code Committee between serving editors and members who are independent of the press, the balance is appropriate and unlikely to compromise the independence of the Board in any advice it may provide
- There is no evidence that IMPRESS' funding arrangements are compromising on IMPRESS' independence.

IMPRESS self-assessment and evidence in support for the current cyclical review

The PRP sought information from IMPRESS in relation to the following questions:

1. ***Have there been any structural changes to your organisational governance or advisory fora?***

   "Yes. IMPRESS has provided an explanation of the changes to organisational governance and advisory fora (DOC: 1.1 Company Structure Changes and Advisory Committee Explanation).

2. ***Has IMPRESS had any communication or correspondence with the Independent Press Regulation Trust (IPRT), Alexander Mosley Charitable Trust (AMCT) or their representatives or of any other funder concerning IMPRESS' regulatory arrangements or decision-making If so, please provide details***

   "Impress has not had any communication or correspondence with IPRT, AMCT or their representatives concerning Impress' regulatory arrangements or decision making. Impress provides a bi- annual report to the IPRT updating it on our regulatory activities."

3. ***Excluding regulatory fees income and income under the IPRT Grant Agreement, please provide details of any funds received from other sources including the amount, funder and terms of the funding***

   "Impress has not received any funds from other sources aside from regulatory fees income and income under the IPRT Grant Agreement."

4. ***Please provide a recusal information table for the last 3 years***

   "Please see the recusal information table attached (DOC 1.4.)

5. ***Please provide an updated register of interests for Board members***

   "Please see the updated register of interests for each individual Board member attached (DOC 1.5.1- 1.5.11).

PRP Executive assessment

Criterion 1 considers the independence of the Board (underpinned by a fair and transparent process) in its operation and financing. Criterion 1 is linked to criteria 2–5 of the Charter which specify in more detail those characteristics of Board appointment processes which are considered features of an independent Board. Our detailed assessment of each of these is contained under each of the criteria but we have summarised our assessment here as part of our overall assessment of the independence of the Board.

Consideration of financing, particularly financial sustainability, is also a factor under criterion 6. However, criterion 6 does not include consideration of the independence of financing which is considered here.

Independence of the Board and appointment of Board members

A new Chair of the IMPRESS Board (Caron Bradshaw) has been appointed with effect from 01 April 2025 when the tenure of the current Chair Richard Ayre expires. (Note that this remains confidential until IMPRESS makes a public announcement).

IMPRESS has described the process of appointment as follows:

"*The Appointment Panel selected recruitment agency Gatenby Sanderson to assist with the search following a tender competition in which three search firms were invited to bid. GS advertised the role on its website on 26 November 2024. From December 2024, the role was also advertised on various online job boards, and the Impress website, newsletters and social media channels. GS also identified and contacted 150+ prospective candidates or sources. Several candidates were excluded at this point, e.g., because they were politically affiliated members of the House of Lords. Thirty-two eligible applications for the role were submitted to GS by the end of January 2025 deadline. The Appointment Panel met in December to select longlisted candidates. The Appointment Panel agreed to interview three candidates, and undertook due diligence on their independence and perceived independence. All interview candidates were encouraged to meet the CEO and outgoing Chair in preparation for their interviews. Chris Kenny (Chair), Laura Dawson, Ozzie Clarke-Binns, Emma Jones, Brian Pelan and Debrah Harding made up the interview panel that met all candidates on 13 March 2025; second interviews took place on 19 March 2025. The interview panel finalised a nomination report which was agreed by all members of the Appointment Panel. The Appointment Panel nominated Caron Bradshaw in their report to the Board dated 21 March 2025. All members of the Board sent through individual approval of the appointment via email by 24 March 2025.* "

See the advertising copy for the Chair role, and the appointment letter (confidential).

The process of appointment of the new Chair appears to be transparent, open and independent without any influence by the press industry or Government.

Three new members (Sam Reagan-Asante, Hannah Wickes & Caro Kriel) have been appointed to the IMPRESS Board during the cyclical review period (in 2023). We discuss the process of appointment in relation to criterion 4 below.

Five existing Board members (Pam Vicks, Cordella Bart Stewart, Debrah Harding, Shelia Janmohamed and Andea Wills) were reappointed by the Board at its meeting of 18 July 2023 following a discussion between the IMPRESS Chair and the Appointment Panel at its meeting of 19 June 2023.

We do not consider that the criteria prevent the reappointment of existing Board members (originally recruited and appointed by a fair and open process) for a further term without an open recruitment process, where a further term was envisaged in the original terms of appointment and where they and the Board overall continue to meet the eligibility criteria. In the case of IMPRESS, articles 11.5 and 11.6 of the Articles-of-Association.pdf allow Board members to be reappointed for a further term of 4 years where they continue to meet the eligibility criteria (this is subject to a maximum of 8 years unless agreed by the Board and the Appointments Panel).

The registers of interest of the respective Board members are at (1.5.1-1.5.11). We consider that the Board is able to operate independently of the industry or Government and note the provisions in articles 14.5 and 14.5 of the Articles of Association for any Board member with a conflict of interest to withdraw from the discussion and the vote in relation to any conflicted item.

Financial independence

IMPRESS' remains principally financed under the funding agreement with the Independent Press Regulation Trust (IPRT) signed in March 2022 which continues until October 2029. The PRP Board took the view on its last cyclical review that this agreement did not compromise IMPRESS independence.

Nevertheless, it falls to consider whether the funding agreement has had any effect on the independence of IMPRESS in practice during the cyclical review period. Impress confirmed in its evidence in support of the review that it has not had any communication or correspondence with IPRT, AMCT or their representatives concerning Impress' regulatory arrangements or decision making. Under the terms of the funding agreement, IMPRESS is obliged to provide IPRT with twice yearly reports on regulatory activities.

IMPRESS has provided copies of those reports (2.1-2.6) which give information on how IMPRESS is meeting its aims (and the charitable purpose of the funding agreement) on expenditure of the grant and on plans to the future. These reports do not contain any discussion of individual decisions.

As part of the verification process for this review we visited IMPRESS' offices (the first verification meeting) and looked at a number of electronic files relating to applications for membership by publishers, and complaints, investigations and a request for arbitration handled by IMPRESS. We did not give advance notice of which files we would ask for. We saw no evidence of the involvement of IPRT, AMCT, or indeed any other outside party in IMPRESS decision-making.

We had a second verification meeting with the IMPRESS CEO and Chair on 17 February at IMPRESS' offices. They confirmed that:

- No notices had been received from IPRT under the funding agreement
- No notifiable events had occurred during the funding agreement
- All payments due under the funding agreement had been made on time and

in full

- Neither the CEO nor the Chair had had any personal contact with IPRT or the AMCT or their trustees during the cyclical review period, save that the Chair had attended part of an IPRT Board meeting at its request to meet two new trustees. There was no discussion of IMPRESS' regulatory activities or approach or of any individual cases or decisions.

We have received no concerns from third parties during the cyclical review period about the impact the independence of IMPRESS funding on any of its decisions.

The remaining 10% or so of IMPRESS funds come from membership subscriptions – these are subject of an annual consultation by IMPRESS. The subscription levels have not changed during the cyclical review period.

IMPRESS confirmed to us during the verification meeting that it has received no concerns from members or prospective members relating to the IPRT funding during the review period.

The PRP Board will note from (DOC 1.1)," IMPRESS Company Structure Changes and Advisory Committee Changes" that IMPRESS has set up two wholly owned subsidiaries in the UK and Ireland to help it raise funds by providing new commercial services including alternative dispute resolution and user redress services under the Digital Services Act (EU). They are to be conducted completely independently of Impress' Press Recognition Panel-approved regulatory activity.

Having reviewed this document, and the draft shared resource agreement with the two subsidiaries provided by IMPRESS DRAFT - Shared Resources Agreement - 08.10.2024.docx (CONFIDENTIAL) we are of the view that the creation and operation of these subsidiaries will not adversely impact on IMPRESS's independence and may indeed foster it by creating an additional source of income.

In December 2023 we received an e-mail from a freelance journalist stating that the IMPRESS annual report for 2022-3 incorrectly stated that IMPRESS had secured funding from the Arts and Humanities Research Council (AHRC). The AHRC is part of UK Research and Innovation, a non-departmental government body funded by the Department for Science, Innovation and Technology.

Upon enquiry IMPRESS confirmed that it had collaborated on research with the universities of Leeds and Derby who had themselves received funding from the AHRC, but IMPRESS had received no funding.

See Correction: Companies House - Impress

In the course of preparing this report we noticed a further reference to this funding in the IMPRESS Annual Report for the year ending April 2024 which stated:

"We received a grant letter from Innovate UK, the UK's innovation agency in April 2023"

We requested a copy of this letter from IMPRESS. The terms of grant (Offer Letter.pdf) make it clear that the funding is being provided to the University of Huddersfield, not IMPRESS. There was therefore no government funding of IMPRESS.

Criterion 2

> *The Chair of the Board (who is subject to the restrictions of criterion 5(d), (e) and (f)) can only be appointed if nominated by an appointment panel. The selection of that panel must itself be conducted in an appropriately independent way and must, itself, be independent of the industry and of Government*

Summary of the PRP Board's conclusions from the previous cyclical review

The Board noted the appointment process of Richard Ayre to the role of Chair of IMPRESS and had no further questions. The Board were satisfied that IMPRESS continues to meet the requirements of Criterion

IMPRESS self-assessment and evidence in support for the current cyclical review

The PRP sought information from IMPRESS in relation to the following question:

Please confirm when the tenure of the current Chair of IMPRESS expires.

"The tenure of the current Chair of Impress will expire on 1 April 2025. A recruitment campaign for Impress' next Chair will begin in December 2024, with an appointment likely to take place in early 2025.

The new Chair Caron Bradshaw was appointed on 24 March 2025. Her appointment will take effect from 01 April 2025 and will run for four years unless renewed.

PRP Executive assessment

As described under criterion 1, the new IMPRESS Chair was appointed by the Board following nomination by the Appointment Panel. The process of selection of Appointment Panel members is described in relation to Criterion 3 below. This process appears to be independent of the industry and the Government.

Criterion 3

The Appointment Panel: a) should be appointed in an independent, fair and open way; b) should contain a substantial majority of members who are demonstrably independent of the press; c) should include at least one person with a current understanding and experience of the press; d) should include no more than one current editor of a publication that could be a member of the body.

Summary of the PRP Board's conclusions from the previous cyclical review

The Board noted the appointment of Paul McFarlane to the Appointment Panel had followed a slightly different process from that of Jean Gray and that the documentation had been reviewed during the Executive's verification visit. The verification visit confirmed that he had been appointed following an independent, fair and open process.

On the basis of the evidence provided and the documents reviewed during the verification visit, the Board were satisfied that IMPRESS continues to meet the requirements of Criterion

IMPRESS self-assessment and evidence in support for the current cyclical review

Impress provided its self-assessment and evidence against each of the criteria as follows:

a) The Appointment Panel should be appointed in an independent, fair and open way
"Impress has appointed 4 new panel members since the last cyclical review, these members are: Brian Pelan, Ozzie Clarke-Binns, Laura Dawson & Emma Jones. The terms of four other members ended during the period. The Impress Appointments Panel conducted two separate recruitment processes, advertising on the Impress website, social media & job boards."

Evidence: Impress provided the PRP with copies of the job descriptions, adverts, recruitment timetable for 2023/24 (DOC 3.a.1- 4.4). It also provided the appointment letters (CONFIDENTIAL).

b) The Appointment Panel should contain a substantial majority of members who are demonstrably independent of the press

"Two members of the Appointments Panel are career journalists: Brian Pelan and Emma Jones; they represent a minority of the Appointments Panel membership. Please find website link attached with bios of all members which demonstrates this."

c) The Appointment Panel should include at least one person with a current understanding and experience of the press;

"Brian Pelan is the current editor of View Digital".

Evidence: IMPRESS provided a copy of his CV (CONFIDENTIAL).

"Emma Jones is a career journalist, author and broadcaster".

Evidence: IMPRESS provided a copy of her CV (CONFIDENTIAL)."

d) The Appointment Panel should include no more than one current editor of a publication that could be a member of the body.

"Brian Pelan is the current editor of View Digital, an Impress regulated publisher."

PRP Executive assessment

a) The Appointment Panel should be appointed in an independent, fair and open way

Due to term limits ending, IMPRESS has appointed four new panel members since the last cyclical review. There were two separate recruitment processes, one in 2022/23 and one in 2023/24.

Brian Pelan and Laura Dawson were appointed in the recruitment process which concluded in 2023.

Ozzie-Clarke Binns and Emma Jones were appointed in 2024.

IMPRESS provided us with copies of the job adverts which were advertised on the Impress website, social media & job boards (https://dynamicboards.co.uk)

A recruitment timetable was provided for the 2023/24 recruitment round which included actions to promote the recruitment exercise on twitter, in newsletters and across social media throughout the campaign.

IMPRESS provided, on a confidential basis, letters of appointment for Brian Pelan, Laura Dawson, Emma Jones and Ozzie Clarke-Binns.

b) The Appointment Panel should contain a substantial majority of members who are demonstrably independent of the press

IMPRESS stated that two members of the Appointments Panel are career journalists: Brian Pelan and Emma Jones. They are reported to represent a minority of the Appointments Panel membership. IMPRESS provided a link to the members of the panel and associated biographies on its website which was not up to date. We went back to IMPRESS to query this, and they responded:

“The up-to-date Appointment Panel members are as follows:

Chris Kenny
Debrah Harding
Emma Jones
Brian Pelan
Laura Dawson
Ozzie Clarke-Binns

We will be updating our website in due course to reflect these changes to the panel."

Of the six current members of the Appointment Panel, the Chair (Chris Kenny) has a background in regulation, one (Laura Dawson) has a background in education, public and charitable sectors, one (Debrah Harding) has a background in research and one (Ozzie Clarke-Binns) has a background in people and culture. These four members constitute the majority of the Appointment Panel, and we have not been able to identify any information suggesting that they are not independent of the press.

c) The Appointment Panel should include at least one person with a current understanding and experience of the press

As set out above both Brian Pelan and Emma Jones are stated to be career journalists. Brian Pelan is current editor of View Digital and has more than twenty years of experience as a journalist. IMPRESS provided a confidential copy of Brian Pelan’s CV and referred us to the biographies on the website.

IMPRESS provided a confidential copy of Emma Jones’ CV. Emma Jones was a newspaper columnist for the Sun and has written for a number of other leading newspapers such as the Sunday Mirror and Mail on Sunday. She is a former member of IMPRESS’ Code Committee.

d) The Appointment Panel should include no more than one current editor of a publication that could be a member of the body.

Brian Pelan is the current editor of View Digital, an Impress regulated publisher. No other members of the Appointment Panel are current editors of a publication that could be a member of the body.

Criterion 4

> *The nomination process for the appointment of the Board should also be an independent process, and the composition of the Board should include people with relevant expertise. The appointment panel may only nominate as many people as there are vacancies on the Board (including the Chair), and the Board shall accept all nominations. The requirement for independence means that there should be no serving editors on the Board.*

Summary of the PRP Board's conclusions from the previous cyclical review

The Board noted that the reappointment of David Leigh and Andrea Wills provided an element of continuity in the IMPRESS Board and re-confirmed the previous position that reappointment to the Board was clearly envisaged as long as the original appointment had been made following an independent, open and transparent process. The Board were satisfied that IMPRESS continues to meet the requirements of Criterion 4.

IMPRESS self-assessment and evidence in support for the current cyclical review

"*Process of appointment of Sam Reagan-Asante, Hannah Wickes & Caro Kriel to the Board:*

The Board met to review its skills and experience needs in the light of the terms of various directors coming to an end. The 2023 campaign sought to attract Board members with journalism and business development experience.

Advertisements were placed on social media and on various websites, including the Impress website.

To be considered for the role, all candidates were required to submit an application in a standard format to a set deadline. In the 2023 campaign 96 applications were received.

Some initial sifting was undertaken by the Executive to filter out candidates who did not meet the basic advertised criteria. The Appointment Panel met to shortlist candidates for interview. Due diligence was undertaken on any conflicts of interest and public statements, including social media accounts.

Prior to interview the CEO met with all candidates to explain the requirements of the role and the impartially requirements expected of Impress representatives. An interview panel was selected from the Appointment Panel, which interviewed 14 candidates. Following the interviews, the interview panel submitted a report to the wider Appointment Panel for approval.

Once approved by the whole Appointment Panel, a nomination report was presented to the Board. The Board approved the nominations of the Appointment Panel, and a letter of appointment was sent to the newly appointed Board members.

Board reappointments

Following discussions at the Appointment Panel meeting on 19th June 2023, the Chair Richard Ayre confirmed at the 18th June 2023 Board meeting the reappointment and appointment lengths for Board members. He confirmed that Pam Vick's second term would end in April 2027, Cordella Bart-Stewart's term would end in October 2026, Shelina Janmohamed's term would end in October 2027 and Debrah Harding's terms would end in October 2028. Andrea Wills term would end her second term in November 2025.

Evidence provided: Website bios, appointment letters for Sam Reagan- Asante, (CONFIDENTIAL), Hannah Wickes (CONFIDENTIAL) & Caro Kriel (CONFIDENTIAL), job advert (DOC 4.4 Job Advertisement Board), Press Release (DOC 4.5. Press Release New Board Members), conflicts of interests (DOC 1.5.1-1.5.11).

PRP Executive assessment

We have noted IMPRESS' evidence in relation to the process of nomination and appointment. We have also noted the expertise in relation to journalism, new media business and technology that the three new Board members bring. We have also noted the information provided by IMPRESS on the term lengths of the Board members that have been reappointed. There are no serving editors on the IMPRESS Board, and the new Chair is not a serving editor.

Criterion 5

The members of the Board should be appointed only following nomination by the same appointment panel that nominates the Chair, together with the Chair (once appointed), and should

a) be nominated by a process which is fair and open;

b) comprise a majority of people who are independent of the press;

c) include a sufficient number of people with experience of the industry (throughout the United Kingdom) who may include former editors and senior or academic journalists;

d) not include any serving editor;

e) not include any serving member of the House of Commons, the Scottish Parliament, the Northern Ireland Assembly, the National Assembly for Wales, the European Parliament or the House of Lords (but only if, in the case of the House of Lords, the member holds or has held within the previous 5 years an official affiliation with a political party) or a Minister of the Crown, a member of the Scottish Government, a Northern Ireland Minister or a Welsh Minister; and

f) in the view of the appointment panel, be a person who can act fairly and impartially in the decision-making of the Board.

Summary of the PRP Board's conclusions from the previous cyclical review

The Board noted that, as in the previous Cyclical Review, the Executive had taken a broad interpretation of the term 'industry experience' in making their assessment and recommendation. The Board agreed with that interpretation given that there is nothing in the Charter or elsewhere that suggests that a restrictive approach should be taken. Based on the evidence submitted, the Board were satisfied that IMPRESS met Criterion 5 and therefore Criteria 1–5 collectively.

IMPRESS self-assessment and evidence in support for the current cyclical review

IMPRESS confirmed:

- "*The Board is nominated by a process which is fair and open (this process remained unchanged since the last cyclical review);*
- *the Board comprise a majority of people who are independent of the press;*
- *the Board includes a sufficient number of people with experience of the industry;*
- *the Board does not include any serving editor;*

- *the Board does not include any serving member of Parliament;*
- *all Board members in the view of the Appointment Panel can act fairly and impartially in the decision-making of the Board."*

IMPRESS provided a link to its website for biographies of all Appointment Panel members and all IMPRESS Board members.

Evidence: Updated register of interests for Board members

PRP Executive Assessment

Criterion 5a — Nominated in a process that is fair and open

Having reviewed the evidence provided in relation to the nomination of Sam Reagan-Asante, Hannah Wickes & Caro Kriel to the Board we consider the process was fair and open.

While the process for the reappointment of Pam Vick (term due to end April 2027), Cordella Bart-Stewart (term due to end October 2026), Shelina Janmohamed (term due to end October 2027) and Debrah Harding (term due to end in October 2028) did not include a public recruitment campaign, all were originally recruited through such an open process.

Additionally, IMPRESS' Articles of Association clearly envisage enabling Directors to serve two four-year terms. Consequently, we assess that the process of enabling the Appointment Panel to review the (then) Chair's report on the performance of these Board members to assess their suitability for nomination as being fair. See also the discussion of the reappointment process under criterion 1 above.

Criterion 5b — Comprise a majority of people who are independent of the press

The PRP Board has previously adopted the definition of the context of 'independent' as having its natural meaning, as in, for example, free from control and not dependent upon (especially financially). So, for example, someone currently employed as a press journalist or editor would not be independent.

Having reviewed the composition of the IMPRESS Board and the published register of interests, we are satisfied that the majority of members are independent of the press as per this definition.

Criterion 5c — Sufficient members with experience of the industry

At the last cyclical review we identified four members of the Board who can be described as having sufficient experience of the industry. Two of them remain members for this cyclical review: Shelina Janmohamed and Andrea Willis.

In terms of new members, Caro Kriel has had a career in journalism and has held senior positions at Associated Press (as Europe news director, and as news director for Russia.

Sam Regan - Asante was previously CEO of Joe Media, a digital publisher.

We therefore consider that there is a sufficient number of members with experience of the industry.

Criterion 5d — Not include any serving editor

IMPRESS confirmed in its submission that the Board does not include any serving editor. Having reviewed the register of interests and biographies of the current Board members and Chair and carried out an internet search we are satisfied that this is the case. We also note information provided in response to criterion 4 and the due diligence undertaken by the IMPRESS Appointments Panel regarding any conflicts of interest.

Criterion 5e — not include any serving member of the House of Commons, the Scottish Parliament, the Northern Ireland Assembly, the National Assembly for Wales, the European Parliament or the House of Lords (but only if, in the case of the House of Lords, the member holds or has held within the previous 5 years an official affiliation with a political party) or a Minister of the Crown, a member of the Scottish Government, a Northern Ireland Minister or a Welsh Minister

IMPRESS confirmed in its submission that the Board does not include any serving member of Parliament. We have reviewed the registers of interests, which ask a specific question regarding membership of a political party. No member of the IMPRESS Board reported an interest in this regard. We have also carried out a search to substantiate this information by checking the membership of each of the European Parliament, the UK Government and Devolved Assembly institutions identified under this criterion.

Criterion 5f — in the view of the appointment panel, be a person who can act fairly and impartially in the decision-making of the Board.

IMPRESS stated that “all Board members in the view of the Appointment Panel can act fairly and impartially in the decision-making of the Board.”

The job advert for the Board appointments was provided by IMPRESS. The selection criteria state that to be successful in these roles candidates must possess the “*ability to make fair and impartial decisions.”* We also note the evidence provided by IMPRESS in relation to criterion 4 and the discussions with potential candidates with regards to the importance of impartiality.

Recommendation for criteria 1 to 5

Having reviewed the evidence submitted by IMPRESS and in light of the above analysis, we consider that IMPRESS continues to meet criteria 1 to 5 inclusive.

Criterion 6

Funding for the system should be settled in agreement between the industry and the Board, taking into account the cost of fulfilling the obligations of the regulator and the commercial pressures on the industry. There should be an indicative budget which the Board certifies is adequate for the purpose. Funding settlements should cover a four- or five-year period and should be negotiated well in advance.

Indicators

- The regulator is funded adequately to fulfil its Charter obligations
- The regulator adopts policies and mechanisms to ensure that funding arrangements cover the prescribed period and undertakes reviews in an appropriate time
- The timing for negotiating funding settlements is not such as to create a concern that the negotiation would impact on the independence or perceived independence of the Board.

Summary of the PRP Board's conclusions from the previous cyclical review

The Board noted that the Executive's assessment only considered the funding agreement to 2026 however, the funding agreement between IMPRESS and IPRT would run until 2029.

IMPRESS representatives at the meeting confirmed that there had been no contact between IMPRESS and AMCT during the negotiation of the funding agreements either between IMPRESS and IPRT or between IPRT and AMCT.

No further questions were raised by the Board who were also satisfied that IMPRESS continues to meet the requirements of Criterion 6.

IMPRESS self-assessment and evidence in support for the current cyclical review

The PRP sought information from IMPRESS in relation to the following questions:

(1) Please update on developments with the funding model including the fees regime for subscribing publishers and grant agreements with charitable foundations to secure the financial sustainability of the organisation through the next period.

"Impress has consulted annually with subscribing publishers over its fee's regime. Following a consultation held in March 2019, fees were set at 0.1% of a publisher's turnover, with a fixed fee of £50.00 a year for publishers with turnover of £50,000 or less.

On 15 March 2022 Impress signed a funding agreement with IPRT that guarantees core minimum annual funding of £920,000 (£4.6m in total) for the five-year period 01/010/22 to 31/09/27; please see attached (DOC 6.1.1 Impress - IPRT Funding Deed of Grant). We consider this to be sufficient to meet the basic running costs of Impress and to meet the criterion 6 for funding settlements to cover a four- or five-year period and to be negotiated well in advance.

In addition to the core grant Impress receives from IPRT, Impress plans to generate additional 'non-guaranteed' income from new products and services.

Please see the revised rolling Impress CIC budget for 2025-2029 (DOC 6.1.2. 4 year budget for the PRP). In summation the cost of delivering approved regulation for the Impress membership has been ringfenced and secured against the income raised from the IPRT grant agreement."

(2) How is IMPRESS preparing to cope with the expected reduction in funding from the IPRT from £1090,000 a year to £597,142 a year from 01/11/2026?

"Please see the revised rolling Impress CIC budget for 2025-2029 (DOC 6.1.2. 4) year budget for the PRP). which demonstrates that this funding decline does not impact on the operational cost of delivering approved regulation."

(3) Is IMPRESS planning any changes to its structure which could impact on this or any other criterion? If so, please provide details.

"Please see attached an explanation of the company structure changes and advisory Committee changes (DOC 1.1 Company Structure Changes and Advisory Committee Explanation). Impress considers that this change in structure will not impact on this criterion for the reasons stated in the explanation of the changes.

(DOC: 1.1 Company Structure Changes and Advisory Committee Explanation) supplied by IMPRESS states the following:

Criterion 6 Analysis

The text of Criterion 6 states:

6. Funding for the system should be settled in agreement between the industry and the Board, taking into account the cost of fulfilling the obligations of the regulator and the commercial pressures on the industry. There should be an indicative budget which the Board certifies is adequate for the purpose. Funding settlements should cover a four or five year period and should be negotiated well in advance.

The indicators for compliance with this criterion include that the Regulator is funded adequately to fulfil its Charter obligations; that the Regulator adopts policies and mechanisms to ensure that funding arrangements cover the prescribed period and undertakes reviews in an appropriate time; and that the timing for negotiating funding settlements is not such as to create a concern that the negotiation would impact on the independence or perceived independence of the Board.

Under the previous company structure, Impress CIC was able to demonstrate its compliance with this criterion in its application and subsequent cyclical reviews: the PRP considered that the legal agreements in place between Impress its funders and members were sufficiently robust to protect against any material influence and, the PRP was also satisfied that that there were formal processes in place to prevent influence with a degree of confidence.

Under the new company structure, the established funding for Impress CIC and its activities does not change in any respect. The primary purpose of the new subsidiaries is to reinforce and support the funding of and sustainability of Impress CIC and its objects, to strengthen its compliance with this criterion. It is Impress' ambition that Impress CIC will receive new funding in the form of profits paid to it by the subsidiaries. The relationship agreement underscores this obligation. The articles, agreement and conflicts of interest policy are collectively designed to be robust, preserve independence and protect against outside influence. The CIC is the controlling "parent" entity in the structure, exercising an arm's length, controlling interest in the subsidiaries.

We consider, therefore, that the new company structure means Impress CIC continues to meet Criterion 6 of the Royal Charter."

PRP Executive assessment

<u>The grant from IPRT</u>

IMPRESS continues to receive 90% of its income from a grant from the Independent Press Regulation Trust (IPRT). The remainder of income comes from membership fees and bank interest.

The IMPRESS-IPRT Deed of Grant ("the Deed of Grant") was considered at the last cyclical review and covers the period of seven years from October 2022, expiring in October 2029. There have been changes to the Deed of Grant since the last cyclical review.

The total funding over the period provided to IMPRESS is £6,450,000 as broken down in the table below:

Year	Amount £*
2022 (October)	650,000
2023	1,200,000
2024	1,110,000
2025	1,000,000
2026	800,000
2027	700,000
2028	500,000
2029 (April)	490,000

* Payable in two instalments April and October except where stated

<u>The funding period and adequacy of funding</u>

The Board is asked to note the indicative four-year budget for the PRP (DOC 6.1.2.) which sets out projected income and expenditure from the years from March 2025 until March 2029. This budget was approved by the IMPRESS Board at its meeting on 4th March 2024.

Total projected income over the period is £4,274,198.
Total projected expenditure is £3,225,121.

Included within that expenditure are PRP cyclical review fees of £1,435,605.

The annual cyclical review fee is payable on 25th October, the anniversary of the recognition of IMPRESS.

To date, IMPRESS has met its obligations as a regulator for the payment of annual fees to the PRP. The fee paid for 2024 was £289,234. This has increased in line with the CPI every year. The current CPI rate is 2.8%, and IMPRESS has assumed a significantly higher inflation rate for the fees in its indicative budget.

We asked IMPRESS for a further breakdown of the operational expenses in the indicative budget. See Operational Expenses.pdf.

We had noted from IMPRESS filed accounts that IMPRESS' administrative expenditure for the years ending March 23 and March 24 were £1.2m and 1.3m respectively.

The ongoing administrative expenditure figures provided in the indicative budget from year end March 25 onwards are around half that level - starting at £651,000 and rising to £781,000 year end March 28.

At our second verification meeting with the IMPRESS CEO and Chair on 17 February 2025, we also asked how these reductions were being achieved without impacting on IMPRESS' regulatory performance. The IMPRESS CEO confirmed that the reductions were in large part due to savings on staff costs due to the closing of the team within IMPRESS that had been set up to raise alternative funding. These funding efforts had not been successful. There would therefore be no impact of the staff reduction on IMPRESS' regulatory performance.

Overall, therefore the budget would appear to be adequate for IMPRESS purposes and to take into account its regulatory obligations. The funding settlement covers a 7-year period and 4 years are remaining. Consideration of the negotiation of any further settlement would be a matter for a subsequent cyclical review.

We have considered whether this criterion will be affected by the creation of the two new subsidiaries by IMPRESS. The IMPRESS structure paper states:

The indicators for compliance with this criterion include that the Regulator is funded adequately to fulfil its Charter obligations; that the Regulator adopts policies and mechanisms to ensure that funding arrangements cover the prescribed period and undertakes reviews in an appropriate time; and that the timing for negotiating funding settlements is not such as to create a concern that the negotiation would impact on the independence or perceived independence of the Board.

Under the previous company structure, Impress CIC was able to demonstrate its compliance with this criterion in its application and subsequent cyclical reviews: the PRP considered that the legal agreements in place between Impress its funders and members were sufficiently robust to protect against any material influence and, the PRP was also satisfied that that there were formal processes in place to prevent influence with a degree of confidence.

Under the new company structure, the established funding for Impress CIC and its activities does not change in any respect. The primary purpose of the new subsidiaries is to reinforce and support the funding of and sustainability of Impress CIC and its objects, to strengthen its compliance with this criterion. It is Impress' ambition that Impress CIC will receive new funding in the form of profits paid to it by the subsidiaries. The relationship agreement underscores this obligation. The articles, agreement and conflicts of interest policy are collectively designed to be robust, preserve independence and protect against outside influence. The CIC is the controlling "parent" entity in the structure, exercising an arm's length, controlling interest in the subsidiaries. We consider, therefore, that the new company structure means Impress CIC continues to meet Criterion 6 of the Royal Charter.

We asked whether the costs for the administration and activities of the two subsidiaries are included in the IMPRESS four-year indicative budget (DOC 6.1.2) IMPRESS replied "*The administration and activities of the two subsidiaries are not included in the 4-year budget….. these entities are not yet operational, and budgets will be determined for them in due course."*

We have however noted that the indicative budget contains a projected surplus of c£1m over the next four years, that directors on the subsidiaries will not be remunerated (see the IMPRESS structure document) and that the aim of the subsidiaries is to raise income. We therefore consider that the creation of the subsidiaries will not impact adversely on IMPRESS funding and may have beneficial effects if the commercial activities succeed.

Funding to be settled in agreement with the industry. taking into account the commercial pressures on the industry

The IMPRESS funding settlement has not changed during the review period, either in respect of IPRT funding or members' fees.

IMPRESS consults its members annually on its fees and annual budget (DOC 6.1.3 – 6.1.4) and has not proposed any changes to fees in the consultations in this review period. IMPRESS fees to members which have remained at 0.1% of a publisher's turnover, with a fixed fee of £50.00 a year for publishers with turnover of £50,000 or less.

IMPRESS has advised that no responses were received to the consultations with members. A further consultation is to be run in April 2024.

Recommendation

Having reviewed the evidence submitted by IMPRESS and in light of the above analysis, we consider that IMPRESS continues to meet this criterion.

Criterion 7

> *The standards code must ultimately be the responsibility of, and adopted by, the Board, advised by a Code Committee which may comprise both independent members of the Board and serving editors. Serving editors have an important part to play although not one that is decisive.*

Summary of the PRP Board's conclusions from the previous cyclical review

The Board noted that while a new Code was in development, it was the existing Code that was the subject of the decision as to whether IMPRESS continues to meet the requirements of this Criterion and only the *process* of the development of the new Code (and not its contents) that was relevant to decision making for this Cyclical Review.

Any new Code adopted by IMPRESS would need to be considered by the PRP Board in due course as part of its ordinary process of ongoing consideration of matters which might necessitate an *ad hoc* review under the Charter.

IMPRESS representatives confirmed that the consultation on changes to the Code had been concluded and any changes would be considered by the IMPRESS Board in September. IMPRESS representatives offered a presentation on the new Code to the PRP Board in due course.

Based on the evidence submitted, the Board were satisfied that IMPRESS was meeting the requirements of Criterion 7 with the Board being advised on the development of the new Code by a Code Committee comprising both independent members of the Board and serving editors. The Board emphasised that nothing in this cyclical review process should be taken as having pre-empted or indicated any pre-determination of issues which might arise on the adoption of any new Code.

IMPRESS self-assessment and evidence in support for the current cyclical review

"Please see website for the Code Committee Terms of Reference.

Please see the website for Board Minutes confirming the Board's adoption of the revised Code upon advice of the Code Committee on 13 September 2022.

Please see the website for biographies of all Code Committee members, including their experience and expertise. Two out of twelve of the Code Committee members are serving editors: Paul Hutchinson and Craig Gent. There is no role distinction between members that are and are not serving editors on the Code Committee."

PRP Executive assessment

The Board is advised by the Code Committee, two of the Committee's 11 members are serving editors.

The Members of the Code Committee are: Andrea Wills – Chair, Cordella Bart-Stewart OBE, Shelina Janmohamed, Caro Kriel, Veronica Gordon, Matt Walsh, Paul Hutchinson (serving editor), Dr Craig Gent (serving editor), Dr Sulayman Bah, Peter Coe and Shirish Kulkarni.

Changes were made to the IMPRESS Standards Code during the review period, and the revised version was adopted by the IMPRESS Board at its meeting in September 2022.

Recommendation

Having reviewed the evidence submitted by IMPRESS and in light of the above analysis, we consider that IMPRESS continues to meet this criterion.

Criterion 8

The code must take into account the importance of freedom of speech, the interests of the public (including but not limited to the public interest in detecting or exposing crime or serious impropriety, protecting public health and safety and preventing the public from being seriously misled), the need for journalists to protect confidential sources of information, and the rights of individuals. Specifically, it must cover standards of: a) conduct, especially in relation to the treatment of other people in the process of obtaining material; b) appropriate respect for privacy where there is no sufficient public interest justification for breach; and c) accuracy, and the need to avoid misrepresentation.

Indicators

- The regulator has demonstrably considered relevant legislation, codes, rules and/or guidance in developing the code
- The regulator meets the requirements set out in the criterion including in 8 (a), (B) and (c)
- The code is framed in a manner consistent with the potential for complaints to be heard and decided upon by the regulator under criterion 11 (a) to (c).

Summary of the PRP Board's conclusions from the previous cyclical review

The Board noted that analysis and evidence had been presented regarding the existing Code and the proposed changes to the new Code. The Board noted that the approach to the public interest taken in the existing Code to weave public interest considerations where relevant throughout.

Based on the existing Code, the Board were satisfied that IMPRESS continues to meet the requirements of Criterion 8. Again, the Board stressed that matters relating to any new Code would be for future consideration.

IMPRESS self-assessment and evidence in support for the current cyclical review

IMPRESS consulted on changes to the Code in 2023.

We asked IMPRESS to describe in its self -assessment the changes made to the Code and how these continue to ensure compliance with the Charter. IMPRESS replied:

In summary, the key changes to the Standards Code are as follows (a more detailed breakdown of these changes can be found in the PowerPoint document 'Impress Standards Code Review and Changes' DOC. 8.1. Impress Standards Code Review and Changes).

In relation to user-generated content, the Code now clarifies that publishers can breach our guidelines by allowing comments on articles from external parties to go unchecked.

Publishers are now required to take additional precautions when referring to third-party sources, particularly such sources online. This includes ensuring the accuracy of content produced by an AI system, as well as clearly labelling and providing hyperlinks to sources.

The Code has improved child safeguarding. Publishers must now consider anonymity requests from children both during newsgathering and publication. This acknowledges children's autonomy and media literacy while acknowledging the protections and assistance they need to develop as people.

In relation to Clause 4 – Discrimination, the threshold for breaching Clause 4.3 has been lowered. Publishers are now advised to take care not to encourage hatred or abuse against a group, or risk breaching the Code.

A new sub-clause has been introduced under Clause 7 – Privacy in accordance with data protection law to ensure that publishers also consider requests from adults to be anonymised where they have been previously identified in an article.

When writing about sensitive issues such as self-harm or suicide, publishers are now required to provide details of where the public can find support on such issues within the publication. Publishers are now advised not to use misleading or clickbait headlines to attract the attention of potential readers. In relation to corrections, the Code advises that where an error in a social media post is widely shared, it may be appropriate to pin it to the social media in the interests of transparency.

The Code now requires publishers to ensure human editorial oversight and clear labelling of AI-generated content.

Publishers are now required to carefully consider the settings of a subject's social media accounts. They must also note that a lack of account restrictions does not remove the subject's right to privacy.

The Code continues to ensure compliance with the Charter by taking into account the importance of:

Freedom of speech (see 'About the Impress Standards Code' and 'Scope and Remit')

Interests of the public (See 'Public Interest' section)

The need for journalists to protect confidential sources of information (See Clause 8.1 - Sources)

- *The treatment of other people in the process of obtaining material (See Clauses 5.1 and 5.2 – Harassment)*
- *Appropriate respect for privacy where there is no sufficient public interest justification for breach (see Clause 7.1 – Privacy)*
- *Accuracy and the need to avoid misrepresentation (See clause 1 – Accuracy and Clause 1.3 specifically in relation to avoiding misrepresentation)*

Please see via the website the Impress Standards Code and Guidance.”

PRP Executive assessment

The Scope and Remit section of the Code confirms that is drafted to take into account freedom of expression and confirms:

“iv *Freedom of expression is a protected right under Article 10 of the European Convention on Human Rights, scheduled to the Human Rights Act 1998 (see Schedule 1 of the Act). Article 10 (2) allows for restrictions on freedom of expression that are necessary and proportionate to protect legitimate goals, including national security, public safety, the administration of justice, preventing disorder or crime, protecting information received in confidence and the reputation and rights of others. This means freedom of expression must be balanced against other fundamental rights, including the right to respect for private and family life (Article 8) and the prohibition of discrimination (Article 14)*

v. The concept of ‘press freedom’, encapsulated in the right to freedom of expression, is not absolute. An expression can be lawfully restricted on the grounds set out in para 2 of Article 10.”

Section B of the Guidance on the IMPRESS Standards Code confirms how public interest is taken into account and can either mean that a breach has not occurred or can form a defence to a breach of the Code. The definition of public interest includes, but is not limited to, the matters listed in the criteria:

“*2A public interest means the public has a legitimate stake in, and/or a right to know about a story because of its importance to society. Such interests include, but are not limited to: (a) the revelation or discussion of matters such as serious incompetence or unethical behaviour that affects the public; (b) putting the record straight where an individual or organisation has misled the public on a matter of public importance; (c) revealing that a person or organisation may be failing to comply with any legal obligation they have; (d) the proper administration of government and the judiciary; (e) open, fair and effective justice; (f) public health and safety; (g) national security; (h) the prevention and detection of crime; and (i) the discussion or analysis of artistic or cultural works”*

The following clauses in the Code also contain specific reference to how the public interest is applied:

3.1 and 3.2 Children

5.2 Harassment

6.3 Justice

7.1 and 7.2 Privacy

8.3 Sources

The evidence provided above by IMPRESS lists the parts of the Code which address the other specific matters required by the criterion.

The Code as a whole seeks to protect the rights of individuals, as balanced against freedom of speech and the public interest. The amendments to the Code made in 2023 are by way of modernising the Code and further protecting the rights of individuals.

Recommendation

Having reviewed the evidence submitted by IMPRESS and in light of the above analysis, we consider that IMPRESS continues to meet this criterion.

Criterion 8A

A self-regulatory body should provide advice to the public in relation to issues concerning the press and the standards code, along with a service to warn the press, and other relevant parties such as broadcasters and press photographers, when an individual has made it clear that they do not welcome press intrusion.

Indicators

- General and specific advice to the public is provided in a way which makes it easily accessible
- The service to warn the press is easily accessible and available
- The regulator identifies appropriate tools and mechanisms to notify relevant parties on timescales which ensure that the recipients of it can respond promptly.

Summary of the PRP Board's conclusions from the previous cyclical review

IMPRESS representatives confirmed to the Board that the threshold for issuing an advisory notice included those circumstances where press intrusion may be more likely such as:

- a matter of national or international press coverage
- a scalable event (such as the Covid 19 Pandemic).

The Board enquired as to the decision-making process to issue an advisory notice. IMPRESS representatives confirmed that these were typically fluid events arising from internal media monitoring where high media coverage engaged ethical issues and required a rapid response. The IMPRESS Head of Regulation would agree the need for an advisory notice with the Chief Executive with the final text of the advisory notice and decision to issue it resting with the Chair of IMPRESS on behalf of the Board. In the event of any internal difference of opinion regarding the need for an advisory notice, the Chair of IMPRESS also holds the final decision as to whether to proceed.

The Board expressed the view that this process was reliant on institutional memory and that formalising a policy to inform future operation of the process (including the threshold for issuing an advisory notice) may be helpful. IMPRESS representatives agreed that a policy may be helpful, while noting that any policy would need to balance having a process that is responsive to emerging events versus an overly prescriptive policy which may inhibit that objective. IMPRESS representatives confirmed that they would consider this further.

Having considered the evidence and further information provided by IMPRESS representatives, the Board considered that IMPRESS continues to meet the requirements of Criterion 8A. That conclusion was not dependent on any future development of a policy as noted above.

IMPRESS self-assessment and evidence in support for the current cyclical review.

The PRP sought information from IMPRESS in relation to the following additional; question:

(1) How many advisory notices have been requested and how many have been issued in the last 3 years?

"Impress received 3 advisory notice requests and subsequently issued 3 accordingly.

A list of issued advisory notices can be found here.

PRP Executive assessment.

IMPRESS produces guidance on its website in relation to the Standards Code. It also has a general enquiries line that members of the public are able to access, as well as guide on how to complain which links to the Standards Code.

IMPRESS provides webpages that explain what an advisory notice is and allow members of the public or others to request one.

IMPRESS has had three requests for advisory notices since 2022 and has issued three notices in response. The procedure is set out in paragraph 7 of the Regulatory Scheme document.

We asked IMPRESS whether it had given any consideration to the suggestion by the PRP at the last cyclical review that a policy should be formulated for when advisory notices should be issued. Advisory Notices Procedure.docx

IMPRESS replied:

"Impress developed an internal Advisory Notice procedure for staff last year (which outlines common examples where an Advisory Notice request could be accepted by Impress for circulation. These examples are also noted publicly here on the Impress website."

Recommendation

Having reviewed the evidence submitted by IMPRESS and in light of the above analysis, we consider that IMPRESS continues to meet this criterion.

Criterion 8B

A self-regulatory body should make it clear that subscribers will be held strictly accountable under the standards code for any material that they publish, including photographs, however sourced. This criterion does not include advertising content.

Indicator

- Approach taken to defining advertising content takes account of the Advertising Standards Authority's definition to ensure that regulatory gaps do not emerge.

Summary of the PRP Board's conclusions from the previous cyclical review

The Board noted that the inclusion of the use of AI to source content in the consultation of the new Code was an interesting direction of travel. IMPRESS representatives confirmed that, with many publishers now operating across multi-media channels, their approach now explicitly includes consideration of all branded social media content.

They reported that this did raise a particular ethical point when editors published content on social media in a claimed "personal capacity". IMPRESS confirmed that they were undertaking further work on this with a view to issuing guidance in due course for example seeking to define the difference between paid promotional content and independent editorial content.

Noting the direction of travel above, the Board considered that on the basis of the evidence presented that IMPRESS continues to meet the requirements of Criterion 8B. The Board stressed that its conclusion was not dependent on the outcome of the further work noted above.

IMPRESS self-assessment and evidence in support for the current cyclical review

The PRP sought information from IMPRESS in relation to the following question:

(1) Please include any changes made to the regulatory scheme since the 2023 consultation. IMPRESS replied:

"Please see the document 'Regulatory Scheme Changes Board Paper' (DOC 8B.1. Regulatory Scheme Changes Board Paper) for a breakdown of the changes made to the Regulatory Scheme and the rationale behind each change."

PRP Executive assessment

IMPRESS introduced changes to its Regulatory Scheme in July 2023 following consultation.

The relevant clauses in section 2 now provide (changes are shown in underline)

2.1 *Impress requires publishers to uphold and adhere to the Impress Standards Code ('The Code'). The Code applies to all newsgathering activities and published content for which members are responsible regardless of the medium or platform of publication.*

2.2. The Code applies to the official social media accounts of publishers. It does not apply to the social media accounts of individual editors, journalists, or contributors, where those accounts are entirely separate from the publisher's official account and are not under the editorial control of a publisher.

2.4 If a publisher receives a complaint about user-generated content that is featured on its platform, they should assess the content at the earliest opportunity for illegal, extreme, or harmful content or if it otherwise breaches the Code. If necessary, it should be moderated and removed. If the publisher does not take further action, Impress may investigate whether the content, or the publisher's response to a complaint about it, breaches the Code.

Clause 3.7 of the Regulatory Scheme now provides:

Publishers are required to publicly disclose who is responsible for, and has editorial control over, their published content.

The preamble to the IMPRESS Standards Code also states that it applies to all forms of news delivery, including print publications, news websites and social media. It also sets out that the scope of journalism is broad and includes publishing content on the publisher's website and official social media accounts.

These changes provide greater clarity on accountability for published material.

The approach taken to advertising in the Code has not changed – IMPRESS guidance on clause 10 (transparency) states:

"*This clause relates to the responsibilities of publishers for published content, not to the content of advertisements which the Advertising Standards Authority regulates. Publishers should give due regard to industry marketing codes such as the UK Code of Non-broadcast Advertising and Direct & Promotional Marketing and the ICC Advertising and Marketing Code.*"

Recommendation

Having reviewed the evidence submitted by IMPRESS and in light of the above analysis, we consider that IMPRESS continues to meet this criterion.

Criterion 8C

A self-regulatory body should provide non-binding guidance on the interpretation of the public interest that justifies what would otherwise constitute a breach of the standards code. This must be framed in the context of the different provisions of the code relating to the public interest.

Indicator

- Guidance is provided in a way which makes it easily accessible

Summary of the PRP Board's conclusions from the previous cyclical review

The Board asked IMPRESS representatives for further information regarding the process for issuing non-binding guidance on the interpretation of the public interest. IMPRESS representatives confirmed that issues may be raised from a number of sources including:

- where a number of requests from members for advice on an issue created a trend
- where IMPRESS observed multiple breaches of the Code on the same issue

Once identified, the issue would be raised by the IMPRESS executive to the Code Committee on how best to address the issue. This might include developing resources, new guidance or providing specific advice.

IMPRESS representatives indicated that they were planning to create a more structured process around this work in the coming year including surveying members for issues as well as developing a content development plan.

Any advice was always rooted in the Code and was developed by the Code Committee, as an independent expert advisory group, with recommendations then being presented to the Board.

Taking into account IMPRESS' response and the evidence presented in the Executive's assessment, the Board considered that IMPRESS continues to meet the requirements of Criterion 8C. That conclusion was not dependent on the outcome of any further developments of the kind described above.

IMPRESS self-assessment and evidence in support for the current cyclical review

"*IMPRESS continues to publish non-binding guidance on the public interest in its [Guidance to the Standards Code.](#)*"

PRP Executive assessment

IMPRESS publishes guidance which includes references to specific scenarios and potential defences based on public interest in the Standards Code. See also the discussion in relation to criterion 8 above.

Recommendation

Having reviewed the evidence submitted by IMPRESS and in light of the above analysis, we consider that IMPRESS continues to meet this criterion.

Criterion 8D

A self-regulatory body should establish a whistleblowing hotline for those who feel that they are being asked to do things which are contrary to the standards code.

Indicator

- Concerns are welcomed, valued and treated seriously
- Individuals are not victimized for contacting the hotline
- Safeguards are in place to prevent victimization
- The regulator ensures that the hotline is easily accessible and available to anyone who might reasonably want to access it
- Concerns identified through the hotline are dealt with appropriately and effectively through mechanisms available to the regulator
- Confidentiality and anonymity are assured at all times, where requested
- The regulator demonstrates clear leadership and commitment to whistleblowing
- The regulator monitors and records data arising from any use of the hotline and learns from and acts appropriately on: concerns raised; action taken; and outcomes
- The regulator has appropriate tools to support individuals who raise concerns.

Summary of the PRP Board's conclusions from the previous cyclical review

The Board noted that IMPRESS continues to maintain a whistleblowing hotline and asked for further information regarding the dialogue between IMPRESS and Protect.

IMPRESS representatives stated that a review meeting was held between IMPRESS and Protect every six months. Operationally, Protect would refer a complainant to IMPRESS if the complainant wanted regulatory action to be taken. In practice, where this was the case, IMPRESS had found that complainants typically came straight to IMPRESS. The value that Protect added was in the advice that they could offer regarding the legal protections available to whistleblowers.

IMPRESS also confirmed that members are required to publicise the existence of the whistleblowing hotline to their employees and include it in their complaints policy.

The Board noted that neither the Criterion 8D nor the indicators require IMPRESS to publicise the existence of the whistleblowing hotline, only that it be in place. The Board were satisfied that IMPRESS continues to meet the requirements of Criterion 8D.

IMPRESS self-assessment and evidence in support for the current cyclical review

The PRP sought information from IMPRESS in relation to the following questions:

(1) How many calls have been received by the whistleblowing service? What was the outcome?

"There have been no calls to the whistleblowing service during the review period."

(2) Has any action been taken arising from calls to the whistleblowing service?

"*No further action has been taken"*

"Please note that we will be in contact in due course should our whistleblowing charity partner provide an update on the information above."

In December 2024 IMPRESS provided the additional information: "*We have received an update from our whistleblowing charity partner Protect, which we would like to add to our response to Criterion 8D in the Cyclical Review self-assessment matrix. Protect have confirmed that they received a range of 15-20 calls from the Impress free phone during the time period of February 2022 – November 2024.*

Protect offer practical and legal advice to empower callers with information so they can make an informed decision on how to proceed. None of the matters were referred directly over to Impress, and to preserve confidence no further information on the matters raised was shared with Impress for the period. Individuals are under no obligation to report the outcome of their matter to Protect, as Protect is an advice service and not a reporting line or investigatory function.

PRP Executive analysis

IMPRESS' whistleblowing hotline is published on its website. As stated, 15-20 calls have been made in the review period. Although none of these calls have then resulted in the individual following up directly with IMPRESS, this would be a matter for the individuals concerned and to that extent is outside of IMPRESS control. The IMPRESS Regulatory Scheme provides that IMPRESS can exercise its regulatory powers in relation to information received via its whistleblowing hotline.

Clause 2.2 of the Regulatory Scheme provides that:

"Publishers are required to publicise to their employees and contributors the IMPRESS whistleblowing hotline, and not to take any action to the detriment of anyone who uses the hotline or declines to breach the Code. Publishers are required to provide a specific contractual right for employees to act in this way free from any sanction."

Paragraph 5 of the Regulatory Scheme then confirms that IMPRESS may investigate potential Code breaches or breaches of its internal requirements whether in response to a complaint or not. Paragraph 5.5 allows documents to be redacted, described or summarised where appropriate without full disclosure to the publisher, and 5.6 allows them to take into account any request by the complainant to remain anonymous.

We asked IMPRESS to confirm what steps it takes to check that publishers comply with the whistleblowing requirements in paragraph 2.2 of the Regulatory Scheme and whether it had received any direct reports from employees of publishers that had not gone through the whistleblowing hotline (14.2 Request to IMPRESS for further information from the PRP.docx).

IMPRESS replied: *"During the onboarding process, publisher applicants are required to adopt Impress' template Complaints Policy (see 14.1). Template Complaints Policy), which includes a section titled 'Whistleblowing Rights of Employees and Contributors'. This section includes a commitment for the publisher to publicise the contact details of the Impress whistleblowing hotline to all their employees and contributors. Furthermore, once a publisher applicant is deemed compliant with Impress' requirements, we again prompt publishers (via the online onboarding process) to confirm they have alerted employees and contributors to the whistleblowing policy and their contractual right to use the hotline. Publishers confirm they continue to apply the policy when they confirm their statement of arrangements with Impress annually.*

We have not received any direct complaints or reports from employees of publishers that have not gone through the whistleblowing hotline."

Recommendation

Having reviewed the evidence submitted by IMPRESS and in light of the above analysis, we consider that IMPRESS continues to meet this criterion.

Criterion 9

The Board should require, of those who subscribe, appropriate internal governance processes (for dealing with complaints and compliance with the standards code), transparency on what governance processes they have in place, and notice of any failures in compliance, together with details of steps taken to deal with failures in compliance.

Indicators

- The regulator requires subscribers to have procedures in place for dealing with complaints and standards compliance, recording and reviewing of compliance failures (whether escalated or not) and remedial actions taken/ reports made
- The regulator requires the subscriber to nominate a senior individual to take responsibility for dealing and complying with the standards code
- The regulator requires subscribers to be transparent in their processes
- The regulator ensures that the subscriber's complaints mechanism manages conflicts of interest.

Summary of the PRP Board's conclusions from the previous cyclical review

The Board was advised that IMPRESS' requirements of its subscribers as regards having appropriate internal governance processes including for dealing with complaints and compliance with the standards code had not changed since the last cyclical review.

IMPRESS representatives stated that the rigour involved in the application process frequently caused potential members not to proceed with their application because they could not meet the requirements.

The Board noted the evidence that had been submitted and documents reviewed during the verification visit and were satisfied that IMPRESS continues to meet the requirements of Criterion 9.

IMPRESS self-assessment and evidence in support for the current cyclical review

The PRP sought information from IMPRESS in relation to the following questions:

(1) Please provide a breakdown of the number of applications (by publisher) for IMPRESS membership.

*"From February 2022 to October 2024, **63** publishers applied to be regulated by Impress."*

(2) Of those applications, please confirm how many were granted or refused and how many remain outstanding.

***"46** of these publishers successfully came under the remit of the Impress Regulatory Scheme. **10** dropped out during the onboarding process. **4** had their application to Impress accepted, however are still subject to completing the required compliance steps before they can be formally accepted as regulated members. **3** had their applications rejected by Impress."*

PRP Executive assessment

As set out under criterion 8b, IMPRESS has reviewed and amended its Regulatory Scheme in this cyclical review period. The revised Regulatory Scheme was published in July 2023. We have reviewed the Scheme to ensure that the revised version continues to include the appropriate requirements in relation to criterion 9. The relevant provisions are contained in section 3 'Internal Governance Requirements for Participating Publishers', section 4 'Complaints Handling by Participating Publishers' and section 10 'Compliance Records'.

We are satisfied that IMPRESS continues to:

- Require subscribers to have procedures in place for dealing with complaints and standards compliance, recording and reviewing of compliance failures (whether escalated or not) and remedial actions taken/ reports made (see 3.3, 4.1, 4.2, 10.1 and 10.2)

- Require the subscriber to nominate a senior individual to take responsibility for dealing and complying with the standards code (see 3.3)

- Require subscribers to be transparent in their processes

- Ensure that the subscriber's complaints mechanism manages conflicts of interest (see 3.3)

Further it remains a condition of membership to agree to comply with the terms of conditions of the regulatory scheme (see 1.1 (vi)).

IMPRESS has also made one addition to the Regulatory Scheme which is relevant to this criterion:

- A new requirement for publishers to display a dedicated complaints procedure link on their online platforms or column (if print publication) (Clause 4.1)

During the verification visit, we looked at a small selection of applications from publishers both successful and unsuccessful. The files showed that IMPRESS requires the following documents before granting approval:

- Signed copy of the Regulatory Scheme Agreement·
- Completion of a Statement of Arrangements by each publisher.
- Provision of a copy of each publisher’s complaints policy.
- Confirmation of the publisher’s company status and ownership structure.
- Turnover information.
- Initial compliance checklist.

Recommendation

Having reviewed the evidence submitted by IMPRESS and in light of the above analysis, we consider that IMPRESS continues to meet this criterion.

Criterion 10

The Board should require all those who subscribe to have an adequate and speedy complaint handling mechanism; it should encourage those who wish to complain to do so through that mechanism and should not receive complaints directly unless or until the internal complaints system has been engaged without the complaint being resolved in an appropriate time.

Indicators

- The complaints procedure is easily accessible.
- The regulator requires subscribers to have a mechanism for dealing with complaints which is adequate and speedy including that it should:
    - be publicised in a way which ensures that people who might wish to take advantage of it would know of its existence and how to use it;
    - identify when a complaint is being made;
    - facilitate the complainant's understanding of how the complaint relates to the code;
    - acknowledge receipt of the complaint and notify the complainant how the complaint will be handled in an appropriate timeframe share findings of investigations and conclusions with the complainant; and
    - if the complaint is not resolved, provide details on how the complaint can be referred to the regulator.
- The regulator has in place mechanisms which ensure that subscribers deal with complaints in a timeframe that is effective and proportionate for the subscriber and type of complaint, in accordance with performance indicators.
- The regulator requires subscribers to have an accessible complaints mechanism that considers vulnerable individuals and those who need additional support.

Summary of the PRP Board's conclusions from the previous cyclical review

The Board asked whether IMPRESS had experienced the situation where a complainant had made a complaint to them but did not want to make a complaint to the publisher directly. IMPRESS representatives said it was difficult for them to track whether a complainant, having been directed to complain directly to a publisher in the first instance, then proceeded to do so. However, they had had instances of a complainant informing them of a reluctance to raise the complaint with the publisher directly for a range of reasons. In these circumstances, IMPRESS offered a 'PO Box' service communicating on behalf of the complainant with the relevant publisher.

The Board noted IMPRESS' response as well the evidence submitted in the Executive's Assessment and were satisfied that IMPRESS continues to meet the requirements of Criterion 10.

IMPRESS self-assessment and evidence in support for the current cyclical review

The PRP sought information from IMPRESS in relation to the following question:

(1) Please can you provide details of any work you have undertaken to assure that subscribers are compliant with the requirements to make information available to the public regarding their membership of IMPRESS and the complaints system.

At the end of each financial year Impress contacts all regulated publishers to confirm that they continue to comply with the requirements outlined in the Impress Regulatory Scheme. The statistics on publishers' compliance failures are reported annually, please see the website for Annual Reports. In addition to this, Impress undertakes frequent spot checks throughout the year to monitor on-going publisher compliance on a quarterly basis.

Attached are Excel files for 2023-24 (complete) (DOC 10.1.1.) 2023-24 compliance checks) and 2024-25 (in progress) (DOC 10.1.2) 2024-25 compliance checks).

The new process ensures that all publications are checked twice per year in relation to five key requirements, with our annual returns process functioning as one of those checks during Q1. A third of all publications are then checked manually by Impress staff each of the following quarters. The five requirements reflect original core regulatory requirements as well as new features of the updated 2023 Regulatory Scheme, and they are:

- *Impress logo displayed*
- *Complaints information displayed and accessible*
- *Publicised mission statement*
- *Editorial transparency and/or attribution*
- *Continued publishing*

PRP Executive assessment

As discussed under criterion 9, the IMPRESS Regulatory Scheme and procedures contain the appropriate requirements to comply with this criterion.

These arrangements include provision that a complaint must first be considered by the subscriber to seek resolution before being brought to IMPRESS.

According to the IMPRESS annual reports, just under half (47%) of complaints received about its regulated publishers are rejected on the basis that the complainant had not sought to resolve their complaint with the publisher prior to contacting IMPRESS.

The IMPRESS complaints scheme requires that complainants first go through the publisher's complaint process. IMPRESS is clear on its website that complainants must raise their complaint with the publisher in the first instance. Our review of publishers' websites also demonstrated good compliance with the requirement to ensure that complaints information is displayed in an accessible way.

During the verification visit we discussed the possible causes of the high number of complainants coming directly to IMPRESS. IMPRESS stated that it considered that this was likely due to a lack of awareness amongst the public of press regulation generally and referred to its 2022 research on news literacy.

IMPRESS also stated that previously its logo as shown on its publishers' websites had contained IMPRESS' contact details which may have inadvertently encouraged complainants to contact it direct and this has now been corrected.

IMPRESS confirmed that it was not the case that significant numbers of complainants were having to come directly to IMPRESS because the publisher had ignored their complaint. IMPRESS stated that this was very rare, that the publisher was given feedback in these circumstances, and it had not occurred more than once with the same publisher during the review period.

In making our assessment, we have looked at the websites of 20 IMPRESS regulated publications (including both newer and more long-standing members and smaller and larger publishers) to check they were publicising the complaints procedures in an accessible way to ensure that people who might wish to take advantage of it would know of its existence and how to use it.

All 20 displayed the IMPRESS logo and displayed complaints information in an accessible way on their websites - usually on the home page.

Recommendation

Having reviewed the evidence submitted by IMPRESS and in light of the above analysis, we consider that IMPRESS continues to meet this criterion.

Criterion 11

The Board should have the power to hear and decide on complaints about breach of the standards code by those who subscribe. The Board will need to have the discretion not to look into complaints if they feel that the complaint is without justification, is an attempt to argue a point of opinion rather than a standards code breach or is simply an attempt to lobby. The Board should have the power (but not necessarily the duty) to hear complaints: a) from anyone personally and directly affected by the alleged breach of the standards code, or b) where there is an alleged breach of the code and there is public interest in the Board giving consideration to the complaint from a representative group affected by the alleged breach, or c) from a third party seeking to ensure accuracy of published information. In the case of third-party complaints, the views of the party most closely involved should be taken into account.

Indicators

- The complaints and escalation procedure:
    - Is publicised and explained in a way which makes it easily accessible.
    - Operates in a manner and on a timescale which ensures complaint adjudications are effective.
- The Board ensures that both parties understand how the complaint relates to the Code.

Summary of the PRP Board's conclusions from the previous cyclical review

The Board noted the statistics regarding case handling and enquired of the Executive as to whether the apparent increase in the length of time that investigations were taking was a cause for concern.

The Executive replied that, although the trend did appear to be upward, the average length of investigations was only outside of the timescale specified in IMPRESS Regulatory Scheme (42 days) for one of the three years within the cyclical review period. In and of itself, this did not represent a concern but would be something that IMPRESS would need to be responsive to should it recur. IMPRESS representatives also stated that, because of low case numbers, one case taking a disproportionately long time could skew the statistics when considering averages but confirmed that it was an issue that they were alive to in terms of keeping resourcing for investigations under review.

The Board noted the Executive's opinion and the further points made by IMPRESS and taking account of the evidence and analysis presented were satisfied that IMPRESS continues to meet the requirements of Criterion 11.

IMPRESS self-assessment and evidence in support for the current cyclical review

(1) Please provide a breakdown of the number of complaints IMPRESS has received from which category of complainant, how many were accepted, referred back to the publisher or otherwise not within IMPRESS's scope, the outcome of each complaint (including any sanctions) and the current number of cases still being considered at each stage of the process.

"*Impress received a total of 147 complaints during the period 1 February 2022 – 13 November 2024. Of these 147 complaints, 5 were accepted for investigation, 69 were rejected for not being within Impress' scope, 69 were referred to or resolved by the publisher, 1 was withdrawn by the complainant and 3 are currently open.*

Of the 147 complaints, 85 were submitted by a third party, 57 were submitted by an affected party and 5 were submitted by a representative group.

In relation to the 5 complaints accepted for investigation, 3 were upheld, 1 was upheld in part and 1 was dismissed.

Regarding the upheld cases, 1 ruling required the publisher to remove a video and publish a short clarifying statement in its place, 1 required the publisher to display a notice statement and link to the full adjudication, and 1 required the publisher to remove or amend a video. In the partially upheld case, the publisher was required to publish a summary of the finding and link to the full adjudication."

(Evidence: Further information on these complaint decisions can be found here)

(2) Please provide the mean and median length of time taken to deal with a complaint at each stage of the process (acceptance, investigation, adjudication) for each year in the review period

2023

The mean length of time between acceptance of an escalated complaint and completion of an investigation was 18 days.

The median length of time between acceptance of an escalated complaint and completion of an investigation was 14 days.

The mean length of time between completion of an investigation and issue of a proposed adjudication was 21 days.

The median length of time between completion of an investigation and issue of a proposed adjudication was 25 days.

The mean length of time between issue of a proposed adjudication and publication of a final adjudication was 16 days.

The median length of time between issue of a proposed adjudication and publication of a final adjudication was 10 days.

2024

The mean length of time between acceptance of an escalated complaint and completion of an investigation was 27 days.

The median length of time between acceptance of an escalated complaint and completion of an investigation was 27 days.

The mean length of time between completion of an investigation and issue of a proposed adjudication was 17 days.

The median length of time between completion of an investigation and issue of a proposed adjudication was 17 days.

The mean length of time between issue of a proposed adjudication and publication of a final adjudication was 28 days.

The median length of time between issue of a proposed adjudication and publication of a final adjudication was 28 days.

Overall (2023-2024)

The mean length of time between acceptance of an escalated complaint and completion of an investigation was 20 days.

The median length of time between acceptance of an escalated complaint and completion of an investigation was 21 days.

The mean length of time between completion of an investigation and issue of a proposed adjudication was 20 days.

The median length of time between completion of an investigation and issue of a proposed adjudication was 21 days.

The mean length of time between issue of a proposed adjudication and publication of a final adjudication was 19 days.

The median length of time between issue of a proposed adjudication and publication of a final adjudication was 19 days.

N.B. The average length of time between issue of a proposed adjudication and publication of a final adjudication was higher across the review period due to several applications to stay publication of the final adjudication. These are detailed below under Question 12A.”

(3) Please describe the steps IMPRESS has taken to ensure that the failings in dealing with the complaint 669/2023 Vanessa Boon and Derby News are not repeated? Impress Issues Apology For Service Standard Failure - Impress (impressorg.com)

The Impress team met with the Chair to discuss the existing documented internal staff complaints handling process. It was acknowledged that this case was exceptional in terms of complexity but there should nevertheless be a clear contingency plan in place for where challenges are made to a proposed adjudication. This has now been implemented, along with some further changes to improve the efficiency of the process overall.

The key change to the process document is at 'Step 10B – Comments from Parties or Stay of proceedings/Committee reconvened'. Impress has now included a paragraph explaining how to respond when a party to a complaint proposes significant changes to the wording of the Committee's proposed remedy.

Please see '11.31. Impress Complaints Process' (DOC 11.1). Impress Complaints Process) to view this change, along with further changes highlighted in yellow.

PRP Executive assessment

The appropriate powers required under this criterion are set in 8.2.3 of the Articles of Association and at parts 4 and 5 of the Regulatory Scheme. Relevant changes to the Regulatory Scheme during the review period are:

- Clause 2.3 has been amended to confirm that all complaints are decided on their own merits and on a case-by-case basis, and that the illustrative examples in the guidance to the Code do not anticipate the facts of previous complaints.
- A new clause 5.4 providing that a complainant may bring their complaint to Impress without waiting for the publisher's response if there is a risk of immediate harm to the complainant and the publisher has not taken prompt action to mitigate the harm.

(Marked version of the Regulatory Scheme)

We have noted the information provided by IMPRESS. IMPRESS has also confirmed that only one complaint was accepted for investigation in 2022, and that this fell outside of the review period (14.2 Request to IMPRESS for further information from the PRP.docx).

IMPRESS states in the Regulatory Scheme (6.10) that it aims to complete investigations within 42 calendar days. Overall, in the review period it appears to have met this target.

In response to our query on overall time frames, IMPRESS stated that:

The overall median time between acceptance of a complaint and publication of the adjudication was 70 days.

The overall mean time between acceptance of a complaint and publication of the adjudication was 66 days

6.11 of the Regulatory scheme states that all adjudications will be published within seven days of completion of the complaint. As set out above IMPRESS has stated that the overall time between adjudication and publication has increased during the review period due to applications to stay the final adjudication.

In its evidence provided in relation to criterion 12 A, IMPRESS referred to three such cases.

"Of the 5 investigations conducted, there were 3 applications to stay publication of a final adjudication, details of which are as follows:

• 570/2023 – A Complainant and The Stray Ferret

- The publisher strongly disagreed with the approach taken by the Regulatory Committee in this case which found against them and requested a stay to publication of the adjudication accordingly. The publisher then submitted further representations, and Impress judged that it would be necessary to reconvene a Regulatory Committee to consider these representations. The Committee provided some non-substantive clarification to the adjudication, but the original finding was upheld.

• 608/2023 – Laura Hitchcock and Dorset Eye

- The publisher requested to provide some additional representations in response to the proposed adjudication. Impress made a non- substantive amendment to the adjudication to further clarify the Committee's rationale and findings, but the outcome remained unchanged.

• 669/2023 – Vanessa Boon and Derby News

- The publisher was dissatisfied with the final adjudication and requested amendments to the clarifying statement it was required to publish. As a result of this, Impress offered the complainant an opportunity to respond to this. Impress then considered the parties' respective representations before publishing the final adjudication."

During verification we looked at a number of complaints files and confirmed that the processes set out in IMPRESS Regulatory Scheme were being followed.

We have noted the changes made to IMPRESS' internal process document to address the issues that arose in relation to the handling of complaint 669/2023 Vanessa Boon and Derby News. The document now makes clear that both parties should be informed of any significant changes to the wording of the Committee's proposed remedy:

> *"If a party (or both parties) proposes significant changes to the wording of the Committee's proposed remedy (i.e. a clarifying statement or apology), the Executive will communicate the proposed changes to the other party and allow that party an opportunity to respond. The Executive will clarify that upon receipt of this response, Impress will assess the proposal and decide whether any changes should be made to the adjudication accordingly. The final adjudication will then be issued to both parties with no further opportunity to respond." (Step 10b)*

Recommendation

Having reviewed the evidence submitted by IMPRESS and in light of the above analysis, we consider that IMPRESS continues to meet this criterion.

Criterion 12

Decisions on complaints should be the ultimate responsibility of the Board, advised by complaints handling officials to whom appropriate delegations may be made.

Summary of the PRP Board's conclusions from the previous cyclical review

The Board noted that a pool of supplementary Regulatory Committee members added both expertise and resilience to IMPRESS' Regulatory Committee structure supporting the quality and consistency of decision making.

The Board had no further comments and were satisfied the IMPRESS continues to meet the requirements Criterion 12.

IMPRESS self-assessment and evidence in support for the current cyclical review

"*Decisions on complaints continue to be the ultimate responsibility of the Board. The Board may also from time-to-time delegate complaints handling responsibility, as set out in the Articles of Association at 17, found on the website.*

Please see the website for the Impress Regulatory Scheme which sets out complaints and investigations powers.

The regulatory team that supports complaints handling administration and management is listed on the website.

Supplementary Regulatory Lay Committee members can sit on complaints committees alongside Board members. The terms of reference for the Regulatory Committee are available on the website, alongside the biographies of supplementary regulatory lay members."

PRP Executive Assessment

We have reviewed the current Regulatory Committee Terms of Reference, approved by the Board of IMPRESS in June 2024. The IMPRESS Board continues to delegate decision-making to the two Regulatory Committees that deal with complaints of publishers of different size (as measured by turnover) – see 2.1 of the Regulatory Committee Terms of Reference.

The Regulatory Committee Terms of Reference (4.2) continues to require the constitution of each Committee to include at least three non-executive members of IMPRESS. A Regulatory Committee may also include one lay member who is not on the Board, and shall be designated as either Committee A or Committee B.

The Terms of Reference are reviewed annually by the Board.

We note that the composition of each nominated committee shall be broadly reflective of the composition of the Board (4.5) and in nominating members to a committee, reference will be made to the Register of Interests to ensure that committees are independent and free from any conflicts of interest (4.6).

Finally, we note that decisions made by a Committee shall be reported to the Board as soon as practicable as it is the Board “which carries ultimate responsibility for them” (4.7).

Recommendation

Having reviewed the evidence submitted by IMPRESS and in light of the above analysis, we consider that IMPRESS continues to meet this criterion.

Criterion 12A

The Board should be prepared to allow a complaint to be brought prior to legal proceedings being commenced. Challenges to that approach (and applications to stay or sist) can be decided on the merits.

Summary of the PRP Board's conclusions from the previous cyclical review

The Board noted that although this circumstance had not been engaged in this cyclical review period, the IMPRESS Regulatory Scheme enabled complaints to be brought prior to legal proceedings with applications to stay or sist to be considered on their merits. Consequently, the Board were satisfied that IMPRESS continues to meet the requirements of Criterion 12A.

IMPRESS self-assessment and evidence in support for the current cyclical review

In response to the question in the matrix on this criterion. IMPRESS gave information on three cases where the complainants had asked for publication of the adjudication to be delayed whilst further representations were made. However, criterion 12A concerns circumstances where one of the parties brings an application to stay or (in Scotland) sist the complaints procedure whilst court proceedings are determined. The three cases are therefore discussed in relation to criterion 11 above. At the verification meeting, IMPRESS confirmed that it had received no applications to stay or sist during the review period.

PRP Executive assessment

IMPRESS' regulatory scheme continues to allow complaints to be brought prior to legal proceedings with applications to stay or sist to be considered on their merits.

Recommendation

Having reviewed the evidence submitted by IMPRESS and in light of the above analysis, we consider that IMPRESS continues to meet this criterion.

Criterion 13

> *Serving editors should not be members of any Committee advising the Board on complaints and should not play any role in determining the outcome of an individual complaint. Any such Committee should have a composition broadly reflecting that of the main Board, with a majority of people who are independent of the press.*

Indicator

- The regulator takes appropriate governance steps to ensure that serving editors do not advise on complaints or determine their outcome.

Summary of the PRP Board's conclusions from the previous cyclical review

The Board noted that no serving editors had been identified within the pool of persons eligible for selection to one of IMPRESS Regulatory Committees. The Board were also satisfied that the requirements of the Regulatory Committee Terms of Reference secured that membership of a Regulatory Committee was broadly reflective of the composition of the Board with the majority of members independent of the press. Consequently, the Board were satisfied that IMPRESS continues to meet the requirements of Criterion 13.

IMPRESS self-assessment and evidence in support for the current cyclical review

"Please see the website for biographies of all Regulatory Lay Panel members responsible for advising the Board on complaints. No serving editors sit on this panel.

Panellists are asked to declare any conflicts of interest regarding any matter when they are asked to join a committee to adjudicate on an investigation, and again at the commencement of a committee hearing by the committee Chair."

PRP Executive assessment

We have reviewed the biographies of the supplementary Regulatory Committee members and are satisfied that no serving editors are included. As noted under criterion 12, the Regulatory Committee Terms of Reference require that the composition of each nominated committee shall be broadly reflective of the composition of the Board (4.5).

At the verification visit IMPRESS described how they chose relevant Board members for individual adjudications to reflect the mix of those with experience of the industry and those without, to ensure that there were no conflicts of interest and that a majority of members were independent of the press.

Recommendation

Having reviewed the evidence submitted by IMPRESS and in light of the above analysis, we consider that IMPRESS continues to meet this criterion.

Criterion 14

> *It should continue to, be the case that complainants are able to bring complaints free of charge.*

Summary of the PRP Board's conclusions from the previous cyclical review

The Board noted that IMPRESS continue to enable complainants to bring complaints free of charge and were satisfied that the requirements of Criterion 14 had been met.

I IMPRESS self-assessment and evidence in support for the current cyclical review

"*It is still the case that complainants are able to bring complaints free of charge.*

Please see the website for the Impress Regulatory Scheme which does not require payment when complaints are brought to Impress under the scheme.

When upgrading our new website, a new application and onboarding process was introduced. No changes were made to the meaning of the complaints policy and procedure, or suggested complaints page wording, however the formatting was changed to accommodate these updated processes (e.g. updated Impress logo, domain, and formatting). (DOC 14.1. Template Complaints Policy)."

PRP Executive assessment

It is noted that the IMPRESS' arrangements allow complainants to bring complaints to IMPRESS free of charge and that paragraph 4.1 of the Regulatory Arrangements requires participating publishers to provide a first-tier complaints process free of charge.

Recommendation

Having reviewed the evidence submitted by IMPRESS and in light of the above analysis, we consider that IMPRESS continues to meet this criterion.

Criterion 15

In relation to complaints, where a negotiated outcome between a complainant and a subscriber (pursuant to criterion 10) has failed, the Board should have the power to direct appropriate remedial action for breach of standards and the publication of corrections and apologies. Although remedies are essentially about correcting the record for individuals, the power to direct a correction and an apology must apply equally in relation to a) individual standards breaches; and b) groups of people as defined in criterion 11 where there is no single identifiable individual who has been affected; and c) matters of fact where there is no single identifiable individual who has been affected.

Indicator

- The mechanisms for achieving appropriate remedial action are designed to be credible and effective (including sufficiently fast) and operate in that way.

Summary of the PRP Board's conclusions from the previous cyclical review

While IMPRESS' arrangements had not changed since the last cyclical review, IMPRESS provided updated examples of how it continues to meet this Criterion:

- Where there has been a complaint, IMPRESS continues to accept the complaint from a) anyone personally and directly affected by the alleged breach of the Code, b) where there is an alleged breach of the Code and there is public interest in the consideration of the complaint from a representative group affected by the alleged breach, or c) from a third party seeking to ensure accuracy of published information.

- The Regulatory Scheme Agreement also binds subscribers to adhere to any remedial directions by contract at paragraph 6 of schedule of schedule 1 and we note the updated corrections examples (15.01).

The PRP Executive Assessment also noted the steps IMPRESS had taken to ensure that the direction of remedial action is independent:

- Maintenance of a public register of interests.

- 7 Board members recused themselves from decision making for various reasons.

The Board reviewed the evidence and analysis provided in the Executive's Assessment and were satisfied that IMPRESS continues to meet the requirements of Criterion 15.

IMPRESS self-assessment and evidence in support for the current cyclical review

(1) Has IMPRESS directed any publication to issue an apology during the review period?

"*Impress has not directed any publication to issue an apology during the review period.*"

In relation to a further question as to how criterion 15 continues to be met (see doc X) IMPRESS replied

"Impress directed appropriate remedial action for complaints during the review period, in which breaches of the Standards Code were found. These complaints resulted in the removal of content and the publication of corrections and clarifying statements. Further details of the specific remedial action taken can be viewed via the Impress website here. Additionally, sections 7.3 and 7.4 of the Impress Regulatory Scheme refer to Impress' power to direct appropriate remedial action, and the relevant circumstances Impress will consider when determining the appropriate sanction to impose."

PRP Executive Assessment

The appropriate powers continue to exist in IMPRESS arrangements and have been exercised. Although we note that no apology has been ordered in the review period, the IMPRESS Board has the power to require one if it considers appropriate.

The Board will note the figures for time taken to deal with complaints during the review period discussed under criterion 11 and that the time from adjudication to publication of complaint has increased due to various challenges to the adjudication.

The numbers of accepted complaints are small, and it is difficult therefore to reach meaningful conclusion, but we saw no evidence of IMPRESS itself delaying the process in the files that we examined in the verification visit.

Recommendation

Having reviewed the evidence submitted by IMPRESS and in light of the above analysis, we consider that IMPRESS continues to meet this criterion.

Criterion 16

In the event of no agreement between a complainant and a subscriber (pursuant to criterion 10), the power to direct the nature, extent and placement of corrections and apologies should lie with the Board.

Summary of the PRP Board's conclusions from the previous cyclical review

The Board noted that, in the event that no agreement was reached between a complainant and IMPRESS member to resolve a complaint, the decision to direct the nature, extent and placement of corrections and apologies lies with one of the IMPRESS Regulatory Committees acting on behalf of the Board.

Based on the evidence submitted, the Board were satisfied that IMPRESS continues to meet the requirements of Criterion 16.

IMPRESS self-assessment and evidence in support for the current cyclical review

"*Please see the website for the Impress Regulatory Scheme which sets out the power to direct the nature, extent and placement of corrections and apologies.*

Please see the Impress Publisher Agreement template which requires regulated members to adhere to directions through adoption of the Impress Regulatory Scheme (DOC 16.1. Impress Regulatory Scheme Agreement)

The process for directing apologies and corrections can be found at paragraph 7.3 of the Regulatory Scheme.

Demonstration that subscribers are required to adhere to regulatory directions can be found at paragraph 3.1 of the Regulatory Scheme."

PRP Executive Assessment

We have reviewed the latest version of the Regulatory Scheme and are satisfied that it continues to include the power to direct the nature, extent and placement of corrections and apologies. In practice these powers continued to be delegated to the Regulatory Committees, as set out in relation to criterion 12. The Regulatory Scheme also provides that subscribers must adhere to regulatory directions (paragraph 3.1).

Recommendation

Having reviewed the evidence submitted by IMPRESS and in light of the above analysis, we consider that IMPRESS continues to meet this criterion.

Criterion 17

The Board should not have the power to prevent publication of any material, by anyone, at any time although (in its discretion) it should be able to offer a service of advice to editors of subscribing publications relating to code compliance.

Summary of the PRP Board's conclusions from the previous cyclical review

IMPRESS confirmed that, while they do receive requests to prevent the publication of content from time to time, they explain to the person that they do not have the power to act on these requests and it does not form part of the Regulatory Scheme Agreement.

The Board noted IMPRESS' additional comment and were satisfied on the basis of the evidence provided that IMPRESS continues to meet the requirements of Criterion 17.

IMPRESS self-assessment and evidence in support for the current cyclical review

"The Board does not have the power to prevent publication as set out in the Articles of Association at 7.4, found on the website.

Please see the website for the Impress Regulatory Scheme which sets out the power to direct the nature, extent and placement of corrections and apologies but does not give the Board power to prevent publication.

Please see the Impress Publisher Agreement template which requires regulated members to adhere to directions through adoption of the Impress Regulatory Scheme (DOC 16.1. Impress Regulatory Scheme Agreement).

Impress offers a service of advice to editors related to code compliance. Since 2021, Impress has reported on the number of requests for standards code advice it has received from Impress regulated publishers, in its annual report; see the website for annual reports."

PRP Executive assessment

We note that IMPRESS' Articles of Association (7.4) continue to make it explicit that IMPRESS does not have the power to prevent publication of any material. This is supported by the IMPRESS Regulatory Scheme which sets out the power to direct the nature, extent and placement of corrections and apologies but does not give the Board power to prevent publication. These arrangements are brought into effect through the requirement for IMPRESS regulated publishers to adhere to directions through adoption of the IMPRESS Regulatory Scheme.

We also note the service of advice offered to editors related to Code compliance. According to its annual report, IMPRESS received 21 standards enquiries from regulated publications in 2023/24, a 54% increase from the previous year.

Recommendation

Having reviewed the evidence submitted by IMPRESS and in light of the above analysis, we consider that IMPRESS continues to meet this criterion.

Criterion 18

> *The Board, being an independent self-regulatory body, should have authority to examine issues on its own initiative and have sufficient powers to carry out investigations both into suspected serious or systemic breaches of the code and failures to comply with directions of the Board. The investigations process must be simple and credible and those who subscribe must be required to cooperate with any such investigation.*

Summary of the PRP Board's conclusions from the previous cyclical review

The Board noted that Criterion 18 was concerned with the investigation of systemic *or* serious breaches of the Code and enquired of IMPRESS representatives how it interpreted those two categories and whether IMPRESS had any policy or internal guidance regarding what might trigger an investigation.

IMPRESS representatives referred to the two investigations that it had conducted: one that arose from multiple low-level concerns being identified in the public domain by IMPRESS (but without a specific complaint being made to IMPRESS) and another being raised in the findings of a report.

IMPRESS does not have a specific policy to determine what might trigger an investigation, but the threshold is low. In practice, the Executive is responsible for identifying potential issues which may require an IMPRESS initiated investigation and take the decision to the IMPRESS Board.

The Board asked whether IMPRESS had considered commencing an investigation but then did not proceed. IMPRESS representatives responded that only two investigations had been considered in this cyclical review period and both had gone ahead.

The Board enquired whether IMPRESS were able to take a proactive approach to investigate where there may be harm to individuals, particularly those without the capacity to make a complaint. IMPRESS responded that this was extremely difficult as they have only limited resource for proactive monitoring (although it was possible that the compliance returns may highlight something that IMPRESS may wish to investigate). This meant they were largely reliant on a significant event or multiple instances of a smaller event coming to their attention to trigger an investigation. That said, social media was beginning to offer a route for IMPRESS to undertake more proactive monitoring as individuals were beginning to tag instances of poor journalistic practice with #IMPRESS which then called IMPRESS' attention to situation.

The Board noted the challenges in practice in this area but were satisfied that IMPRESS continues to have the authority to investigate concerns on its own initiative in a simple and credible way requiring the cooperation of IMPRESS members. Consequently, the Board were satisfied that IMPRESS continues to meet the requirements of Criterion 18.

IMPRESS self-assessment and evidence in support for the current cyclical review

"The Board has the authority to examine issues on its own initiative and have sufficient powers to carry out investigations both into suspected serious or systemic breaches of the code and failures to comply with directions of the Board; this is set out in the Articles of Association at 6.6 and 8.2.13, found on the website.

The investigation process is set out at Part 5 of the Impress Regulatory Scheme; please see on the website. Please see the Impress Publisher Agreement template which requires regulated members to cooperate with any such investigation through adoption of the Impress Regulatory Scheme (DOC 16.1. Impress Regulatory Scheme Agreement)

Please see attached the internal investigations procedural guidance for more information on the process (DOC 18.1. Impress Initiated Investigations Process)."

1) Has IMPRESS instigated any investigations on their own initiative? If so, please provide details of the investigation and their outcome.

"Impress has conducted two initiated investigations during the review period, details of which are as follows.

***Case 511/2022** – Unity News Network - Impress received a media enquiry about a Twitter post by one of its regulated publishers, Unity News Network, which had been retweeted by former footballer Matt Le Tissier. The retweet had gained significant attention in some major UK news outlets. Considering the seriousness of the subject matter (Ukraine-Russia war), Impress decided to undertake a wider examination of all the posts made from the Publisher's official Twitter account between 1 March 2022 and 31 May 2022. Through examination of these Tweets, the Executive determined that two key themes were prevalent in the subject matter of the Publisher's social media output: reporting on the Covid-19 vaccine and the Ukraine-Russia conflict. After establishing that there were items within Impress' remit for consideration, the Regulatory Committee found that the Publisher breached clause 1 – Accuracy of the Impress Standards Code in relation to 10 of the 12 items investigated. It further found that the Publisher had breached its obligations under its Agreement with Impress. The Committee agreed therefore that the proportionate remedy in this matter would be to end the Publisher's Regulatory Scheme agreement with Impress without notice.*

Case 708/2024 *– 5Pillars UK - Concerns were raised via Twitter/X by a member of the public about a short 23-second video clip taken from an episode of a podcast called 'Blood Brothers' by 5Pillars UK. The episode was an interview with Mark Collett, who the publisher described as 'the controversial white ethno-nationalist and founder of the British far-right group Patriotic Alternative'. Considering this growing social media attention surrounding the Tweet/X post by the individual raising concerns about the publisher's content in question, as well as the subject matter concerned, the decision was made to conduct an assessment of the content. A Regulatory Committee later considered both the short video clip in question and other footage within Impress' remit for consideration from the full podcast episode and found that the publisher had breached Clause 4.3 – Discrimination of the Impress Standards Code in relation to the material investigated. The publisher was required to amend or remove the podcast in light of the Committee's findings. The publisher was also required to display a Notice of Adjudication statement with a link to the full adjudication on their website homepage for 48 hours. The publisher was also required to include this notice statement on the podcast episode webpage for as long as it continued to be published in its current form."*

The full adjudications of these two Impress-initiated investigations can be found on the Impress website:

https://www.impressorg.com/standards/initiated-investigations/investigation-decisions/"

PRP Executive assessment

We have noted the details of the investigations carried out by IMPRESS during this cyclical review period. We note that Unity News Network failed to co-operate with the investigation despite the requirements of the Regulatory Scheme and that its membership was terminated by IMPRESS.

The investigation powers and process remain in the IMPRESS regulatory arrangements, subject to one change.

Although clause 6.1 of the IMPRESS Regulatory Scheme (see appendix 1 to IMPRESS Regulatory Scheme Final Changes Doc) states that "*IMPRESS may investigate potential Code breaches or breaches of its internal requirements whether in response to a complaint or not",* clause 6.2 of the Regulatory Scheme inserted in 2023 clarifies the circumstances in which IMPRESS may launch an investigation as follows:

6.2. Impress may consider launching an investigation on its own initiative if:

• it has concerns about a potentially serious or systematic breach of the Code; or

• there is a significant public interest in initiating an investigation; or

• it receives a high volume of complaints about a similar issue or related issue.

This section does not specifically mention IMPRESS' power to launch an investigation for failures to comply with directions of the IMPRESS Board which is contained in the IMPRESS Articles of Association.

We raised this matter with IMPRESS who stated that they considered that the power was covered by the wider drafting in 6.1.

We consider it unlikely that any publisher could successfully challenge IMPRESS' power to bring an investigation under 6.1 given that the circumstances in 6.2 are not stated to be exclusive and that it can be argued that ensuring that a regulated publisher meets the regulatory requirements is in the public interest.

Recommendation

Having reviewed the evidence submitted by IMPRESS and in light of the above analysis, we consider that IMPRESS continues to meet this criterion.

Criterion 19

The Board should have the power to impose appropriate and proportionate sanctions (including but not limited to financial sanctions up to 1% of turnover attributable to the publication concerned with a maximum of £1,000,000) on any subscriber found to be responsible for serious or systemic breaches of the standards code or governance requirements of the body. The Board should have sufficient powers to require appropriate information from subscribers in order to ascertain the turnover that is attributable to a publication irrespective of any particular accounting arrangements of the publication or subscriber. The sanctions that should be available should include power to require publication of corrections, if the breaches relate to accuracy, or apologies if the breaches relate to other provisions of the code.

Summary of the PRP Board's conclusions from the previous cyclical review

The Board enquired as to what would trigger IMPRESS to issue a fine. IMPRESS representatives replied that it would be the 'serious' or 'systemic' type concern described under Criterion 18. The Executive noted that IMPRESS did not currently have any indicative sanctions guidance which may be an area to consider for the future. IMPRESS responded that this may be something to consider in the future subject to having sufficient experience of the operation of complaints and investigations to inform such a document given the still relatively low numbers of complaints being dealt with.

Notwithstanding that IMPRESS have not to date issued a financial sanction, the Board were satisfied that IMPRESS had the power to do so (as well as to require corrections and apologies) and were therefore satisfied that IMPRESS continues to meet the requirements of Criterion 19.

IMPRESS self-assessment and evidence in support for the current cyclical review

"*There has been no change to this criterion since the Cyclical Review 2022.*

The Board has the authority to record and publish breaches of the standards code Articles of Association at 6.4, found on the website and are published, please see the website Annual Reports.

The investigation process is set out at Part 7 of the Impress Regulatory Scheme; please see on the website. Regulatory scheme agreement."

PRP Executive assessment

IMPRESS continues to have the powers required by criterion 19 but has not yet imposed a financial sanction on a publisher. IMPRESS would become aware of serious or systematic breaches by publishers via:

- The complaints and allegations that it receives in relation to a publisher.
- IMPRESS annual request to each publisher to report and identify any breaches of IMPRESS standards and the steps taken to remedy them (see criterion 9).
- Any investigations launched on its own initiative.

Regulated publishers are required to disclose information to IMPRESS in order for it to ascertain turnover under clause 3.1 of its Regulatory Scheme, which provides that:

"*Publishers (and those for whose conduct or for whose material they are legally responsible or control) are required to actively cooperate with Impress in the discharge of its regulatory functions. Amongst other requirements, this means that they should provide Impress with all the information and documentation that may be required to enable Impress to perform its regulatory functions. Publishers are required to comply with directions issued by Impress relating to this regulatory scheme."*

We asked IMPRESS whether it had issued guidance on the circumstances on which it would consider imposing a financial sanction on a publisher as suggested by the PRP Board at the last cyclical review.

IMPRESS replied (14.2 Request to IMPRESS for further information from the PRP.docx) *"Given the low volumes of outcomes and sanctions issued in the review period, Impress has not yet determined that such guidance is necessary. Impress will always be open to reviewing this position should circumstances require it. "*

The PRP Board will note that there is no requirement to issue such guidance in the criterion.

In practice, given the lack of any statutory incentive for publishers to join in an independent regulator, and the fact that IMPRESS's regulated community is overwhelmingly made up of small online publications, we do not find it surprising that no fine has been imposed to date. Nevertheless, IMPRESS has the appropriate powers in place to issue a financial penalty should it consider appropriate.

Recommendation

Having reviewed the evidence submitted by IMPRESS and in light of the above analysis, we consider that IMPRESS continues to meet this criterion.

Criterion 19A

> *The Board should establish a ring-fenced enforcement fund, into which receipts from financial sanctions could be paid, for the purpose of funding investigations.*

Summary of the PRP Board's conclusions from the previous cyclical review

IMPRESS representatives confirmed that they had not had to call on the ring-fenced investigations fund to date however it was available should they, for example, need an external expert or other support to investigate a specific case that was not available in-house. One scenario that IMPRESS had considered was if there was a very large amount of content to review as part of an investigation which would require more resource than was available in IMPRESS' Regulatory Team.

The Board noted that it was only concerned with the establishment of the fund, not the details of its disposal. The Board were therefore satisfied that IMPRESS continues to meet the requirements of Criterion 19A.

IMPRESS self-assessment and evidence in support for the current cyclical review

(1) Can you confirm the continued existence of the fund and its current balance?

"Yes, the fund still exists. As no fines have been issued to nor collected from any regulated publisher, the fund amount has remained constant."

PRP Executive assessment

We note that this ring-fenced fund remains in place and has been constant at £50,000 given that no financial sanctions have been issued. So far the cost of investigations has been paid from IMPRESS' general administrative budget.

Criterion 20

> *The Board should have both the power and a duty to ensure that all breaches of the standards code that it considers are recorded as such and that proper data is kept that records the extent to which complaints have been made and their outcome; this information should be made available to the public in a way that allows understanding of the compliance record of each title.*

Summary of the PRP Board's conclusions from the previous cyclical review

The Board were satisfied that IMPRESS continued to meet the requirements of Criterion 20 as the appropriate information is contained in their annual reports and published on their website.

IMPRESS self-assessment and evidence in support for the current cyclical review

"*There has been no change to this criterion since the Cyclical Review 2022.*

The Board has the authority to record and publish breaches of the standards code Articles of Association at 8.2.5 and 8.2.14, found on the website and are published, please see the website Annual Reports.

The investigation process is set out at Part 10 of the Impress Regulatory Scheme; please see on the website Regulatory scheme agreement."

PRP Executive assessment

We have noted IMPRESS evidence and have verified that the appropriate information is contained in their annual reports and published on their website.

Recommendation

Having reviewed the evidence submitted by IMPRESS and in light of the above analysis, we consider that IMPRESS continues to meet this criterion.

Criterion 21

The Board should publish an Annual Report identifying: a) the body's subscribers, identifying any significant changes in subscriber numbers; b) the number of: (i) complaints it has handled, making clear how many of them are multiple complaints, (ii) articles in respect of which it has considered complaints to be without merit, and (iii) articles in respect of which it has considered complaints to be with merit, and the outcomes reached, in aggregate for all subscribers and individually in relation to each subscriber; c) a summary of any investigations carried out and the result of them; d) a report on the adequacy and effectiveness of compliance processes and procedures adopted by subscribers; and e) information about the extent to which the arbitration service has been used.

Indicators

- Annual Report is easily accessible.
- Annual Report is published annually.

Summary of the PRP Board's conclusions from the previous cyclical review

The Board was satisfied that IMPRESS' Annual Reports continued to meet the requirements set out in Criterion 21 and accordingly IMPRESS continued to meet that Criterion.

IMPRESS self-assessment and evidence in support for the current cyclical review

"IMPRESS continues to publish an annual report, please see the website Annual Reports"

PRP Executive assessment

IMPRESS has published three annual reports since the last cyclical review. We have reviewed each report and identified that all the required information is included.

Recommendation

Having reviewed the evidence submitted by IMPRESS and in light of the above analysis, we consider that IMPRESS continues to meet this criterion.

Criterion 22

The Board should provide an arbitral process for civil legal claims against subscribers which: (a) complies with the Arbitration Act 1996 or the Arbitration (Scotland) Act 2010 (as appropriate); (b) provides suitable powers for the arbitrator to ensure the process operates fairly and quickly, and on an inquisitorial basis (so far as possible); (c) contains transparent arrangements for claims to be struck out, for legitimate reasons (including on frivolous or vexatious grounds); (d) directs appropriate pre-publication matters to the courts; (e) operates under the principle that arbitration should be free for complainants to use (note 1); (f) ensures that the parties should each bear their own costs or expenses, subject to a successful complainant's costs or expenses being recoverable (having regard to section 60 (note 2) of the 1996 Act or Rule 63 of the Scottish Arbitration Rules (note 3) and any applicable caps on recoverable costs or expenses); and (g) overall, is inexpensive for all parties.

Notes:

1. *The principle that arbitration should be free does not preclude the charging of a small administration fee, provided that: (a) the fee is determined by the Regulator and approved by the Board of the Recognition Panel; and (b) the fee is used for the purpose of defraying the cost of the initial assessment of an application and not for meeting the costs of determining an application (including the costs of the arbitration).*
2. *Section 60 (Agreement to pay costs in any event): An agreement which has the effect that a party is to pay the whole or part of the costs of the arbitration in any event is only valid if made after the dispute in question has arisen.*
3. *The Rules are set out in Schedule 1 to the Arbitration (Scotland) Act 2010. Rule 63 (Ban on pre dispute agreements about liability for arbitration expenses) M: Any agreement allocating the parties' liability between themselves for any or all of the arbitration expenses has no effect if entered into before the dispute being arbitrated has arisen.*

Indicator

- The regulator either itself provides, or has in place arrangements to ensure that someone else will on its behalf provide, the arbitral process.

Paragraphs 6 and 7 of Schedule 2 of the Charter state:

6. As part of its cyclical review of a Regulator the Board of the Recognition Panel may:

a) call for (or receive voluntarily from a Regulator) evidence from that Regulator about the fairness, effectiveness and sustainability of its arbitral process (including any small administration fee) and its complaints handling (to the extent that this interacts with the arbitral process), including from any assessment of these arrangements that the Regulator has undertaken, and b) seek evidence on the matter from third parties.

7. Where the Board has received such evidence as part of a cyclical review, it shall consider that evidence, and publish its conclusions on the fairness, effectiveness and sustainability of the Regulator's arbitral process. Such conclusions may include:

a) recommendations about or revisions to the Recognition Panel's policies and guidance on the operation of criterion 22 (published in accordance with paragraph 13 (policies and guidance) of this Schedule); b) directions to the Regulator to amend any small administration fee; or c) that where it determines the requirement to provide an arbitral process causes serious financial harm to subscribers who publish only on a local or regional basis, the Recognition Panel may allow recognition to continue on the basis that such subscribers may, but need not, participate in the Regulator's arbitral process. Criterion 22 shall be interpreted accordingly.

Summary of the PRP Board's conclusions from the previous cyclical review

Given the low number of requests for arbitration during the previous cyclical review period, the Board noted the challenges regarding the depth of evidence available against which to assess ongoing compliance with Criterion 22. Regarding the one case which had incurred both disproportionate time and cost, the Board noted that it was difficult to draw firm conclusions from a single case however there were clearly lessons to be learnt.

IMPRESS representatives confirmed that the review that had been commissioned into the IMPRESS Arbitration Scheme was making progress, and they intended to bring forward proposals for consultation later in the year (which would include the PRP).

Notwithstanding the challenges associated with this one case and the potential opportunities for improvement that it highlighted, the Board were satisfied that IMPRESS' Arbitration Scheme did meet the requirements of Criterion 22 and that IMPRESS therefore continues to meet that Criterion.

IMPRESS self-assessment and evidence in support for the current cyclical review

The PRP sought information from IMPRESS in relation to the following questions:

(1) Please provide details of the changes in the arbitration scheme following the 2023 consultation.

"*Changes to the Arbitration Scheme (now titled the Regulated Publishers Arbitration Scheme) and the rationale behind the changes have been appended (DOC 22.1. Changes to the Impress Regulated Publishers Arbitration Scheme). A copy of the new Scheme Rules has also been provided (DOC 22.2. Impress Regulated Publishers Arbitration Scheme Rules*)."

(2) How will the recent opening up of the arbitration scheme for non-members impact on the scheme for members?

"*Impress conducted a public consultation on the scheme changes on 15 June 2023 which ran for 3 weeks, during that period we did not receive any responses from Impress regulated publishers. We have not had further representations from Impress regulated publishers on the new scheme*."

(3) Have there been any requests for arbitration during this review period? If so, please provide the number of those requests accepted, referred to the arbitrator and the final outcomes (if completed). Please also provide the number of those requests which were rejected giving the rationale for each decision

"Impress received one request for arbitration which was rejected (stayed until further notice) – Alex Bailey and Dorset Eye.

- The claimant made a request for arbitration on the basis of malicious falsehood, harassment and defamation. A Regulatory Committee was convened to determine whether this request for arbitration met Impress' administrative criteria for arbitration. Ultimately, in consideration of a concurrent police investigation regarding some of the matters raised by the claimant, the Committee decided to stay any consideration of arbitration until further notice."

(4) Have members or complainants expressed any concerns regarding the operation of the arbitration scheme during this review period? If so, please provide the details.

"*We have received no further representations from Impress regulated publishers regarding the operation of the scheme."*

PRP Executive assessment

During this cyclical review period IMPRESS has completed its first review of the arbitration scheme and has made a number of changes as a result. According to IMPRESS, the changes made "reflect the latest legal and technological developments in arbitration, as well as feedback on the Scheme in action from various stakeholders including the independent panel of arbitrators and users of the Scheme" (IMPRESS Annual Report 2023/24).

Following a 3-week consultation in June 2023, the changes took effect in February 2024 through the new Impress Regulated Publishers Arbitration Scheme Rules (DOC 22 in the IMPRESS Matrix).

They include:

- An addition to clause 2 to clarify which is the applicable law, based on where the arbitration is held.
- An amendment to clause 6 to make clear the role of Impress in providing administrative support to the arbitration to ensure effectiveness and efficiency.
- An addition to clause 10 aimed at reducing the overall cost of the scheme to Impress where appropriate, based on the proportion of work undertaken by the arbitrator.
- Removal of former scheme clause 12(b) as legal representation is not presumed under the scheme.
- A new clause to clarify Impress' administrative role with the purpose of making the scheme more efficient and less costly.
- Clause 15 is replaced with expanded and amended clause 16. It emphasises that each party's case must be made clear at the earliest stage in the arbitration, and the arbitrator will facilitate this with early directions.
- A non-substantive amendment: clause 17 replaces former scheme clause 16 and includes wording from former scheme clause 15.
- A new clause which makes clear the purpose of the scheme is to provide a fair and low-cost alternative to litigation, therefore if costs of participation in the arbitration scheme become disproportionate to the issues and sums at stake the arbitrator has powers to mitigate and manage those costs.

- A new clause which gives additional powers to the arbitrator to manage the arbitration practically and efficiently where a claim does not meet the threshold for strike out but nevertheless is unlikely to be strong.

- An amendment to the equivalent former clause 18, which refers to the new Impress mediation scheme.

- Two new sub-clauses have been added to the empower the arbitrator to strike out a claim in the following circumstances:
  a) where the claimant sets out an additional part to their claim after the first stage where their full case should have been made to the arbitrator and
  h) where the claim can only be or is better resolved by a court, such as a difficult point of law or difficult dispute of fact. The clause clarifies that the struck-out claim may still be pursued via litigation.

IMPRESS' stated aims (Annual Report 2023-24) through these changes are to:

- Clarify IMPRESS' role throughout the arbitration process to help ensure the scheme is low-cost, independent, effective and efficient;

- Reduce the administrative cost of the scheme borne by Impress where proportionate;

- Clarify that legal representation is not a requirement of the Scheme, particularly to reduce costs to the parties;

- Empower the arbitrator to ensure cases are straightforward and practical;

- Empower the arbitrator to ensure that costs to parties are mitigated and kept low; and

- Empower the arbitrator to strike out the case where it is better suited for court.

We note the changes made and their stated aims. It is too soon to determine whether the changes will deliver against these aims however in principle we can see that the changes may contribute to the fairness, effectiveness and sustainability of the scheme.

Further we note that IMPRESS received only one request for arbitration which was rejected (stayed until further notice). This decision was taken by a Regulatory Committee due to the concurrent police investigation which was taking place in relation to some of the matters raised by the claimant.

IMPRESS stated during the first verification visit that as the police have now confirmed that the investigation has concluded the complainant has asked for the application for arbitration to be reinstated and it will be placed before a Regulatory Committee to decide whether it should proceed.

During the call for information process, a letter was sent to all IMPRESS publishers asking for any experience that they had of the IMPRESS regulatory scheme. No replies were received on that point.

Recommendation

We do not consider that there is sufficient evidence available to recommend that the PRP Board reaches any of the conclusions envisaged in 7 of Schedule 2 of the Charter. (Recommend revisions to our policies and guidance on the operation of criterion 22, give directions to the IMPRESS to amend any small administration fee or find that arbitral process causes serious financial harm to subscribers).

We received no new evidence in response to the call for information or the letter sent to IMPRESS regulated members asking for comments on the arbitration scheme. Given the small number of complaints received by IMPRESS, we do not consider that the fact only one request for arbitration was received during the review period is in itself evidence that drives us to any conclusions.

We note however that the changes made to the IMPRESS arbitration scheme following its consultation have the potential to encourage a more effective process.

Having reviewed the evidence submitted by IMPRESS and in light of the above analysis, we consider that IMPRESS continues to meet this criterion.

Criterion 23

The membership of a regulatory body should be open to all publishers on fair, reasonable and non-discriminatory terms, including making membership potentially available on different terms for different types of publisher.

Indicators

- Any variation in terms for different types of publisher needs to be such as to facilitate membership on fair, reasonable and non- discriminatory terms.
- Those terms need properly to take into account matters such as the financial position of a publisher.

Summary of the PRP Board's conclusions from the previous cyclical review

The Board were satisfied that IMPRESS' fees regime meant that membership was open to all publishers on fair, reasonable and non-discriminatory terms from a financial perspective.

The Board noted the guidance that IMPRESS was providing to new Board and Committee members regarding use of social media while holding a position with a regulatory body. The Board noted that the number of individuals making tweets which could give rise to a potential concern had significantly reduced.

The Board agreed with the Executive's assessment that it remained dissatisfactory that social media commentary continues to be a theme in the consideration of IMPRESS compliance against Criterion 23 (especially given that it is easily avoidable). Nevertheless, the Board were satisfied that IMPRESS continues to meet the requirements of Criterion 23.

IMPRESS self-assessment and evidence in support for the current cyclical review

"*Membership of the regulatory body is open to all publishers on fair, reasonable and non-discriminatory terms; different types of publisher are not subject to different terms."*

IMPRESS provided a link to the current directory of Impress regulated publishers and publications.

IMPRESS provided a link to information on its website on how a publisher can become a regulated publisher.

"The original compliance report for processing all applications to regulation remains the same. Per the changes to the Impress Regulatory Scheme, two new compliance requirements – Corrections page and Mission statement – were added to the onboarding process for accepted applicants (see 'New onboarding requirements' (DOC 23.1. New onboarding requirements) for a screenshot and 'Regulatory Scheme Changes Board Paper' (DOC 8B.1. Regulatory Scheme Changes Board

Paper for details).”

In addition, the PRP sought information from IMPRESS in relation to the following questions:

(1) Please provide an update regarding the steps you have taken or are taking to ensure that IMPRESS is and is perceived to be open to all publishers on fair, reasonable and non-discriminatory terms in public statements made by IMPRESS, its Board members and executive during this review period.

“Impress has not received any complaints or concerns about any public statements made by Impress representatives. Specifically, no publisher who would ever consider subscribing to an approved regulator, has ever cited public statements made by an Impress representative as a reason for not making an application to join Impress.

Impress continues to adopt its Code of Conduct which includes specific provisions about the making of public statements. This is annually reviewed and discussed by the Board, the last review having been completed in July 2024. Following the most recent review of the Code of Conduct an email was sent out to all Impress representatives, specifically reminding them of the public statement provisions under the Code.

The recruitment and appointment of all Impress representatives includes a due diligence process to ensure understanding and compliance with the Code of Conduct. For example, all new Board and Committee members are invited to review their social media accounts and are sent a copy of the Impartiality Review undertaken by Impress in 2017, as part of the appointment process. Impress’ internal training questionnaire was also sent out to all new representatives to remind them of their obligations under the Code.

When considering reappointment nominations of Board members, the Appointment Panel considered any issues concerning public statements made by candidates where they were deemed relevant.

Before participating in any regulatory decision-making function whether it be an agenda item on a Board meeting or a regulatory committee meeting to adjudicate on a complaint, all participating Impress representatives are required to declare any conflicts of interest and to recuse themselves from decision making if conflicts arise. This is a standing agenda item on all Impress meetings, In the case of decisions made by regulatory committees, the executive proactively considers any conflicts of interest or perceived conflicts of interest and advises the Chair of these before any representative is appointed to sit on a specific committee. This includes an email being sent to all prospective committee members to advise them of any specific issues or parties that are relevant to a case, so that they can recuse themselves where a conflict of interest arises. Final decisions about whether to recuse an individual are made by the Chair.”

(2) Has IMPRESS received representations from any members or publishers that were potential members to the effect that any of the terms of membership are not fair, reasonable or non- discriminatory or that, in the case of a potential member, an application had been deterred for any other reason connected with the terms, procedures, subscription rates or personnel of IMPRESS? If so, please provide details (anonymised if necessary).

"No."

(3) Confirm the number of publishers that have left the IMPRESS regulatory scheme and provide the reasons given to you by such publishers for leaving.

"From February 2022 to October 2024, a total of 27 publishers left the Impress Regulatory Scheme. Of these, 16 had ceased publishing, 5 had their contracts terminated due to non-compliance or non-payment, 4 triggered their notice period or did not renew at the end of their original agreement, 2 relocated outside of the UK."

PRP Executive assessment

IMPRESS fees to publishers remain at the level set following its consultation in 2019 (0.1% of a publisher's turnover, with a fixed fee of £50.00 a year for publishers with turnover of £50,000 or less). IMPRESS has confirmed that it has received no representations from actual or prospective members as to the fees being a deterrent to membership (including in response to its annual fee consultations).

We therefore consider that from a financial point of view IMPRESS' membership terms are fair reasonable and non-discriminatory, providing as they do a very low rate for the smaller publications.

In previous cyclical reviews we have drawn attention to comments (or "likes" of similar comments) made by members of the IMPRESS Board and Committees on social media which are highly critical either of the press in general or of particular newspapers in particular.

The concern has been that such remarks could give the impression, or in fact mean, that IMPRESS membership was not open on fair, reasonable and non-discriminatory terms, particularly to any publishers mentioned.

Although as IMPRESS has set out, it has made efforts to remind Board and other committee members of their obligations under the IMPRESS Code of Conduct, some similar remarks have continued to be made during the review period. In this respect we would comment as follows:

- It is perhaps inevitable that the type of person that would be attracted to a non - executive role at IMPRESS would be someone with strong views on the press and press regulation in particular.

- In that context, remarks about the press in general and the need for regulation and higher standards (even if expressed in strong terms) are hardly surprising, and in our view unlikely to deter any publisher that would realistically have an interest in joining IMPRESS.

- In our view the issue deserves more scrutiny if a particular publisher is mentioned on unfavourable terms.

- We consider that comments by IMPRESS Board members and Supplementary Regulatory Committee members should be the primary consideration, as these members will potentially make adjudication decisions that will affect individual publishers, as opposed to members of the Code Committee or Appointment Panel who will not. This matches the position that the Board has taken in previous cyclical reviews.

In that context, we would comment that in the review period Board members we have identified only one tweet from one Board member, Shelina Janmohamed, adversely mentioning a publication (the Daily Telegraph).

In relation to the Supplementary Regulatory Committee:

One member, Dr Rachel Matthews, has "liked" eight tweets by others criticising the Mail, the Times, the Mail Online, Reach Publishers and the Sun. There was one retweet of a comment critical of the Sun.

Another member Liz Munro "liked" three tweets by others criticising the Herald, the Express and the Daily Mail.

We should also add that Brian Phelan a member of the Appointment Panel has been regularly critical in social media of the Guardian Newspapers decisions to sell the Observer and has tweeted in support of the Guardian journalists strike. He has also tweeted in criticism of the handling of the alleged unlawful hacking cases by News International.

Copies of these tweets are at (IMPRESS Tweets.docx).

We would also mention that Mat Walsh, a member of the IMPRESS Code Committee has also tweeted, liked or retweeted a number of messages critical of mainstream publications such as The Sun and the Telegraph. These are not included in the list.

As stated above, we consider that the activity by Board members or Supplementary Regulatory Committee members would be more likely to be reasonably considered as possibly deterring potential applicants, and the activity has concerned publications that have made it clear that they will not apply to IMPRESS for wider reasons relating to press regulation.

We would also add that, whatever the perception, were one of these major publications to actually apply to IMPRESS, they would no doubt be welcomed (provided that they were prepared to abide by the IMPRESS Regulatory Scheme). IMPRESS has procedures for Board or committee members to recuse themselves from any decision where there may be a conflict of interest and no doubt these would be brought into operation if appropriate.

Whilst IMPRESS clearly needs to keep on top of these issues, we do not consider that they are sufficient to mean that IMPRESS is not complying with this criterion. We have noted the measures that IMPRESS has taken to seek to ensure that its standards relating to public statements in paragraph 6.4 of its Code of Conduct are enforced.

As discussed in relation to criteria 6 and 18, during the review period two publishers Unity News Network and 5Pillars left IMPRESS membership following investigations and findings against them by IMPRESS.

The Unity News Network statement announcing that it was no longer an IMPRESS member says that IMPRESS' decision to investigate it and its social media output amounted to attempted editorial control and a restriction on free speech.

In its decision to exclude Unity News Network, IMPRESS stated

"*The Code does not create an absolute duty to publish only incontrovertibly true facts. Instead, it means that publishers must take such steps that are reasonable in the circumstances to verify the truth of the information presented. Furthermore, IMPRESS's members are in a fundamentally different position from broadcasters such as the BBC: publishers are free to present their own opinions on the issues of the day and they are not required to engage in 'balanced' or 'impartial' reporting. Even so, the Code requires members to ensure the information underpinning the expression of their opinions and their 'take' on a given story is accurate. The Committee considered that the cumulative effect of all these individual breaches over a sustained period indicated a systemic breach of the Impress Standards Code. The Committee further decided that by refusing to cooperate with the investigation the Publisher had failed to adhere to its contractual obligations to Impress. The Committee therefore ruled that Unity News Network's regulatory scheme agreement with Impress should be ended without notice".*

See Impress ends its regulation of Unity News Network with immediate effect - Impress.

Whilst it is not the PRP's role to agree or disagree with IMPRESS regulatory decisions, we have found nothing in the above statement, in the adjudication or on the accuracy clause in the Standards Code which suggests that:

- IMPRESS is attempting to exercise editorial control,
- IMPRESS decision making or Code exercises a chilling effect on free speech, or

- IMPRESS membership is not open to all publishers on fair, reasonable and non-discriminatory terms.

When making its decision to resign IMPRESS membership (see [5Pillars has left media regulator Impress – 5Pillars]), 5 Pillars stated:

“Firstly, Impress is run by what we perceive to be liberals whose values are not compatible with Islamic norms. And this very fact is problematic for a media platform that strives to embody the values of the Quran and Sunnah.

This was brought home to us in 2021 when Impress disregarded their own rules and decided to adjudicate a case about us that did not fall under their remit because it dated back to before we were regulated by them.

Impress ruled that we had incited hatred against homosexuals because Dilly described the homosexual act as a “crime against God” (which is how the Quran terms it)”

5Pillars then states that its mitigation and the importance of freedom of speech were ignored by IMPRESS in its investigation and adjudication arising out of the publishers podcast interview with an advocate of far right views 708-Final-Adjudication.pdf

5Pillars then adds

“(IMPRESS) were a decent regulator which dealt with us in a professional manner. And even when they ruled against us they were (in most but not all cases) simply upholding their liberal code….. Long term, we also want to see the emergence of an external regulator – but a Muslim one that will judge us according to the Quran and Sunnah.”

In the main, 5Pillars concerns appear to be with IMPRESS application of clause 4.3 of the Code:

“*Publishers must not incite hatred against any group on the basis of that group’s age, disability, mental health, gender reassignment or identity, marital or civil partnership status, pregnancy, race, religion, sex or sexual orientation or another characteristic that makes that group vulnerable to discrimination*.”

Again whilst it is not for the PRP to or agree or disagree with IMPRESS decisions, having considered the first and second IMPRESS investigations and adjudications against 5 Pillars (see 290421-final-investigation-report.pdf and 708-Final-Adjudication.pdf, we consider that these are nuanced decisions which should not have any chilling effect on free speech or show IMPRESS membership is not open to all publishers on fair, reasonable and non-discriminatory terms. It is in our view essential for any Standards Code approved under Royal Charter to contain prohibitions against the incitement of hatred.

Recommendation

Having reviewed the evidence submitted by IMPRESS and in light of the above analysis, we consider that IMPRESS continues to meet this criterion.

CE Report February and March 2025

PRESS RECOGNITION PANEL BOARD

Chief Executive's Report — February and March 2025

By email: 1 April 2025

Status: For noting

Lead responsibility:
Susie Uppal, Chief Executive

Contact details:
contact@pressrecognitionpanel.org.uk

Purpose

1. The purpose of this paper is to provide an update to the Board on executive activity since the January 2025 report.
2. The Board is invited to note the contents of the Chief Executive's report and note the latest position regarding the PRP's finances.

Executive Summary and Board Matters

3. The Board is being updated in respect of organisational matters.

Operational Updates

Finance Report

4. A bank-reconciled set of management accounts as at 28 February 2025 is attached at Annex A. The management accounts also include the original budget for the year to March 2025 and the 6 month reforecast carried out in October 2024.

5. The deficit for the period to date is £59,414 against a year to date forecast deficit of £87,581. This represents a positive variance of £28,167 compared to the year to date forecast. This is largely due to an underspend on Executive costs and a strategic research provision not yet utilised.

PRP Funding

6. Redacted
7. Redacted

Communications

8. On 24 February 2025, the Chief Executive wrote by mailshot to 1,105 MPs and members of the House of Lords in advance of the Annual Report on the Recognition System with a refresher on the PRP and independent press self-regulation, see copy attached as Annex B.

9. On 27 February 2025, the Chair wrote by mailshot to 1,101 MPs and members of the House of Lords to announce that the ninth Annual Report on the Recognition System had been laid in Parliament.

10. On 27 February 2025, we sent a press release to 198 national, regional, and local press contacts to announce the release of the latest Annual Report on the Recognition System. IMPRESS-regulated Swansea Standard and Southport Reporter picked up the story, see copy attached as Annex D.

11. On 4 March 2025, Byline Times published an article about the annual report and the Chair's comments under the headline: *The British Press Has Been Given 'Virtual Impunity' for Bad Behaviour, Warns Media Regulator*. It also posted the article on Bluesky and X, which has been viewed almost 8,000 times.

12. On 27 February 2025 and several further times in the following weeks, we posted on X, Bluesky, and LinkedIn about the release of the annual report. The X posts have been viewed around 500 times, while a post on LinkedIn reached almost 200 members and received 17 engagements.

13. The Community Policy Forum (@PolicyCommunity), an independent think-tank, reposted the annual report on X, saying: "With the Government rolling back the Leveson Inquiry's recommendations, the PRP's latest report reveals ongoing failures in press regulation. It's clear that stronger measures are needed to protect the public from press intrusion & harm."

14. David Erdos, Professor of Law & Open Society, CIPIL Co-Director & Trinity Hall Fellow Cambridge Uni, posted on X in response to the Annual Report on the Recognition System: "Grateful to @PRPanel for using my work on flawed @iconews statutory review of #journalism compliance with #dataprotection which they rightly find "raises more questions than answers" & provides no evidence of "systematic and consistent enforcement" #GDPR … Invisibility of Government's statutory reports on alternative dispute resolution led @PRPanel to conclude these have never been done. In fact, 2 very brief & problematic reports have been produced (one 1½ years late) & both excluding @iconews critique"

15. Mike Jempson (@MediaWiseMJ) responded to one of the posts on X about the annual report, saying: "Would have been helpful if parliament had listened to the many warnings by PressWise/MediaWise from 1993 onwards, after they rejected Clive Soley's 1992 Freedom & Responsibility of the Press Bill which could have made all the difference."

Letters Issued

16. The Chair received a letter from Lisa Nandy MP on the 19 February 2025 acknowledging the letters issued in December 2024 to herself and the Prime Minster, Sir Kier Starmer. The Chair responded on the 11 March enclosing a copy of the Ninth SORR, see copies of correspondence at Annex E.

17. Following concerns being expressed that reviews of alternative dispute resolution mechanisms for news publishers under Section 179 of the Data Protection Act 2018 had not been conducted in a sufficiently robust and transparent way, the Chair wrote to Peter Kyle MP, the Secretary of State for Science, Innovation and Technology on the 3 March 2025 to highlight the regulatory overlap with our role in assessing the effectiveness of arbitration schemes, stating that we were not aware of any reviews being commissioned and asking for a discussion on how we might support such reviews. We also raised the issue of the inclusion of the Editors' Code of Practice in the Data Protection Act 2018 being inconsistent with human rights legislation and the opportunity to correct this either through regulations or including an amendment in the Data (Use and Access) Bill.

18. The Chair received a response from Chris Bryant MP on the 27 March 2025 confirming that both reviews have been completed and committing to ensuring that these will now be published on the gov.uk website. The reviews concluded that the use of alternative dispute resolution for issues relating to data protection remains low (reflecting our wider conclusion that the use of arbitration mechanisms appears to be low for all types of cases) although seems to be working in those cases. The reviewer also questions the value of undertaking such a review given the low number of cases. See copies of correspondence at Annex F.

19. The Chair wrote to Stephanie Peacock MP on the 11 March 2025 regarding responses made on the 27 February and 4 March 2025 to Parliamentary Questions tabled by Clive Efford on the 13 February and Martin Wrigley on the 21 February respectively regarding the implementation of the recommendations of Part 1 of the Leveson Inquiry, see copy attached at Annex G.

20. Following the publication of the Ninth SORR on the 21 March 2025 the Chair wrote to the Editors of the Independent, Financial Times, Guardian and Bloomberg UK National to open dialogue on the potential of participating in the Recognition System, see copies attached at Annex H. The Chair received a response from the Financial Times office on the 28 March 2025 confirming that at this stage they will not take up our invite to become part of the Recognition System.

Ninth Annual State of Recognition Report

21. I can confirm that the Ninth annual State of Recognition Report (SORR) was laid in Westminster and Scottish Parliament and copies provided to the Welsh and Northern Island Assemblies on the 27 February 2025, copy attached as Annex I.

PRP 2024/25 Audit Timetable

22. Redacted

IMPRESS

23. The third Impress cyclical review call for information launched on the 5 November and closed on the 15 January 2025.

24. Cyclical Review Board member training has been arranged for 14 April 2025 at 14:00 until 16:30 and is due to take place online via Teams.

External Matters Update

25. Annex K includes an update on key external matters relevant to our work.

Devolved Nations

26. There are no implications/differences in relation to the areas of work covered in this paper and the devolved nations.

Communications

27. There are no other issues to report which have communications implications, so far as I am aware.

Risks

28. There are a range of risks involved in the areas of work covered in this paper.

29. The repeal of Section 40 represented a risk to the wider Recognition System. Without a suitable alternative being put in place, there continues to be little advantage for news publishers to join an Approved Regulator. This means that there is little prospect that the Recognition System can gain sufficient traction with the industry to work as intended and the public will not be protected from press harm.

Recommendations

30. The Board is asked to note the contents of the Chief Executive's report.

Attachments

Annex A: Management Accounts as at 28 February 2025
Annex B: Copy of mailshot sent to MPs and Lords 24 February 2025
Annex C: Copy of mailshot sent to MPs and Lords 27 February 2025
Annex D: Copy of press release issued 27 February 2025
Annex E: Copy of Lisa Nandy MP correspondence
Annex F: Copy of DSIT correspondence
Annex G: Copy of letter to Stephanie Peacock MP 11 March 2025
Annex H: Copies of letters to Editors of the Guardian, FT, Independent and Bloomberg National UK
Annex I: Copy of Ninth SORR
Annex J: Redacted
Annex K: External matters update

Press Recognition Panel
Period ended 28th February 2025

	11 months to Feb 2025				Full year to March 2025	
	Actual £	Reforecast Oct 2024 £	Variance £		Budget £	Reforecast Oct 2024 £
Income						
Subscription fees	256,673	256,673	-		281,238	281,238
Bank interest	51,383	52,034	651		56,000	56,612
Total Income	**308,056**	**308,707**	**651**		**337,238**	**337,850**
Expenditure						
Board and Committee costs						
Salaries & NIC	69,012	70,087	(1,075)		81,930	76,808
Travel & Subsistence	2,055	1,450	605		1,270	1,550
Other costs	3,173	3,000	173		2,000	3,000
Total Board and Committee Costs	**74,240**	**74,537**	**(297)**		**85,200**	**81,358**
Communications						
Publications	1,589	2,500	(911)	Translation provision not fully utilised	3,800	3,800
Communications tools	1,014	3,014	(2,000)	Costs not yet incurred for Oct/Nov/Jan/Feb	4,500	3,514
Website and Upgrades	1,791	1,770	21		2,516	2,356
Total Communications Costs	**4,394**	**7,284**	**(2,890)**		**10,816**	**9,671**
Other costs						
Executive team costs	205,060	218,727	(13,667)	Executive costs not yet incurred	260,279	243,574
HR & Recruitment	15,000	18,554	(3,554)	Recruitment provision not yet utilised	17,057	18,697
Strategic research	15,000	20,000	(5,000)	Feb provision not yet utilised	40,000	20,000
Office costs	6,056	6,606	(550)		8,097	7,272
Meeting rooms	6,276	7,109	(833)		9,500	7,609
Travel & Subsistence	1,052	1,410	(358)		1,440	1,359
IT Hardware	1,387	2,887	(1,500)	Budget for new laptop not fully utilised	1,600	2,887
Information Technology	6,709	6,568	141		7,920	7,358
Accountancy	20,109	20,408	(299)		25,939	28,637
Audit Fees	-	-	-		15,000	15,000
Printing & Stationery	1,086	1,305	(219)		1,480	1,325
Insurance	4,545	4,540	5		4,909	5,582
Legal	2,640	2,640	-		10,000	10,000
Subscriptions & publications	3,737	3,533	204		4,636	3,711
Finance charges	169	170	(1)		180	180
Sundry expenses	10	10	-		10,640	10,766
	288,836	**314,467**	**(25,631)**		**418,676**	**383,958**
Total Expenditure	**367,470**	**396,288**	**(28,818)**		**514,692**	**474,986**
Surplus / (Deficit) for the period	**(59,414)**	**(87,581)**	**28,167**		**(177,453)**	**(137,136)**
Reserves Bfwd	**1,564,303**	**1,564,303**				
Reserves Cfwd	**1,504,889**	**1,476,722**				

Press Recognition Panel
Period ended 28th February 2025

	Feb-25		Mar-24	
	£	£	£	£
Current Assets				
Current account	224,223		70,606	
Fixed term deposit accounts	1,281,776		1,004,293	
Deposit account	207,733		252,474	
Cash at bank		1,713,732		1,327,373
Prepayments	8,102		8,337	
Accrued Income	16,703		433,514	
Third Party Deposit	911		911	
Sundry debtors		25,716		442,762
Creditors: amounts falling due within one year				
Trade creditors	11,931		3,220	
Deferred income	196,521		163,960	
Social security and other taxes	7,393		6,267	
Pensions	3,636		3,166	
Sundry creditors and accruals	15,078		29,219	
		234,559		205,832
Net Current Assets		**1,504,889**		**1,564,303**
Net Assets		**1,504,889**		**1,564,303**
Funds brought forward				
Funds bought forward at 31 March		1,564,303		820,488
(Deficit)/ surplus for the period		(59,414)		743,815
		1,504,889		**1,564,303**

PRP INDEPENDENTLY OVERSEEING PRESS REGULATION

A quick refresher on independent press self-regulation

Dear <<Formal Salutation>>,

In advance of the release of our Annual Report on the Recognition System later this week, which assesses the extent to which the system of independent press self-regulation established following the Leveson Inquiry is succeeding in its aims, we wanted to reintroduce the Press Recognition Panel to you.

If you are already familiar with our work, please feel free to skip this, but if not, we would love to share a quick one-page refresher briefing to answer any questions you may have about who we are and what we do.

If you want to know anything else or discuss these issues in more detail, please contact us at office@pressrecognitionpanel.org.uk.

Yours sincerely,

[redacted]

Susie Uppal
Chief Executive
Press Recognition Panel

PRP

INDEPENDENTLY OVERSEEING PRESS REGULATION

Annual Report on the Recognition System

Dear <<Formal Salutation>>,

As the body established to oversee independent press self-regulation in the UK, we have today laid our ninth annual report on the effectiveness of the Recognition System before Parliament as required under the terms of our governing Royal Charter.

Download our Annual Report on the Recognition System

The report reflects on the events of 2024, including the rolling back of the Leveson Inquiry's recommendations around independent press self-regulation, increasing the risk to the public from press intrusion and harm, and the need for the Government to take action to address this.

Meanwhile, evidence of press intrusion and harm continues to emerge. Powerful sections of the press can destroy lives with virtual impunity - whether it is CCTV footage of a fatal hit and run being posted on a news publisher's website for clickbait, informing siblings on the doorstep of the death of their brother in a terrorist attack, or falsely accusing individuals of murder. The press does not tend to report on its failings unless forced to, so you are unlikely to read about these issues in the news.

Without further action from the Government, we conclude that the Recognition System cannot work as intended to protect the public and uphold freedom of speech. The press regulatory landscape will remain fractured, and when ordinary people experience press intrusion or harm, it will continue to be a lottery as to whether they can make a complaint and have it dealt with effectively. At the same time, sections of the press will continue to avoid responsibility and accountability by offering huge settlements to the small number of high-profile individuals who can afford to bring a claim to court, ultimately preventing the facts from being examined thoroughly by a judge.

History tells us that it is only a matter of time before another press scandal emerges. The Government must act now or risk losing the progress made over the last 10 years to support the press to exercise its freedom of speech in a responsible and accountable way.

You can find a copy of our full report and a summary of each chapter and its conclusions on our website.

If you would like to discuss any of these matters further, we would be very happy to arrange a meeting.

Yours sincerely,

[redacted]

K

C

[redacted]

View this email in your browser

PRP INDEPENDENTLY OVERSEEING PRESS REGULATION

Press release
27 February 2025
For immediate release

Press Recognition Panel publishes ninth annual report into press regulation in the UK

The Press Recognition Panel (PRP), the independent body which oversees the system of press self-regulation, today published its ninth annual report on the effectiveness of the Recognition System created in the wake of the Leveson Inquiry into the conduct of the press.

The report highlights how the rolling back of the Leveson Inquiry's recommendations around independent press self-regulation last year has increased the risk to the public from press intrusion and harm. While high-profile legal cases brought by celebrities such as Hugh Grant and Prince Harry have led to settlements and substantial payouts, the vast majority of victims of press abuse cannot afford to pursue justice and redress in the face of powerful and influential media owners.

Examples of press intrusion and harm highlighted in the report include CCTV footage of a fatal hit and run being posted on a news publisher's website for clickbait, journalists informing siblings on the doorstep of the death of their brother in a terrorist attack, and news outlets falsely accusing people of murder.

The report highlights how no other industry, including broadcast journalism, enjoys the privileges and protections that 'news publishers' enjoy in law. However, these protections and privileges are not balanced by responsibility or accountability.

News publishers are not required to participate in independent press self-regulation, which has resulted in a fractured and incoherent system. Over 130 news publishers have joined Impress, the only press self-regulatory body that has demonstrated that it meets the criteria recommended by the Leveson Inquiry for independence, financial security, and effective complaints handling. However, all the major national titles have instead opted to do their own thing or join the Independent Press Standards Organisation (IPSO), which does not meet the criteria for an independent regulator. Between 2018 and 2022, IPSO investigated just 3.82% and upheld 0.56% of the eligible complaints it received, far lower than the proportion of cases upheld by Impress.

The PRP's report notes that news publishers often cite concerns around the impact of regulation on freedom of the press as one of their reasons for not joining a regulator which meets the criteria for independence. However, members of Impress undertake high-quality investigative journalism without any constraint from the regulator as long as they can justify their actions in the public interest. Broadcasters also undertake high-quality, award-winning investigative journalism despite being subject to statutory regulation under Ofcom.

The report concludes that unless the government takes action to persuade news publishers to participate in the Recognition System, it will only be a matter of time until the next crisis in the industry, creating more victims and worsening public trust in the press as a whole.

The report contains three key recommendations:

- The Government must urgently review the incentives for news publishers to participate and the consequences for failing to participate in the Recognition System in the interests of freedom of speech and public protection.
- News publishers who do not currently participate in the Recognition System should join Impress, work to reform IPSO so that it can meet the recognition criteria, or come together to form a new body which could then seek recognition.
- The Government should ensure consistency in the various definitions of 'news publisher' and relevant 'standards codes' for news publishers, aligned with the Recognition System, to enable press self-regulators, online platforms, the public, and news publishers themselves to understand the rights and responsibilities of the press under the law.

Kathryn Cearns OBE, Chair of the Press Recognition Panel, said:

"It is a stain on the national conscience that despite years of campaigning by individual victims and groups and promises from politicians, powerful sections of the press remain able to destroy lives with virtual impunity. The historic injustices that led to the Leveson Inquiry have not been fully addressed. New cases continue to emerge, highlighting the damage still wrought by a largely unaccountable press pursuing headlines at the expense of ordinary people.

"Both previous governments and the new incumbent have been unwilling to take on the press and put in place measures, including recommendations approved by Parliamentarians on both sides of the House, which would provide better protection for victims. The public deserves better. With the rise of new technologies increasing the opportunities for press intrusion and harm, this issue is even more pressing. Unless the government takes action, it is only a matter of time before another press scandal emerges."

-ENDS

Link to report:

Annual Report on the Recognition System

Media enquiries:

Please contact Hal Briggs at hbriggs@pressrecognitionpanel.org.uk

Notes to editors:

The Press Recognition Panel (PRP) is an independent body set up to ensure that regulators of the press and other news publishers are independent, properly funded and able to protect the public, while recognising the important role carried out by the press and other news publishers.

We were created as a result of the Leveson Inquiry into press standards. The Leveson Inquiry followed widespread concern about unlawful activities carried out by some sections of the media, such as phone hacking. Lord Justice Leveson published his report into the culture, practices and ethics of the press in November 2012.

Department for Culture, Media & Sport

Rt Hon Lisa Nandy MP
Secretary of State for Culture, Media and Sport
1st Floor
100 Parliament Street
London SW1A 2BQ

[redacted]

19 February 2025

Kathryn Cearns
Chair
Press Recognition Pane
Mappin House
4 Winsley Street
London W1W 8HF

[redacted]

Dear Kathryn,

Thank you for your letter regarding the future of independent press self-regulation. I understand that you have also written to the Prime Minister, who has asked me to respond on his behalf.

In my letter to you of 18 December I set out our position which has not changed. The Government has laid out its priorities in the manifesto and in the King's speech, and the second part of Leveson is not among them, it is this that officials in my department work from.

I refer you to my comments on BBC Radio 4's World at One on 22 January, that it is unsatisfactory that ordinary people would likely not be able to pursue lengthy cases in the courts. I am keen to make sure that we strike the right balance to protect a free and fair press, which is a cornerstone of democracy, whilst ensuring that newspapers operate within the bounds of the law.

I am pleased to hear that you are preparing a briefing for officials, and I look forward to reading it with interest.

Thank you for writing about this matter.

Yours sincerely,

[redacted]

Rt Hon Lisa Nandy MP
Secretary of State for Culture, Media and Sport

Press Recognition Panel
Mappin House
4 Winsley Street
London W1W 8HF

The Rt Hon. Lisa Nandy MP
Secretary of State for Culture, Media and Sport
1st Floor
100 Parliament Street
London
SW1A 2BQ

11 March 2025

[redacted]

Dear Secretary of State

Ninth Annual Report on the Recognition System

Thank you for your letter of 19 February 2025. I have the pleasure of enclosing our Ninth Annual Report on the Recognition System that was laid before Parliament on 27 February 2025. You will see that Chapter 2 of the report resonates with your assessment that it is unsatisfactory that ordinary people are likely not pursue lengthy cases in the courts.

Some of the evidence we received for this report reinforced the themes we have explored previously in our relating to the fractured nature of press regulation meaning that many people are unaware of the ability to make a complaint or feel that it is pointless to do so. Those who even consider bringing a claim through courts appear to be very much in the minority compared to this group.

I should stress that Part 2 of the Leveson Inquiry focussed largely on investigating criminal matters relating to improper conduct at News International, other newspaper organisations and, as appropriate, other organisations within the media and by those holding personal data as well as any potential police corruption and the role, if any, of politicians, public servants and others in relation to any failure to investigate.

While these matters may be of significant import, our primary concern is that the recommendations of Part 1 of the Leveson Inquiry are implemented. This includes that it should not be possible for the press industry, in whole or in part, not to engage with independent press self-regulation. In addition to the lack of incentives, various statutory provisions have been drafted in such a way that the system cannot work as intended to support news publishers to exercise their right to freedom of speech responsibly and hold them to account when they breach press standards without an overriding public interest in doing so.

As ever, we are very happy to meet to discuss any of the issues in the report further and otherwise, we will continue to engage with your officials.

Yours sincerely,

[redacted]

Kathryn Cearns
Chair
Press Recognition Pane
Mappin House
4 Winsley Street
London
W1W 8HF

Weblink: PRESS RECOGNITION PANEL

CC: Janis Makarewich-Hall, Deputy Director of Radio, Advertising and the Press
Georgia James, Head Media Regulation Strategy

Enc: Press Recognition Panel, 27 February 2025, *Ninth Annual Report on the Recogntion System*

PRP INDEPENDENTLY OVERSEEING PRESS REGULATION

Press Recognition Panel
Mappin House
4 Winsley Street
London W1W 8HF

The Rt Hon Peter Kyle MP
Department of Science, Technology and Innovation
22–26 Whitehall
London
SW1A 2EG

By email: [redacted]

3 March 2025

Dear Secretary of State

Review of media's dispute resolution procedures

The Press Recognition Panel (PRP) is the body established by Parliament to oversee the system of independent press self-regulation in the UK called 'the Recognition System' following the Leveson Inquiry's recommendations. Our remit is to provide independent assurance that press self-regulatory bodies are acting to protect the public and uphold news publishers' freedom of speech.

Given our remit, we were established under a Royal Charter, which guarantees our independence from the Government, the industry or any other third party. This means we do not have a traditional 'sponsor' Department unlike other oversight regulators, although the Ministry of Justice assists us and acts as our 'conduit' for example when we are required to lay reports before Parliament.

The Department of Culture, Media and Sport, of course, also has a policy interest in our work although, while we engage in policy discussions with them (and I have copied them into this letter), they have no authority to direct our work because of the design of the Royal Charter. I have also copied this letter to Sir Chris Bryant MP who has a close knowledge of the work of the PRP having himself experienced press intrusion.

I am writing directly to you on a policy matter within your remit which is relevant to our functions under data protection legislation. Section 179 of the Data Protection Act 2018 ('Section 179') requires you to produce or commission a review every three years from an 'appropriate person' of:

(a) the use of relevant alternative dispute resolution procedures, during that period, in cases involving a failure, or alleged failure, by a relevant media organisation to comply with the data protection legislation, and
(b) the effectiveness of those procedures in such cases.

The legislation further defines 'relevant media organisation's as a 'body or other organisation whose activities consist of or include journalism, other than a broadcaster' which includes news publishers and therefore relevant to our public functions.

The provision of an effective, timely and low-cost arbitration service, as an alternative dispute resolution mechanism to going to court, was one of the key recommendations of the Leveson Inquiry. This has translated into the Recognition Criteria that press self-regulatory bodies must meet to be considered an 'Approved Regulator' by the PRP. Criteria 22 of the of the Recognition Criteria sets out the specific requirement:

22. The Board should provide an arbitral process for civil legal claims against subscribers which:

  a) complies with the Arbitration Act 1996 or the Arbitration (Scotland) Act 2010 (as appropriate);
  b) provides suitable powers for the arbitrator to ensure the process operates fairly and quickly, and on an inquisitorial basis (so far as possible);
  c) contains transparent arrangements for claims to be struck out, for legitimate reasons (including on frivolous or vexatious grounds);
  d) directs appropriate pre-publication matters to the courts;
  e) operates under the principle that arbitration should be free for complainants to use;
  f) ensures that the parties should each bear their own costs or expenses, subject to a successful complainant's costs or expenses being recoverable (having regard to section 60 of the 1996 Act or Rule 63 of the Scottish Arbitration Rules and any applicable caps on recoverable costs or expenses); and
  g) overall, is inexpensive for all parties.

We assess compliance with this requirement when a press self-regulator applies for recognition, two-years subsequent to the date of recognition and on a three-year rolling basis thereafter under our 'Cyclical Review' process.

It has been brought to our attention that a review under Section 179 should have commenced in 2024, and it is not clear to us whether a previous review was commenced during the first review period which ended in 2021.

There is currently one Approved Regulator, Impress, operating within the Recognition System and we are in the process of their Third Cyclical Review which is due to conclude in April. However, as a voluntary system of independent press self-regulation, many news publishers have chosen not to join Impress. Instead, many have joined the Independent Press Standards Organisation (IPSO), or, alternatively, operate their own in-house standards and complaints system or operate no standards and complaints systems at all. These latter three categories of news publishers are outside of the independent press self-regulatory framework of the Recognition System and there is no assurance as to the effectiveness of any alternative dispute resolution mechanisms.

Consequently, you cannot solely rely on our Cyclical Review process to discharge your obligations under the Data Protection Act 2018. This presents a challenge that we would be keen to engage with you and your officials on.

On a related matter, Paragraph 26(6)(c) of Schedule 2 of the Data Protection Act 2018 lists *The Editors' Code of Practice* as the relevant industry code that news publishers acting as data controllers must have regard to in exercising the exemptions available for journalistic purposes to data protection legislation. The Editors' Code of Practice does not meet the requirements welcomed by Parliament for a press Standards Code given that it is an industry-controlled document. Further it incorrectly positions 'freedom of expression' as a fundamental, rather than qualified right, inconsistently with human rights legislation.

As a result, it is not an appropriate industry code for the legislation to reference as it creates scope for news publishers to override the human rights of other individuals. This is a matter than can simply be addressed by making regulations or alternatively including a simple amendment in the Data (Use and Access) Bill currently going through Parliament to reference the Standards Code of an Approved Regulator within the meaning of Section of the Crime and Courts Act 2013.

I would be very grateful for a meeting with you or your officials to discuss how to address the challenge presented by Section 179 meaningfully so that we can support you to meet your obligations under data protection legislation and to remove this inconsistency between data protection and human rights legislation.

Yours sincerely,

[redacted]

Kathryn Cearns
Chair
Press Recognition Panel
Mappin House
4 Winsley Street
London
W1W 8HF

Weblink: *PRESS RECOGNITION PANEL*

CC: Sir Chris Bryant MP, Minister of State for Data Protection and Telecoms
Jenny Hall, Director, Digital Economy and Data Policy Director, DSIT
Owen Roland, Deputy Director, Head of Data Protection, DSIT
Janis Makarewich-Hall, Deputy Director of Radio, Advertising and the Press, DCMS
Georgia James, Head Media Regulation Strategy, DCMS

Department for
Science, Innovation
& Technology

Sir Chris Bryant MP
Minister of State
Department for Science, Innovation
& Technology
100 Parliament Street
London SW1A 2BQ

www.gov.uk/dsit

27 March 2025

Ms Kathryn Cearns
[redacted]

Our Ref: [redacted]

Dear Ms Kearns,

Thank you for your correspondence of 3 March to the Secretary of State for Science, Innovation and Technology (DSIT), the Rt Hon Peter Kyle MP regarding the review of media's dispute resolution procedure requirements under the Data Protection Act 2018 ('DPA'). I am responding as Minister for Data Protection and Telecoms.

My officials have spoken to the Department of Culture, Media and Sport (DCMS) and I am pleased to confirm that DCMS completed the reviews required by section 179 of the DPA. The papers were laid in Parliament on 24 November 2022 and 1 May 2024. DCMS is currently arranging for these two reports, which cover the periods of 23 May 2018 to 22 May 2021, and 23 May 2021 to the end of February 2024 to be made available on gov.uk. In the meantime, please find enclosed copies for your immediate reference.

Your letter also raised concerns regarding *The Editor's Code'*, specifically that it positions 'freedom of expression' as a fundamental right rather than a qualified right. DCMS officials have advised that given the self-regulatory system currently in place for the press is independent of government, the government does not intervene in or oversee the work of press regulators, or the Editors' Code of Practice Committee. The government has no plans to use the power in paragraph 26 of Schedule 2 to the DPA to amend the list of codes of practice and guidelines.

I hope that my response addresses your concerns regarding the status of the media's dispute resolution procedure reviews.

Yours sincerely,

[redacted]

Sir Chris Bryant MP
Minister of State

Department for Digital, Culture Media & Sport

Report under Section 179 of the Data Protection Act 2018

November 2022

Department for Digital, Culture, Media and Sport

Report under Section 179 of the Data Protection Act 2018

Presented to Parliament pursuant to Section 179 of the Data Protection Act 2018

This publication is available at www.gov.uk/official-documents.

Any enquiries regarding this publication should be sent to us at enquiries@dcms.gov.uk

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REPORT UNDER SECTION 179 OF THE DATA PROTECTION ACT

(A) INTRODUCTION

1. This report is undertaken under section 179 of the Data Protection Act 2018 (see Annex A for the full text of section 179).

2. Section 179(1) requires the production of a report on the use of, and the effectiveness of alternative dispute resolution procedures in cases involving a failure, or alleged failure by relevant media organisations to comply with data protection legislation[1].

3. Alternative dispute resolution procedures are a means of settling disputes between parties which avoid court action, and involve the help of a third party. Arbitration is an example of an alternative dispute resolution procedure. Complaints processes adjudicated by a third party can also be seen as a form of alternative dispute resolution.

4. Broadcasting organisations are excluded from the remit of the report by section 179(2). Other forms of journalism are covered. Subsection (2) also limits the scope of the report to alternative dispute resolution procedures provided by bodies which produce or enforce codes of practice for relevant media organisations. IMPRESS (the Independent Monitor for the Press) and IPSO (the Independent Press Standards Organisation) are two such bodies.

5. This report covers three years from the passage of the Data Protection Act 2018. In other words the review period is from 23 May 2018 to 22 May 2021. The report should have been laid before Parliament before the end of this review period of three years (section 179(1)). However the report was commissioned in August 2022 and provided to DCMS on 20 October 2022. The next report, covering the period from 23 May 2021 to 22 May 2024, should be commissioned at an earlier point in the cycle so that it can be laid before Parliament by 22 May 2024.

6. The full terms of reference for this report are set out at Annex B.

(B) METHOD

7. This report was produced independently of DCMS, and its findings and conclusions are solely the responsibility of the reviewer.

8. The review which is the basis of this report was conducted between August and October 2022 through on-line research and virtual meetings with each of IMPRESS and IPSO. A list of those who took part in those meetings is at Annex C.

[1] As defined in section 3(9) of the Data Protection Act 2018

9. The reviewer did not view individual case files because the purpose of the review was to look at the use and effectiveness of systems in place, not second guess the findings in particular cases.

10. The review is set out in five further sections: the first covering IMPRESS, the second IPSO, the third news organisations excluding broadcasters who are not members of either IPSO or IMPRESS, the fourth on the role of the Information Commissioner's Office (ICO), and finally, some conclusions and recommendations.

(C) IMPRESS

11. IMPRESS is an independent press regulator, established in 2015 following the recommendations of the Leveson Inquiry. It is the only self regulatory body approved under the Royal Charter on self regulation of the press. It has a Standards Code intended to assist journalists and protect the public from invasive and unethical reporting. It regulates just under 200 print and on-line publications, produced by over 100 publishers, that reach an audience of 20 million readers and 9 million social media followers each month. It covers smaller and more specialist elements of the press rather than national newspapers, who generally belong to IPSO, which is not approved under the Royal Charter.

IMPRESS complaints procedure

12. IMPRESS operates a complaints procedure for when its members breach or are alleged to have breached its Standards Code. IMPRESS asks that in the first instance, a complaint is raised with the publisher. The publisher must acknowledge the complaint within 7 days and respond within 21 days. If a dispute is settled at this stage, it would not count as alternative dispute resolution, as it is settled between the parties themselves without the intervention of a third party.

13. If the complainant is dissatisfied with the response from the publisher, the complaint can then be escalated to IMPRESS. According to IMPRESS, some 125 complaints were made to it during the three year period covered by this report. IMPRESS does not record whether its complaints refer specifically to an issue that may potentially be a breach of data protection legislation. Several clauses of its Standards Code may cross over with elements of data protection legislation, such as the privacy clauses of the Code. The IMPRESS complaints process leads to an adjudication by the IMPRESS Board which is binding. If the IMPRESS Board finds that the publisher has breached its Standards Code, it can impose a correction, require an apology and impose a fine. How the complaints process operates is set out clearly on the IMPRESS website.

IMPRESS arbitration scheme

14. In addition to its complaints process, IMPRESS operates an arbitration scheme for bringing claims against publishers as an alternative to going to court. This arbitration scheme is a more formal alternative dispute resolution scheme in terms of section 179 of the Data Protection Act 2018. Again this arbitration scheme is explained clearly on the IMPRESS website.

15. Neither complainants nor publishers pay any fees for arbitration under the IMPRESS arbitration scheme, as these are borne by IMPRESS itself. However complainants are responsible for fees for their legal adviser, should they choose to have one. These fees are reimbursable by the publisher, should the complainant win the arbitration, up to a maximum of £3,000 (the complainant is not liable in any circumstances for the other side's costs). The arbitrator can also award unlimited damages to the complainant.

16. IMPRESS arbitrators are appointed by the Chartered Institute of Arbitrators (CIArb), a non-profit body in the field of arbitration. The panel from which arbitrators are chosen is composed of lawyers with extensive experience of arbitration. Claims can be made by individuals or organisations against any of the publishers that are regulated by IMPRESS. The IMPRESS/CIArb scheme relates to civil claims between a claimant and a participating publisher for:

    (a) Defamation;
    (b) Breach of confidence;
    (c) Misuse of private information;
    (d) Malicious falsehood;
    (e) Harassment; and
    (f) Breach of the Data Protection Act.

17. It is this last category, "breach of the Data Protection Act", which is covered by the terms of reference for this report.

Use and effectiveness of IMPRESS arbitration scheme

18. IMPRESS provided data on arbitration cases. During the review period, there were 2 arbitration cases. Of these, only one case involved an alleged breach of data protection legislation. This was a complex case involving a number of non data protection related elements as well. The case was live between February 2019 and December 2021, in other words during the period covered by this report. The data protection element was resolved during the arbitration process by mutual agreement between the parties, and the arbitration as a whole was concluded without matters going to court.

19. It is difficult to draw definitive conclusions on effectiveness from only one use of the IMPRESS arbitration scheme in relation to data protection. However the scheme is well explained on the IMPRESS website. IMPRESS uses professional arbitrators belonging to the Chartered Institute. IMPRESS regulated publishers are required to report annually to it on any legal actions that they are required to defend. There were

no reported instances that the scheme is being bypassed by cases going direct to court.

20. In the case in question, the scheme resolved the dispute over alleged breach of the data protection legislation without the parties going to court. It is difficult to assess whether the costs were much less than if there had been a court case because the case was unusually complicated and was linked to related court proceedings involving a third party who was not an IMPRESS regulated publisher

(D) IPSO

21. IPSO is a regulator covering most of the main titles in the national, local and regional press along with many news websites and magazines. It was established on 8 September 2014 after the winding up of the Press Complaints Commission. Unlike IMPRESS, IPSO is not approved under the Royal Charter on self regulation of the press. There is an Editor's Code of Practice that newspapers and magazines regulated by IPSO have agreed to abide by: this includes a section on privacy, although not a separate section on data protection. IPSO regulates some 2,255 publications, including the publishers of national newspapers such as the Daily Express, Daily Mail, Daily Mirror, The Sun, The Daily Telegraph and The Times.

IPSO complaints procedure

22. IPSO operates a complaints procedure for when its members breach or are alleged to have breached the Editor's Code. IPSO received 50,125 complaints during the review period of 23 May 2018 through 22 May 2021. In the first instance, IPSO will assess whether it believes the complaint lies within its remit and whether there may be a possible breach of the Editor's Code. The complainant will be contacted about the results of this initial assessment within 15 days.

23. If the complaint does appear to be within IPSO's remit, and a possible breach of the Editor's Code, IPSO will then contact the publisher to give them an opportunity to resolve the complaint. This stage should last up to 28 days. As with the similar (but not identical) IMPRESS process, up until this point there would not seem to be alternative dispute resolution, as if the complaint is settled, this would be between the parties.

24. If the complainant is still not satisfied, they can ask IPSO to begin an investigation. This is where alternative dispute resolution proper would appear to begin. During the period 23 May 2018 to 22 May 2021 there were 715 investigations. As a crude indicator of relevance to data protection issues, 261 of these involved complaints under Clause 2 (Privacy) of the Editors' Code. The IPSO Complaints Officer will ask the publication questions, to which the publication has 7 days to respond. IPSO will try to complete the investigation as soon as possible, but there is no guaranteed length of time for it. During the investigation, the Complaints Officer will continue to seek to mediate between the parties if possible.

25. If the complaint is not resolved, it will go to the IPSO Complaints Committee for decision. If the finding is against the publication, remedies can include publication of a correction with various degrees of prominence, or the requirement to publish an adjudication (adverse findings), with the placement and prominence determined by the IPSO Complaints Committee. IPSO has no powers to award financial compensation under its complaints procedure.

26. As with the IMPRESS scheme, the IPSO complaints procedure is explained clearly on its website.

IPSO arbitration scheme

27. In addition to its complaints process, IPSO operates an arbitration scheme for bringing claims against publishers as an alternative to going to court. This arbitration scheme is a more formal alternative dispute resolution scheme in terms of section 179 of the Data Protection Act 2018. This arbitration scheme is also explained clearly on the IPSO website.

28. The IPSO arbitration scheme is low cost: fees for the complainant are no more than £100. Damages can be awarded up to £60,000 and costs (e.g. if lawyers are involved, which they do not necessarily need to be) of up to £25,000. The scheme is compulsory for IPSO's national newspaper publishers.

29. IPSO arbitrators are appointed by CEDR (the Centre for Effective Dispute Resolution). The panel from which arbitrators are chosen is composed of lawyers with extensive experience of arbitration. The IPSO/CEDR scheme relates to claims for:

    (a) Defamation;
    (b) Malicious falsehood;
    (c) Breach of confidence;
    (d) Misuse of private information;
    (e) Data protection; and
    (f) Harassment.

30. This is the same list as for the IMPRESS scheme, although in a slightly different order. It is only the penultimate category, data protection, which is covered by the terms of reference for this report.

Use and effectiveness of IPSO arbitration scheme

31. IPSO provided data on arbitration cases. During the review period, there were 17 IPSO arbitration cases. Of these, 6 cases involved an alleged breach of data protection legislation. These figures exclude inquiries and expressions of interest, or those outside the remit of the scheme.

32. 5 of the 17 cases were settled between the publication and claimant during the arbitration process – meaning disputes reached satisfactory outcomes during the

process without need for an initial or final ruling from the arbitrator. 2 of these cases involved data protection issues. In addition, there were 2 cases struck out during the preliminary ruling stage, neither of which involved data protection.

33. Of the remaining 10 cases, 4 involved data protection, and 1 of these cases has now been withdrawn.

34. That means that of 6 IPSO arbitration cases involving an alleged breach of the data protection legislation in the period covered by this review, 3 have either been settled or withdrawn. 3 have apparently not yet been concluded.

35. As with IMPRESS, it is difficult to draw definitive conclusions on the effectiveness of the IPSO arbitration scheme. However the scheme is well explained on the IPSO website and use is made of it. IPSO also uses professional arbitrators appointed by the Centre for Effective Dispute Resolution.

(E) NATIONAL NEWSPAPERS NOT BELONGING TO EITHER IMPRESS OR IPSO

36. There are a number of newspapers which do not belong either to IMPRESS nor to IPSO. These include the Evening Standard, The Financial Times, The Guardian and The Independent.

37. I put myself in the position of a potential complainant, and looked at the websites of these newspapers. I wanted to see how easy it was to find details of complaints procedures and alternative dispute resolution procedures, if any.

38. The Evening Standard and The Independent are owned by the same group, ESI media, and appear to have similar or the same complaint procedures. Taking the Evening Standard as an example, there is a Code of Conduct for its staff published on its website. This includes a reference to the 'Data Protection Act'. Those with a complaint are invited to submit it to Customer Services, and there is a complaints form, a telephone number and an office address given which can all be found relatively easily on the website. However I could not find details of how the complaints procedure operates. Nor from my relatively cursory look could I find references to use of alternative dispute resolution procedures, where a third party is involved in resolving an issue between the complainant and the publisher. It could be of course that these details are there, but I did not find them.

39. In the case of The Financial Times, there is an Editorial Code. Those with a complaint are invited to submit it to an email address. There is a reference to readers in Europe unable to resolve their complaint having access to the European Commission's online dispute resolution platform as a means of alternative dispute resolution (but this is presumably not available to readers in a non EU country such as the UK). There is a statement on the website that if a complaint about the Editorial Code cannot be resolved with the editorial staff, the complainant may appeal to an Editorial Complaints Commissioner independent of the Editor. The

Complaints Commissioner is appointed by the FT Appointments and Oversight Committee: ie they are a third party but within the aegis of the FT. The current Editorial Complaints Commissioner is a KC specialising in media law. Editorial Complaints Commissioner reports are published on the FT website.

40. In the case of The Guardian, there is a Guardian News and Media Editorial Code. This Code is based on the Press Complaints Commission Code. Complaints are addressed through a readers' editor, described as the Guardian News and Media's internal ombudsman. The kinds of complaints which the readers' editor may address do not specifically include data protection, but they do include privacy. There is a brief description of how to complain, and of the time line Guardian News and Media aims to follow in dealing with the complaint (a substantive response within 28 days). If a complainant is unhappy with the final response, the readers' editor may direct the complainant to a Review Panel of three members set up by the Scott Trust, which is the company which owns Guardian News and Media. This Panel thus appears to be a third party, but within the overall aegis of The Guardian's ownership structure. Review Panel reports are published on The Guardian's website.

(F) ROLE OF THE INFORMATION COMMISSIONER'S OFFICE (ICO)

41. The ICO is an independent public body upholding information rights in the public interest, including data privacy for individuals.

42. The ICO website includes a clear section on data protection and journalism, describing how to complain about media organisations. The ICO advises complaining to the media organisation first if someone is unhappy with the way a media organisation has handled their personal data. If they remain dissatisfied, they can approach the ICO. The ICO website also has easy to follow links to other websites, including those of IMPRESS, IPSO and national newspapers which do not belong to either regulator.

43. The ICO will give a view on whether it believes data protection law has been broken. It also has powers of enforcement against media organisations subject to exemptions to protect freedom of expression. However the ICO cannot itself award compensation to an individual if in its view, there has been a breach.

44. To obtain compensation, the individual would have to take the matter to court themselves, citing if they wish the ICO's view (which the court may or may not agree with) as evidence. In rare circumstances, the ICO may give the individual assistance with the court case.

45. This process would not appear to fall under the definition of alternative dispute resolution. For the individual wishing to obtain compensation for an alleged failure to comply with data protection legislation by a media organisation, involving the ICO is a step along the way to a court case.

(G) CONCLUSIONS AND RECOMMENDATIONS

Use of Alternative Dispute Resolution

46. Alternative dispute resolution, construed in its widest sense, was used between 23 May 2018 and 22 May 2021 to resolve complaints against media organisations excluding broadcasters. This includes complaints about data protection issues.

47. Both IPSO and IMPRESS have alternative dispute resolution procedures in place to adjudicate complaints. The total number of complaints made to the regulators in the period 23 May 2018 to 22 May 2021 was in excess of 50,000. Of those there were some 840 cases (125 for IMPRESS and 715 for IPSO) in which the regulators became involved as third parties to help resolve the dispute. These include data protection cases.

48. There are also complaints procedures in place for national newspapers not members of IMPRESS or IPSO. In at least two of these, these involve a form of alternative dispute resolution, in which although the complaint is addressed within the wider organisation, the person adjudicating is independent of the editorial team.

49. The use of the more formal end of alternative dispute resolution, through arbitration, appears to be much more limited. There was only one arbitration case at IMPRESS in the relevant period which had an element of data protection, and six cases at IPSO. Why the use of arbitration is so limited is hard to say from the evidence reviewed. It may be in part because if a case is serious enough to require arbitration, the complainant may feel sufficiently aggrieved to go the whole way to a court case. It may also in part be because there could be a natural propensity among legal advisers to recommend the court action with which they may be more familiar, rather than alternatives. Both these are however matters of speculation.

Effectiveness of alternative dispute resolution

50. Alternative dispute resolution was available for data protection cases, certainly for publications covered by IMPRESS and IPSO, and it was used. No evidence has come to light from this review that it is ineffective. Indeed both the arbitration schemes operated by IMPRESS and IPSO appear to be robust, with independent adjudication by expert lawyers, and low or no fees for the complainant.

51. However equally it is not possible to say whether alternative dispute resolution was as effective as possible, or whether it could be improved in any way. For example, it is not possible to say in how many cases use of alternative dispute resolution on data protection issues avoided court action.

52. There is a plethora of different bodies potentially involved – IMPRESS, IPSO, certain national newspapers and potentially ICO - and this may not help a complainant at the initial stages. Without major changes to the system – which the subject of this

review alone would not seem to justify – it is difficult to see how this can be entirely overcome.

53. The best approach within the current system may be clear signposting of who to complain to, and how the complaints and alternative dispute resolution processes work within each organisation. This appears to be broadly in place already.

Recommendations

54. The first recommendation is that, assuming the requirement for review remains, the next review, for the period 23 May 2021 to 22 May 2024, should be carried out in a timely manner. DCMS should commission the review at an earlier stage so that it can be laid before Parliament by 22 May 2024.

55. Second, those newspapers not belonging to IMPRESS or IPSO might consider if there are more elements of alternative dispute resolution which they would wish to adopt within their own complaints processes for data protection issues.

56. Finally, this review has found that in the first period following passage of the Data Protection Act 2018, there were alternative dispute resolution processes in place, and used for much of the newspaper industry. Assuming the requirement for review remains, the next review should, if possible, include some element of taking views from people who have used alternative dispute resolution in relation to data protection issues with IPSO, IMPRESS or national newspapers. This would supplement the quantitative data which will always be only part of the story.

David Rossington
Independent Reviewer
20 October 2022

ANNEX A

Section179. Effectiveness of the media's dispute resolution procedures

(1) The Secretary of State must, before the end of each review period, lay before Parliament a report produced by the Secretary of State or an appropriate person on —

(a) the use of relevant alternative dispute resolution procedures, during that period, in cases involving a failure, or alleged failure, by a relevant media organisation to comply with the data protection legislation, and

(b) the effectiveness of those procedures in such cases.

(2) In this section—

- “appropriate person” means a person who the Secretary of State considers has appropriate experience and skills to produce a report described in subsection (1);
- “relevant alternative dispute resolution procedures” means alternative dispute resolution procedures provided by persons who produce or enforce codes of practice for relevant media organisations;
- “relevant media organisation” means a body or other organisation whose activities consist of or include journalism, other than a broadcaster;
- “review period” means—

(a) the period of 3 years beginning when this Act is passed, and

(b) each subsequent period of 3 years.

(3) The Secretary of State must send a copy of the report to—

(a) the Scottish Ministers,

(b) the Welsh Ministers, and

(c) the Executive Office in Northern Ireland.

ANNEX B

REPORT UNDER SECTION 179 OF THE DATA PROTECTION ACT
TERMS OF REFERENCE

Context

Section 179 of the Data Protection Act 2018 (s.179) requires the Secretary of State for the Department for Digital, Culture, Media & Sport to produce, or appoint an 'appropriate person' to produce a report on the use and effectiveness of alternative dispute resolution procedures in cases involving a failure, or alleged failure by relevant media organisations to comply with data protection legislation.

Organisations such as the Independent Press Standards Organisation (IPSO) and The Independent Monitor for the Press (Impress) operate alternative dispute resolution (ADR) schemes, used in cases involving a failure - or alleged failure - by media organisations (such as newspapers) to comply with data protection legislation.

Objectives
In line with the s.179, the report must include:
- the use of relevant alternative dispute resolution procedures in the 3 years following the passage of the Act (May 2018 - May 2021) by relevant media organisations with a particular focus on the schemes operated by IPSO and IMPRESS[2]; and
- the effectiveness of those procedures where they have been used.

Scope
While the precise approach to the report will be determined by the appropriate person carrying out the review in line with the objectives set out above, the appointed person should adopt an appropriate and proportionate approach to completing the report.

Support
Any limited administrative support required will be provided by DCMS in agreement with the reviewer.

Reporting
The report will be carried out and submit its findings to officials at the Department for Digital, Culture, Media & Sport by 30 November 2022. The report will be published and laid before Parliament by DCMS.

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[2] See s.179(2) for the definition of these terms.

ANNEX C

LIST OF THOSE PRESENT AT MEETINGS IN RELATION TO THIS REPORT

Ed Procter, CEO of IMPRESS
Charlotte Dewar, CEO of IPSO and
Hanno Fenech, IPSO

In addition, Georgia James of DCMS provided assistance with certain factual matters.

I am grateful to all these individuals for their time.

Department
for Culture,
Media & Sport

Report under Section 179 of the Data Protection Act 2018

May 2024

Department for Culture, Media and Sport

Report under Section 179 of the Data Protection Act 2018

Presented to Parliament pursuant to Section 179 of the Data Protection Act 2018

Any enquiries regarding this publication should be sent to us at enquiries@dcms.gov.uk

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REPORT UNDER SECTION 179 OF THE DATA PROTECTION ACT

(A) INTRODUCTION

1. This report is undertaken under Section 179 of the Data Protection Act 2018 (see Annex A for the full text of Section 179). It is the second report, and covers the period from 23 May 2021 to the end of February 2024.

2. Section 179 Subsection (1) requires the production of a report on the use of, and the effectiveness of alternative dispute resolution procedures in cases involving a failure, or alleged failure by relevant media organisations to comply with data protection legislation.

3. Alternative dispute resolution procedures are a means of settling disputes between parties which avoid court action, and involve the help of a third party. Arbitration is an example of an alternative dispute resolution procedure. Complaints processes adjudicated by a third party can also be seen as a form of alternative dispute resolution.

4. Broadcasting organisations are excluded from the remit of the report by Section 179 Subsection (2). Other forms of journalism are covered. Subsection (2) also limits the scope of the report to alternative dispute resolution procedures provided by bodies which produce codes of practice for relevant media organisations. Impress (the Independent Monitor for the Press) and IPSO (the Independent Press Standards Organisation) are two such bodies.

5. The first report covered the three years from 23 May 2018 to 22 May 2021. This second report covers the following period, starting from 23 May 2021 to the present (end of February 2024).

6. The full terms of reference for this report are set out at Annex B.

(B) METHOD

7. This report was produced independently of DCMS, and its findings and conclusions are solely the responsibility of the reviewer.

8. The review which is the basis of this report was conducted in February and early March 2024 through on-line research and virtual meetings with each of Impress and IPSO, as well as with Sir Bill Jeffrey who conducted an independent external review of IPSO, published in 2023. A list of those who took part in those meetings is at Annex C.

9. The previous report included a recommendation that the next review should, if possible, include some element of taking views from people who have used alternative dispute resolution in relation to data protection issues. Both IPSO and Impress contacted a complainant and a publisher, but no one has taken up the offer

of a conversation with the reviewer. However the reviewer was able to draw on the findings of Sir Bill Jeffrey's recent review, which included material on a randomly selected cross section of complainants.

10. The review follows the same pattern as the previous report, for ease of reference between them. It is set out in five further sections: the first covering Impress, the second IPSO, the third news organisations excluding broadcasters who are not members of either IPSO or Impress, the fourth on the role of the Information Commissioner's Office (ICO): and finally, some conclusions and recommendations. Many of the points covered are similar to those in the first review, with updating as necessary.

(C) Impress

11. Impress is an independent press regulator, established in 2015 following the recommendations of the Leveson Inquiry. It is the only self regulatory body approved under the Royal Charter on self regulation of the press. It has a Standards Code, revised in February 2023, which is intended to assist journalists and protect the public from invasive and unethical reporting. It regulates more than 200 print and on-line publications, produced by over 120 publishers. It covers smaller and more specialist elements of the press rather than national newspapers, who generally belong to IPSO, which is not approved under the Royal Charter.

Impress complaints procedure

12. Impress operates a complaints procedure for when its members breach or are alleged to have breached its Standards Code. The Code was last reviewed in 2020-2022. Impress asks that in the first instance, a complaint is raised with the publisher. The publisher must acknowledge the complaint within 7 days and respond within 21 days. If a dispute is settled at this stage, it would not count as alternative dispute resolution, as it is settled between the parties themselves without the intervention of a third party.

13. If the complainant is dissatisfied with the response from the publisher, the complaint can then be escalated to Impress. According to Impress, 118 complaints were made to it during the period from 23 May 2021 to 2 February 2024. 6 complaints were accepted and investigated; 62 were referred to and/or resolved by the publisher; 10 related to non-Impress regulated publishers; 35 were outside the scope of the Impress Regulatory Scheme; 2 were withdrawn by the complainant; and 3 were withdrawn by Impress due to no further contact.

14. Impress does not record whether its complaints refer specifically to an issue that may potentially be a breach of the Data Protection Act. Several clauses of its Standards Code may cross over with elements of the Data Protection Act, such as the privacy clauses of the Code.

15. The Impress complaints process leads to an adjudication by the Impress Board which is binding. If the Impress Board finds that the publisher has breached its

Standards Code, it can impose a correction, require an apology and impose a fine. How the complaints process operates is set out clearly on the Impress website.

Impress arbitration scheme

16. In addition to its complaints process, Impress operates an arbitration scheme for bringing claims against publishers as an alternative to going to court. This arbitration scheme is a more formal alternative dispute resolution scheme in terms of Section 179 of the Data Protection Act. Again this arbitration scheme is explained clearly on the Impress website.

17. Neither complainants nor publishers pay any fees for arbitration under the Impress arbitration scheme, as these are borne by Impress itself. However complainants are responsible for fees for their legal adviser, should they choose to have one. These fees are reimbursable by the publisher, should the complainant win the arbitration, up to a maximum of £3,000 (the complainant is not liable in any circumstances for the other side's costs). The arbitrator can also award unlimited damages to the complainant.

18. Impress arbitrators are appointed by the Chartered Institute of Arbitrators (CIArb), a non-profit body in the field of arbitration. The panel from which arbitrators are chosen is composed of lawyers with extensive experience of arbitration. Claims can be made by individuals or organisations against any of the publishers that are regulated by Impress. The Impress/CIArb scheme relates to civil claims between a claimant and a participating publisher for:

    (a) Defamation;
    (b) Breach of confidence;
    (c) Misuse of private information;
    (d) Malicious falsehood;
    (e) Harassment; and
    (f) Breach of the Data Protection Act.

19. It is this last category, breach of the Data Protection Act, which is covered by the terms of reference for this report.

Use and effectiveness of the Impress arbitration scheme

20. There were no Impress arbitration cases in the period 23 May 2021 to 28 February 2024, whether covering data protection or any other of the areas of claim listed above. This compares with 2 arbitration cases in the last review period, one involving an alleged breach of the Data Protection Act. The data protection element in the case in the previous period was resolved during the arbitration process by mutual agreement between the parties, and the arbitration as a whole was concluded without matters going to court.

21. It is not possible to draw any conclusions on effectiveness in this period when the arbitration process has not been used for data protection cases.

(D) IPSO

22. IPSO is a regulator covering most of the main titles in the national, local and regional press along with many news websites and magazines. It was established on 8 September 2014 after the winding up of the Press Complaints Commission. Unlike Impress, IPSO is not approved under the Royal Charter on self regulation of the press. There is an Editor's Code of Practice, the latest version of which came into effect on 1 January 2021, that newspapers and magazines regulated by IPSO have agreed to abide by. This includes a section on privacy, although not a separate section on data protection. IPSO regulates nearly 1,900 publications, including the publishers of national newspapers such as the Daily Express, Daily Mail, Daily Mirror, The Sun, The Daily Telegraph and The Times.

IPSO complaints procedure

23. IPSO operates a complaints procedure for when its members breach or are alleged to have breached the Editor's Code. IPSO received 8,837 complaints with a potential data protection element, during the period from 23 May 2021 to end February 2024. In the first instance, IPSO will assess whether it believes the complaint lies within its remit and whether there may be a possible breach of the Editor's Code. The complainant will be contacted about the results of this initial assessment within 15 days.

24. If the complaint does appear to be within IPSO's remit, and a possible breach of the Editor's Code, IPSO will then contact the publisher to give them an opportunity to resolve the complaint. This stage should last up to 28 days. As with the similar (but not identical) Impress process, up until this point there would not seem to be alternative dispute resolution, as if the complaint is settled, this would be between the parties.

25. If the complainant is still not satisfied, they can ask IPSO to begin an investigation. This is where alternative dispute resolution proper would appear to begin. The IPSO Complaints Officer will ask the publication questions, to which the publication has 7 days to respond. IPSO will try to complete the investigation as soon as possible, but there is no guaranteed length of time for it. During the investigation, the Complaints Officer will continue to seek to mediate between the parties if possible.

26. If the complaint is not resolved, it will go to the IPSO Complaints Committee for decision. If the finding is against the publication, remedies can include publication of a correction with various degrees of prominence, or the requirement to publish an adjudication (adverse findings), with the placement and prominence determined by the IPSO Complaints Committee. IPSO has no powers to award financial compensation under its complaints procedure.

27. As with the Impress scheme, the IPSO complaints procedure is explained clearly on its website.

28. Of the 8,837 complaints with a potential data protection element, 149 reached the stage of a referral to the IPSO Complaints Committee. In 48 cases, there was a ruling of a breach, but in only 13 of these was the breach relating to a potential data protection element (complaints can be placed under multiple clauses and the Committee may uphold a complaint under a different clause to one of those relating to data protection).

29. Sir Bill Jeffrey's Independent External Review of IPSO (April 2023) was generally positive in relation to IPSO's handling of complaints. Sir Bill noted (Jeffrey Review, page 15, paragraph 3.4) that on a 5 point scale, where 5 is highest, 80% of respondents providing feedback to IPSO rated the service at 4 or 5. The seven complainants he was able to speak to also gave a broadly positive view of the professionalism, helpfulness and timeliness of responses of IPSO complaints staff (Jeffrey Review, page 59).

30. The Jeffrey Review found inter alia that IPSO complaints officers showed a good understanding of the need for delicate handling and good judgement, and that papers put to the IPSO Complaints Committee were of good quality. Sir Bill suggested that the time the process took was however an issue for some complainants, noted that some publications considered the complaints processes over elaborate, and made some suggestions for improvements (see Jeffrey Review conclusions on complaints, page 49, paragraphs 9.5 to 9.12).

IPSO arbitration scheme

31. In addition to its complaints process, IPSO operates an arbitration scheme for bringing claims against publishers as an alternative to going to court. This arbitration scheme is a more formal alternative dispute resolution scheme in terms of Section 179 of the Data Protection Act. This arbitration scheme is also explained clearly on the IPSO website which has recently been updated.

32. The IPSO arbitration scheme can be low cost: fees for the complainant are no more than £100. Damages can be awarded up to £60,000 and costs (eg if lawyers are involved, which they do not necessarily need to be) of up to £25,000. The scheme is compulsory for IPSO's national newspaper publishers.

33. IPSO arbitrators are appointed by CEDR (the Centre for Effective Dispute Resolution). The panel from which arbitrators are chosen is composed of lawyers with extensive experience of arbitration. The IPSO/CEDR scheme relates to claims for:
    (a) Defamation;
    (b) Malicious falsehood;
    (c) Breach of confidence;
    (d) Misuse of private information;
    (e) Data protection; and
    (f) Harassment.

34. This is the same list as for the Impress scheme, although in a slightly different order. It is only the penultimate category, data protection, which is covered by the terms of reference for this report.

Use and effectiveness of IPSO arbitration scheme

35. IPSO provided data on arbitration cases. During the period from 23 May 2021, there were 3 cases involving alleged data protection issues. These figures exclude inquiries and expressions of interest, or those outside the remit of the scheme.

36. However none of the 3 cases progressed as far as formal arbitration using CEDR.

37. The figures above compare to 6 IPSO arbitration cases in the previous review period involving an alleged breach of the Data Protection Act. At the time of submission of the previous Section 179 report in October 2022, 3 had been concluded without recourse to formal arbitration. 3 of the cases had not been concluded, but they have all now been settled or withdrawn.

38. Given the continuing very low number of cases, it is difficult, as at the time of the previous report to draw definitive conclusions on the effectiveness of the IPSO arbitration scheme. However the scheme is well explained on the IPSO website and occasional use is made of it. IPSO also uses professional arbitrators appointed by the Centre for Effective Dispute Resolution.

(E) OTHER ORGANISATIONS: NATIONAL NEWSPAPERS NOT BELONGING TO EITHER Impress OR IPSO

39. There are a number of newspapers which do not belong either to Impress nor to IPSO. These include the Evening Standard, The Financial Times (FT), The Guardian and The Independent.

40. In my first review, I looked at the websites for these newspapers, and have done so again for this review. The position appears broadly the same. All the newspapers have editorial codes or codes of conduct, and explain how to complain about a news story. In the case of the FT and the Guardian, there are disputes procedures set out on the websites which can be used if a complainant is dissatisfied: in the cases of the Evening Standard and the Independent, I could not find any reference to such disputes procedures beyond the complaints procedure, although they may of course be there.

41. The disputes procedures involve a Complaints Commissioner who is a barrister in the case of the FT, and a Review Panel advised by a barrister in the case of the Guardian Media Group. In each case while these bodies are within the broader aegis of the respective organisations, they are independent of the editorial staff. They can be construed as alternative dispute resolution procedures. The adjudications of the Complaints Commissioner and the Review Panel are published on the FT and Guardian websites.

42. I reviewed the various published decisions within the period from 23 May 2021 on the FT and Guardian websites. On the FT website, there were 4 such decisions, 3 relating to alleged inaccuracy, and one to alleged plagiarism. On the Guardian website, there were 6 such decisions, all related to alleged inaccuracy. There were no decisions on either website relating to data protection.

(F) ROLE OF THE INFORMATION COMMISSIONER'S OFFICE (ICO)

43. The ICO is an independent public body upholding information rights in the public interest, including data privacy for individuals. It has prepared a statutory code of practice on data protection and journalism, which was laid before Parliament for approval in October 2023, and came into force on 22 February 2024.

44. The ICO website includes a clear section on data protection and journalism, describing how to complain about media organisations. The ICO advises complaining to the media organisation first if someone is unhappy with the way a media organisation has handled their personal data. If they remain dissatisfied, they can approach the ICO. The ICO website also has easy to follow links to other websites, including those of IMPRESS, IPSO and national newspapers which do not belong to either regulator. There is a reference to alternative dispute resolution on the ICO website, with relevant links.

45. The ICO will give a view on whether it believes data protection law has been broken. It also has powers of enforcement against media organisations subject to exemptions to protect freedom of expression. However the ICO cannot itself award compensation to an individual if in its view, there has been a breach. Rather, the individual would have to take the matter to court themselves, citing if they wish the ICO's view (which the court may or may not agree with) as evidence. In rare circumstances, the ICO may give the individual assistance with the court case.

46. The ICO's processes would not appear to fall under the definition of alternative dispute resolution. For the individual wishing to obtain compensation for an alleged failure to comply with the Data Protection Act by a media organisation, involving the ICO is a step along the way to a court case.

(G) CONCLUSIONS AND RECOMMENDATIONS

Use of Alternative Dispute Resolution

47. Alternative dispute resolution, construed in its widest sense, was used in the period from 23 May 2021 to resolve complaints against media organisations excluding broadcasters. This includes complaints about data protection issues.

48. Both IPSO and Impress have alternative dispute resolution procedures in place to adjudicate complaints. These include data protection cases. The complaints procedures are used, and in the case of IPSO some 8,837 complaints from 23 May 2021 involved some element of data protection.

49. There are also complaints procedures in place for national newspapers not members of Impress or IPSO. In at least two of these, the FT and the Guardian, these involve a form of alternative dispute resolution, in which although the complaint is addressed within the wider organisation, the person adjudicating is independent of the editorial team. In the case of the FT, there is a Complaints Commissioner who is a King's Counsel, and in the case of the Guardian a Review Panel.

50. The use of the more formal end of alternative dispute resolution, through arbitration, has been even more limited in this review period than in the period covered by the first report. There were no Impress cases in the relevant period which had an element of data protection, and only three new cases at IPSO, none of which proceeded to formal arbitration. None of the total of ten FT Complaints Commissioner or Guardian Review Panel cases published on their websites and for the relevant period involve data protection.

51. The prime reason for the continuing very low numbers of arbitration cases may arise from arbitration being at an uncomfortable middle point. If someone has a complaint but does not want financial redress, then arbitration is not necessary as there are more straightforward complaints procedures. If on the other hand someone feels the problem is sufficiently serious to warrant financial redress, they may prefer taking the matter to court.

52. In addition there is a plethora of different bodies potentially involved – IMPRESS, IPSO, certain national newspapers and potentially ICO. Without major changes to the system – which the subject of this review alone would not seem to justify – it is difficult to see how this can be entirely overcome.

53. The Jeffrey Review suggested that more publicity for the IPSO arbitration scheme might be helpful (Jeffrey Review paragraphs 9.20 to 9.23). The Review recommended the use of judicial guidance and court guides etc pointing up the availability of arbitration, as well as the updating of the IPSO website. For its part, Impress is planning an awareness campaign on dispute resolution in the near future. These would all be useful steps. However given the low, and compared to the previous period, declining numbers of arbitration cases, it seems unlikely that better publicity alone would lead to much greater use of arbitration in this area.

Effectiveness of alternative dispute resolution

54. As noted above, Sir Bill Jeffrey's Independent External Review of IPSO (April 2023) was generally positive in relation to IPSO's handling of complaints.

55. Alternative dispute resolution in the form of arbitration was available for data protection cases for publications covered by Impress and IPSO, but there were no Impress cases. There were only three new IPSO cases, none of which proceeded to formal arbitration. This is too small a number to make a meaningful conclusion about effectiveness. However both the arbitration schemes operated by Impress and IPSO

appear to be robust, with independent adjudication by expert lawyers, and low or no fees for the complainant.

Recommendations

56. The most striking finding of this second review is the continuing very small number of instances in which the most formal alternative dispute resolution (ie arbitration) appears to be used, in data protection cases involving media organisations.

57. It is welcome that the option of alternative dispute resolution is available under both Impress and IPSO schemes, as well as those of some national newspapers. Greater publicity for the arbitration elements of the Impress and IPSO schemes may also be helpful.

58. However it is questionable, in the light of the very low number of arbitration cases to date, whether there remains a need for a regular separate review to be conducted on the use of, and the effectiveness of alternative dispute resolution procedures in media organisation data protection cases.

59. The single recommendation of this review is therefore that the Government should consider ending this requirement when legislative time is available.

David Rossington
Independent Reviewer
12 March 2024

ANNEX A

Section179. Effectiveness of the media's dispute resolution procedures

(1) The Secretary of State must, before the end of each review period, lay before Parliament a report produced by the Secretary of State or an appropriate person on —

(a) the use of relevant alternative dispute resolution procedures, during that period, in cases involving a failure, or alleged failure, by a relevant media organisation to comply with the data protection legislation, and

(b) the effectiveness of those procedures in such cases.

(2) In this section—

- “appropriate person” means a person who the Secretary of State considers has appropriate experience and skills to produce a report described in subsection (1);
- “relevant alternative dispute resolution procedures” means alternative dispute resolution procedures provided by persons who produce or enforce codes of practice for relevant media organisations;
- “relevant media organisation” means a body or other organisation whose activities consist of or include journalism, other than a broadcaster;
- “review period” means—

(a) the period of 3 years beginning when this Act is passed, and

(b) each subsequent period of 3 years.

(3) The Secretary of State must send a copy of the report to—

(a) the Scottish Ministers,

(b) the Welsh Ministers, and

(c) the Executive Office in Northern Ireland.

ANNEX B

REPORT UNDER SECTION 179 OF THE DATA PROTECTION ACT
TERMS OF REFERENCE

Context

Section 179 of the Data Protection Act 2018 (s179) requires the Secretary of State for the Department for Culture, Media & Sport to produce, or appoint an ‘appropriate person’ to produce, a report on the use and effectiveness of alternative dispute resolution procedures in cases involving a failure, or alleged failure, by relevant media organisations to comply with data protection legislation.

Organisations such as the Independent Press Standards Organisation (IPSO) and The Independent Monitor for the Press (Impress) operate alternative dispute resolution (ADR) schemes, used in cases involving a failure - or alleged failure - by media organisations (such as newspapers) to comply with data protection legislation.

Objectives

In line with s179, the report must include:

- the use of relevant alternative dispute resolution procedures since the previous relevant date under the statute (21 May 2021) by relevant media organisations, with a particular focus on the schemes operated by IPSO and Impress[1]; and
- the effectiveness of those procedures where they have been used.

Scope

The appointed person should adopt an appropriate and proportionate approach to completing the report. The precise approach to the report will be determined by the appropriate person carrying out the review in line with the objectives set out above.

Support

Any limited administrative support required will be provided by DCMS in agreement with the reviewer.

Reporting

The reviewer will prepare a report and submit this to officials at the Department for Culture, Media & Sport by 15 March 2024.

The report will be published and laid before Parliament by DCMS.

See s179(2) for the definition of these terms.

1

ANNEX C

LIST OF THOSE PRESENT AT MEETINGS IN RELATION TO THIS REPORT

Lexie Kirkconnell-Kawana, CEO of IMPRESS
Charlotte Dewar, CEO of IPSO and
Tom Glover, IPSO
Sir Bill Jeffrey, independent external reviewer of IPSO.

I am grateful to all these individuals for their time.

E03109676

978-1-5286-4816-5

Press Recognition Panel
Mappin House
4 Winsley Street
London W1W 8HF

Stephanie Peacock MP
Minister for Sport, Media, Civil Society and Youth
Department for Culture, Media and Sport
100 Parliament Street
London
SW1A 2BQ

By email: [redacted]

11 March 2025

Dear Minister

Parliamentary Questions UINS 902909, 32521 and 31323

I am writing further to your response of 27 February 2025 and 4 March 2025 to the Parliamentary Question tabled by Clive Efford on 13 February 2025 and Martin Wrigley of 21 February 2025 respectively regarding the implementation of the recommendations of Part 1 of the Leveson Inquiry.

It is important to note that Part 1 of the Leveson Inquiry focussed on the Culture, Practices and Ethics of the Press. Part 2 of the Leveson Inquiry was to focus largely on investigating criminal matters relating to improper conduct at News International, other newspaper organisations and, as appropriate, other organisations within the media and by those holding personal data as well as any potential police corruption and the role, if any, of politicians, public servants and others in relation to any failure to investigate. Part 1 of the Leveson Inquiry has never been fully implemented despite receiving overwhelming cross-party support at the time.

Consequently, the Government's intentions towards Part 2 of the Leveson Inquiry are not salient to the question as to whether Government will implement Part 1 of the Leveson Inquiry. Key elements of Sir Brian's findings from Part 1 of the Leveson Inquiry that have either been omitted or rolled-back include that:

- it should not be possible for the press industry, in whole or in part, not to engage in independent press self-regulation;
- press standards must make clear that infringement on the rights of others must be justifiable in the public interest;
- there is access for the public to an arbitral system as an alternative dispute resolution mechanism to making a claim against a news publisher through the courts.

I know that the Government has no intention towards further primary legislation at this time to implement Part 1 of the Leveson Inquiry. However, there are options which could be explored which speak to the findings of Part 1 of the Leveson Inquiry which do not require primary legislation and could instead be achieved via secondary legislation.

I should also highlight that, in your response to Dr Al Pinkerton MP's separate Parliamentary Question of 12 February 2025 to which you also responded on 28 February 2025, you run the risk of providing undue assurance on the effectiveness of IPSO by describing it as part of an 'independent, self-regulatory system for the press' alongside Impress.

IPSO is not an independent press self-regulator as it does not meet a range of the criteria for an independent press self-regulator, agreed with overwhelming support by Parliament. IPSO cannot be said to be independent of the industry, is not financially secure, does not control the standards it is required to enforce, cannot launch investigations in the event of serious or systemic concerns on its own account, cannot require news publishers to make an apology and does not offer an arbitration service universally amongst its members. To describe IPSO in equivalent terms to Impress may suggest public confidence in IPSO that cannot be evidenced and devalues the ongoing work that Impress does to meet the recognition criteria.

I would be very grateful for your view on this matter and if it would be helpful to discuss further, I would of course be happy to meet.

Your sincerely

[redacted]

Kathryn Cearns
Chair
Press Recognition Pane
Mappin House
4 Winsley Street
London
W1W 8HF

Weblink: PRESS RECOGNITION PANEL

CC: Janis Makarewich-Hall, Deputy Director of Radio, Advertising and the Press
Georgia James, Head Media Regulation Strategy

Press Recognition Panel
Mappin House
4 Winsley Street
London W1W 8HF

Geordie Greig, Editor-in-Chief
The Independent

By email: [redacted]

21 March 2025

Dear Mr Greig

Participation in the Recognition System

You may be aware that we have recently published our [Ninth Annual Report on the Recognition System] which again highlights the lack of engagement with independent press self-regulation by the national press in the UK as being the fundamental obstacle to both protecting the public from press harm and intrusion and upholding news publishers' freedom of speech in the public interest.

Further to this, I wanted to raise with you whether we might open a dialogue regarding the potential for *The Independent* to participate in the Recognition System. This might take the form of joining Impress or alternatively engaging with other news publishers outside of Impress' and IPSO's membership to form a new body which could then seek recognition.

The situation has fundamentally changed with the repeal of Section 40 of the Crime and Courts Act. Without Section 40, there is now no risk that news publishers could be impacted by the consequence of choosing not to be a member of an Approved Regulator. If you were to join an Approved Regulator, you could exercise your right to terminate membership freely.

Further, any concerns that recognition can be perceived as 'state-regulation' cannot withstand scrutiny of recent events and the terms of the Royal Charter which protects us from interference from government, the industry or indeed any other third party.

The so-called 'chilling effect' on investigative journalism also cannot be substantiated by the experience of Impress' membership, which includes for example the Bureau of Investigative Journalism. If anything, meeting, membership of an Approved Regulator provides greater public confidence that a news publisher is operating within a standards code that genuinely upholds the public interest, reducing the risk of legal claims and reputational damage in the future.

The press as an industry, occupy an important place in our democratic society and it is in the public interest for news publishers to exercise freedom of speech responsibly. However, with the rise of technologies such as social media platforms and AI, it is more important than ever that the public can differentiate journalism in the public interest, according to high editorial and professional standards, from mis- and disinformation. Participation by all news publishers in a strong, independent press self-regulatory system, which provides independent assurance over the robustness of press standards and how they are enforced would underline the gap, separating out in a transparent way those who can be trusted from those who cannot.

If publications such as yours believe it in the public interest for the press to be trustworthy, we would welcome a discussion as to why you would not seek to differentiate yourself in this way. I and my team would be very happy to arrange a meeting at your convenience.

Yours sincerely,

[redacted]

Kathryn Cearns
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Katharine Viner, Editor-in-Chief
The Guardian

By email: [redacted]

21 March 2025

Dear Ms Viner

Participation in the Recognition System

Further to publication of our Ninth Annual Report on the Recognition System, I wanted to write directly to you and thank you for *The Guardian's* response to our call for information. Engagement with the Recognition System by major national titles has not always been forthcoming and I am grateful that *The Guardian* took the opportunity to respond.

Further to this, I wanted to raise with you whether, notwithstanding the view you expressed in your response to our call for information, we might open a dialogue regarding the potential for *The Guardian* to participate in the Recognition System. This might take the form of joining Impress, as *The Guardian's* former editor has done with *Prospect Magazine* or alternatively engaging with other news publishers outside of Impress' and IPSO's membership to form a new body which could then seek recognition.

The situation has fundamentally changed with the repeal of Section 40 of the Crime and Courts Act. Without Section 40, there is now no risk that news publishers could be impacted by the consequence of choosing not to be a member of an Approved Regulator. If you were to join an Approved Regulator, you could exercise your right to terminate membership freely.

Further, any concerns that recognition can be perceived as 'state-regulation' cannot withstand scrutiny of recent events and the terms of the Royal Charter which protects us from interference from government, the industry or indeed any other third party.

The so-called 'chilling effect' on investigative journalism also cannot be substantiated by the experience of Impress' membership, which includes for example the Bureau of Investigative Journalism. If anything, membership of an Approved Regulator provides greater public confidence that a news publisher is operating within a standards code that genuinely upholds the public interest, reducing the risk of legal claims and reputational damage in the future.

The press as an industry, occupy an important place in our democratic society and it is in the public interest for news publishers to exercise freedom of speech responsibly. However, with the rise of technologies such as social media platforms and AI, it is more important than ever that the public can differentiate journalism in the public interest, according to high editorial and professional standards, from mis- and disinformation. Participation by all news publishers in a strong, independent press self-regulatory system, which provides independent assurance over the robustness of press standards and how they are enforced would underline the gap, separating out in a transparent way those who can be trusted from those who cannot.

If publications such as yours believe it in the public interest for the press to be trustworthy, we would welcome a discussion as to why you would not seek to differentiate yourself in this way. I and my team would be very happy to arrange a meeting at your convenience.

Yours sincerely,

[redacted]

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Roula Khalaf, Editor
Financial Times

By email: [redacted]

21 March 2025

Dear Ms Khalaf

Participation in the Recognition System

Further to publication of our Ninth Annual Report on the Recognition System, I wanted to write directly to you and thank you for the *Financial Times's* response to our call for information. Engagement with the Recognition System by major national titles has not always been forthcoming and I am grateful that the *Financial Times* took the opportunity to respond.

Further to this, I wanted to raise with you whether, notwithstanding the view you expressed in your response to our call for information, we might open a dialogue regarding the potential for the *Financial Times* to participate in the Recognition System. This might take the form of joining Impress or alternatively engaging with other news publishers outside of Impress' and IPSO's membership to form a new body which could then seek recognition.

The situation has fundamentally changed with the repeal of Section 40 of the Crime and Courts Act. Without Section 40, there is now no risk that news publishers could be impacted by the consequence of choosing not to be a member of an Approved Regulator. If you were to join an Approved Regulator, you could exercise your right to terminate membership freely.

Further, any concerns that recognition can be perceived as 'state-regulation' cannot withstand scrutiny of recent events and the terms of the Royal Charter which protects us from interference from government, the industry or indeed any other third party.

The so-called 'chilling effect' on investigative journalism also cannot be substantiated by the experience of Impress' membership, which includes for example the Bureau of Investigative Journalism. If anything, membership of an Approved Regulator provides greater public confidence that a news publisher is operating within a standards code that genuinely upholds the public interest, reducing the risk of legal claims and reputational damage in the future.

The press as an industry, occupy an important place in our democratic society and it is in the public interest for news publishers to exercise freedom of speech responsibly. However, with the rise of technologies such as social media platforms and AI, it is more important than ever that the public can differentiate journalism in the public interest, according to high editorial and professional standards, from mis- and disinformation. Participation by all news publishers in a strong, independent press self-regulatory system, which provides independent assurance over the robustness of press standards and how they are enforced would underline the gap, separating out in a transparent way those who can be trusted from those who cannot.

If publications such as yours believe it is in the public interest for the press to be trustworthy, we would welcome a discussion as to why you would not seek to differentiate yourself in this way. I and my team would be very happy to arrange a meeting at your convenience.

Yours sincerely,

[redacted]

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Victoria Wakely, UK National Editor
Bloomberg UK

By email: [redacted]

24 March 2025

Dear Ms Wakely

Participation in the Recognition System

You may be aware that we have recently published our Ninth Annual Report on the Recognition System which again highlights the lack of engagement with independent press self-regulation by the national press in the UK as being the fundamental obstacle to both protecting the public from press harm and intrusion and upholding news publishers' freedom of speech in the public interest.

Further to this, I wanted to raise with you whether we might open a dialogue regarding the potential for *Bloomberg UK* to participate in the Recognition System. This might take the form of joining Impress or alternatively engaging with other news publishers outside of Impress' and IPSO's membership to form a new body which could then seek recognition.

The situation has fundamentally changed with the repeal of Section 40 of the Crime and Courts Act. Without Section 40, there is now no risk that news publishers could be impacted by the consequence of choosing not to be a member of an Approved Regulator. If you were to join an Approved Regulator, you could exercise your right to terminate membership freely.

Further, any concerns that recognition can be perceived as 'state-regulation' cannot withstand scrutiny of recent events and the terms of the Royal Charter which protects us from interference from government, the industry or indeed any other third party.

The so-called 'chilling effect' on investigative journalism also cannot be substantiated by the experience of Impress' membership, which includes for example the Bureau of Investigative Journalism. If anything, membership of an Approved Regulator provides greater public confidence that a news publisher is operating within a standards code that genuinely upholds the public interest, reducing the risk of legal claims and reputational damage in the future.

The press as an industry, occupy an important place in our democratic society and it is in the public interest for news publishers to exercise freedom of speech responsibly a. However, with the rise of technologies such as social media platforms and AI, it is more important than ever that the public can differentiate journalism in the public interest, according to high editorial and professional standards, from mis- and disinformation. Participation by all news publishers in a strong, independent press self-regulatory system, which provides independent assurance over the robustness of press standards and how they are enforced would underline the gap, separating out in a transparent way those who can be trusted from those who cannot.

If publications such as yours believe it in the public interest for the press to be trustworthy, we would welcome a discussion as to why you would not seek to differentiate yourself in this way. I and my team would be very happy to arrange a meeting at your convenience.

Yours sincerely,

[redacted]

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Weblink: *PRESS RECOGNITION PANEL*

PRP

INDEPENDENTLY OVERSEEING PRESS REGULATION

PRESS RECOGNITION PANEL

Annual report on the recognition system

27 February 2025

Press Recognition Panel Annual Report on the Recognition System

Presented to Parliament by Command of His Majesty

Prepared and laid before the Scottish Parliament as required by paragraph 10.b of Schedule 2 of the Royal Charter on Self-Regulation of the Press

27 February 2025

Any enquiries related to this publication should be sent to the Press Recognition Panel at:
office@pressrecognitionpanel.org.uk

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CONTENTS

1 CHAIR'S FOREWORD

In 2013, Parliament agreed to the creation of the Recognition System. A system intended to herald a brave new era of voluntary, independent, rigorous press self-regulation. To balance the rights of the press and news publishers to report freely in the public interest with the need to protect your rights and mine: those of the public.

Alas, this vision has not come to pass. Successive governments have failed to implement the law which would make the system work. A law that would address the main finding of the Leveson Inquiry: that it should not be possible for the press and news publishers to choose not to engage in rigorous independent press self-regulation without consequence.

Many news publishers have opted into the Recognition System. But many, including all the large national titles, have not. As a result, ordinary people have been left vulnerable. The public has been abandoned to the commercial practices of parts of the press that prioritise advertising revenues, all concealed behind the slogan of 'freedom of speech'.

What those who repeat that line often overlook, though, is that freedom of speech is both a right and a responsibility. We have frequently heard those previously in government and sections of the press dismiss the events leading to the Leveson Inquiry as 'historic', insisting 'things have changed'. 'Things' have, of course, changed; the question is whether they have changed for the better. We would say not.

There is no shortage of examples of the harm that press intrusion continues to cause. Claims about historic events have taken more than a decade to resolve, but new reports of harm are all too frequent. They often involve news publishers seeking to monetise grief without regard for the victims or their families. There are also reports of eye-watering settlements being offered to victims to prevent poor press conduct and behaviour from being examined in the civil courts. The free press has an important role in our society. We champion and promote press freedom. But when members of the press harass, distress, and intrude

on people without any regard for their rights and freedoms and with no overriding public interest, we must question whether we, as a society, have got the balance right.

Neither can we be in any doubt that social media has fundamentally changed how we consume and amplify news. The tragic events in Southport and subsequent public disorder last summer illustrate only too alarmingly what can happen when mis- and disinformation are spread on social media. The press, particularly the local press in affected areas, played a vital role, sometimes putting themselves at risk to be a reliable source of information.

However, we must not pretend that the press is divorced from social media. Sections of the press blame social media for spreading mis- and disinformation, disavowing any responsibility. But this ignores the ability of the press to set the tone of the national debate. Just as we recognise the important role a free press plays in protecting our democracy, we must also recognise its ability to normalise prejudice, whether that is a deliberate intention or not.

Yet news publishers, unlike broadcast news organisations, can operate largely unaccountably. That is unless they have chosen to commit to high professional and ethical standards and join Impress. Impress is currently the only Approved Regulator. It has demonstrated its independence, impartiality, and effectiveness. However, a large number of publishers, including all the national titles, have chosen to opt out of independent press self-regulation.

Many prefer to belong to the more forgiving regime of the Independent Press Standards Organisation (IPSO), which does not meet the requirements for independence, impartiality or effectiveness for an Approved Regulator. Others simply do their own thing.

It is a stain on the national conscience that the historic injustices that led to the Leveson Inquiry have not been fully addressed, and new cases continue to emerge. Against this backdrop, we were alarmed by the previous Government's sudden urgency to repeal Section 40 of the Crime and Courts Act 2013 ('Section 40').

Section 40 was a key statutory provision that would have ensured that all news publishers could be held to account, whether they participated in the Recognition System or not. Despite being a manifesto commitment for the Conservative Party since 2017[1], the repeal of Section 40 took six years to bring forward and, in a move which many speculated to be tactical[2], was rushed through immediately before the 2024 general election as part of the 'wash-up procedure' with the support of the Opposition, the Labour Party, performing a volte-face from its previous policy position.

The wider impact on press regulation was barely considered. Despite the best efforts of a range of parties, public awareness of the implications of repeal was drowned out by a powerful industry able to repeat misleading and, on occasion, factually incorrect claims in pursuit of its own interests.

Unless something is done, it can only be a matter of time before another press scandal emerges. With the rise of new technologies, the opportunities for press intrusion and harm are only increasing. We assume we have now moved on from phone hacking. But the potential to access private information on social networking sites, revenue driven by clickbait, amplified stories on social media, and AI 'hallucination' in the generation of content all represent increased levels of risk to the public. And there is no way to hold sections of the press accountable when they lose sight of the public interest in their reporting.

The public deserves better. Action is required now by the Government to close the gaps in this fractured press regulatory landscape.

2 ABOUT THE PRESS RECOGNITION PANEL

The Press Recognition Panel (PRP) was established in 2014 to oversee press self-regulation in the UK. We support and promote a free press while protecting the interests of the public.

We were set up following the Leveson Inquiry (2011–2012) into the culture, practices and ethics of the press in the light of phone hacking, press intrusion, and other criminal activity. Victims of the press included ordinary members of the public as well as celebrities and high-profile individuals.

Following the Inquiry's recommendations, the PRP was established under the Royal Charter on Self-Regulation of the Press[3] ('the Royal Charter') to oversee a wholly independent and effective system of self-regulation with politics playing no part in it. The Royal Charter envisages news publishers establishing self-regulators to act as standard-setting bodies for journalistic and editorial practices and carrying out complaint handling and resolution. News publishers subscribing to such a self-regulatory body are expected to adhere to these standards and be subject to oversight if complaints are not handled satisfactorily. None of these standards, or the criteria in the Royal Charter on which they are based, would cut across freedom of the press as a fundamental public interest issue.

One of the PRP's main roles in this system is to recognise self-regulatory bodies against a set of 29 criteria, ensuring that regulators meet minimum required levels of independence and effectiveness. These criteria are proportionate, operable and are not intrusive to press freedom.

Applying to be assessed by us is voluntary. However, if we assess that a regulator complies with the criteria, it is called an Approved Regulator. This means, among other things, that it:

- is properly independent, including of the Government and the publishers it regulates;
- is equipped with the powers and mechanisms to ensure that those publishers adhere to standards of accuracy and fairness;
- provides the public with proper opportunities to raise concerns about the conduct of those publishers;
- secures access to low-cost arbitration for legal disputes with its publisher members; and
- is adequately funded to do its job.

The Press Recognition Panel's independence

Our independence is protected from political interference by requiring a two-thirds majority of those who vote in the House of Commons, the House of Lords and the Scottish Parliament before any change to our Royal Charter can be made. Additionally, the Royal Charter includes robust requirements ensuring that our Board is appointed entirely independently. Together, this means that we can conduct our work and make decisions entirely independently without influence from politicians or the industry.

Preparing this report

Over the last year, we have met with stakeholders to discuss our work and receive their views, which has helped inform our thinking. We have also commissioned and undertaken analyses to review the case for independent press self-regulation.

From 26 September 2024 to 16 December 2024 we conducted a call for information that invited views on issues related to our work. The responses and correspondence have been published on our website, where we had permission to do so.

We have quoted some respondents in this report. The inclusion of an opinion is not an indication of the weight or importance we have given it. The conclusions that we ultimately draw are entirely our own.

In addition to laying this report before Parliament and the Scottish Parliament, as we are required to do under our Royal Charter, we have also sent copies to the National Assembly for Wales and the Northern Ireland Assembly.

3 SUMMARY OF OUR CONCLUSIONS AND RECOMMENDATIONS

Our Royal Charter requires us to report on any success or failure of the Recognition System. It also requires us to inform Parliament, the Scottish Parliament, and the public annually if there is no recognised regulator or if, in our opinion, the system of regulation does not cover all significant relevant publishers.

The public has been abandoned

We have previously reported that the Recognition System was failing because there are not a sufficient number of news publishers participating in an Approved Regulator's scheme. Last year, we went further and alerted Parliament that if Section 40 of the Crime and Courts Act 2013 ('Section 40') were repealed without any meaningful alternative in place to incentivise participation, there would be little prospect that the Recognition System could succeed as Parliament originally intended.

With the Media Act 2024 receiving Royal Assent on 24 May 2024, it remains open to news publishers not to engage in voluntary independent press self-regulation without consequence. Without any mechanism in place to ensure that news publishers can be held to account whether they participate in the Recognition System or not, the current press self-regulatory landscape cannot protect the public effectively.

A clear roadmap needs to be developed to identify an alternative mechanism to Section 40, which balances news publishers' rights and responsibilities with freedom of speech.

Recommendation 1

The Government must urgently review the incentives for news publishers to participate and the consequences for failing to participate in the Recognition System in the interests of freedom of speech and public protection.

Doing nothing is not an option

The press self-regulatory landscape remains fractured. Access to remedy and redress for members of the public remains arbitrary. 'Historic' abuses relating to politicians and celebrities have dragged through the courts and led to a huge bill for settling redress by the newspapers involved and their owners. However, press intrusion and harm are far from historic issues, and evidence of the challenges that ordinary members of the public face to access justice makes a compelling argument for effective and independent press self-regulation.

While much of the industry has so far chosen not to participate in the Recognition System, it remains open to them to join the Approved Regulator or form a new body that could seek recognition. It would also be open to the Independent Press Standards Organisation (IPSO), if it could gain the support of its funding body, the Regulatory Funding Company (RFC), to review its regulations and reform its structure in line with the requirements of the Recognition System.

It is a sad reflection that a large part of the industry has chosen to reject rigorous independent press self-regulation and that there is no more appetite amongst this section of the industry to commit to high ethical and professional standards than there was immediately in the wake of the Leveson Inquiry. Nevertheless, we repeat our previous recommendation that these news publishers voluntarily take this step. This requires no further Government intervention and carries no threat to news publishers' freedom of speech.

Recommendation 2

News publishers who do not currently participate in the Recognition System should join Impress, work to reform IPSO so that it can meet the recognition criteria, or come together to form a new body which could then seek recognition.

Objections to independent press self-regulation are misconceived

Independent press self-regulation, in the form of the Recognition System, was designed to balance safeguarding news publishers' freedom of speech and protecting the public effectively. The industry has raised a plethora of objections to independent press self-regulation. Our response is simple: 'Consider the source'.

No other industry, including broadcast journalism, enjoys the privileges and protections that 'news publishers' enjoy in law. However, these protections and privileges are not balanced by responsibility or accountability. Even the definition of being a 'news publisher', scattered in disparate sources[4], is so broad as to be meaningless. Yet we somehow place our trust in these organisations to be a vaccine against mis- and disinformation. It is difficult to reconcile this position to the fact that extremist bloggers can style themselves as 'journalists[5]', presumably in an attempt to seek legitimacy from a system designed to safeguard freedom of speech.

In addition to developing a roadmap for the future of independent press self-regulation, the Government needs to review what it means to be a news publisher in law and ensure that the system as a whole works to uphold freedom of speech and protect the public.

Recommendation 3

The Government should ensure consistency in the various definitions of 'news publisher' and relevant 'standards codes' for news publishers, aligned with the Recognition System, to enable press self-regulators, online platforms, the public, and news publishers themselves to understand the rights and responsibilities of the press under the law.

4 TIMELINE OF EVENTS

The mid to late 2000s

People across the UK and worldwide are outraged by revelations that some parts of the British press had engaged in criminal activity, including phone hacking, over many years. Victims of press abuse include ordinary members of the public, as well as high-profile individuals and celebrities.

4 July 2011

It emerges that a private investigator hired by the *News of the World* had intercepted the voicemail of the murdered British schoolgirl Milly Dowler. This had given her parents false hope that she was still alive.

6 July 2011

It is reported that the voicemails of relatives of British soldiers killed in action in the Iraq War and the war in Afghanistan in the 2000s may have been eavesdropped on by the *News of the World.*

10 July 2011

Amid a public backlash and an advertising boycott, News International closes the tabloid *News of the World.*

13 July 2011

In response to the criminal activity and public outcry, Prime Minister David Cameron announces a public inquiry to be led by Lord Justice Leveson (now Sir Brian Leveson).

November 2011 to July 2012

The Leveson Inquiry into the Culture, Practices and Ethics of the British Press holds a series of public hearings where experts give evidence, and victims of press abuse share their experiences. Over 40 days of hearings, the inquiry hears from 184 witnesses, and the statements of 42 other witnesses were read. It costs £5.4 million.

29 November 2012

Lord Leveson publishes his report. Among key recommendations is the creation of 'a genuinely independent and effective system of self-regulation', which would ensure that members of the public have access to low-cost means of legal redress against news publishers.

30 October 2013

The Royal Charter on self-regulation of the press is granted after receiving all-party support from Parliament. The Charter provides for the Press Recognition Panel (PRP) to be the body to oversee UK press regulators.

8 September 2014

The Independent Press Standards Organisation (IPSO) is established as the successor to the Press Complaints Commission (PCC), but in a way that means it cannot meet the Royal Charter's requirements for an independent self-regulator of the press.

3 November 2014

The PRP comes into existence as a legal entity when the PRP Board is appointed following an open process wholly independent from Government, Parliament, and news publishers, as required by the Royal Charter.

3 November 2015

Section 34 of the Crime and Courts Act 2013 (Awards of exemplary damages) comes into force in England and Wales.

25 October 2016

Impress is recognised as an approved regulator, having met all 29 recognition criteria in the Royal Charter.

1 November 2016

The Government consults on whether to commence or repeal Section 40 of the Crime and Courts Act 2013 ('Section 40'), which, among other things, would ensure that members of the public have access to low-cost means of legal redress against news publishers. National newspapers run a 'coupon campaign' encouraging their readers to cut out and send in an expression of support for repeal without meaningful explanation.

12 October 2017

The News Media Association (NMA) attempts to judicially review the PRP's decision to recognise Impress as an approved regulator, which fails when Lady Justice Rafferty DBE and The Hon. Mr Justice Popplewell hand down their judgment[6], ruling that each of the six main arguments put forward by the NMA lacked any foundation. The NMA appeals the decision but subsequently decides to withdraw the appeal, paying the PRP's costs.

1 March 2018

In an oral statement to Parliament, the Government indicates that it intends to ask Parliament to repeal Section 40 at the earliest opportunity (but does not introduce a Bill until November 2023).

16 May 2018

The Government states: 'The Press Recognition Panel remains an important part of the regulatory framework'.[7]

26 March 2019

The PRP completes the first cyclical review of Impress, confirming that it continues to meet the Recognition criteria.

8 April 2019

The Government publishes the Online Harms White Paper, which sets out its plans for keeping UK users safe online.

12 May 2021

The Government publishes the Draft Online Safety Bill, establishing a new regulatory framework to tackle harmful content online.

11 May 2022

The Government indicates that it intends to repeal Section 40 as part of the proposed Media Bill.

21 July 2022

The PRP Board confirms that Impress continues to meet the Royal Charter Criteria following the second cyclical review.

19 April 2023

Following the Government's publication of a draft Media Bill (including a clause to repeal Section 40), the House of Commons Culture, Media and Sport Committee launches pre-legislative scrutiny. The Committee does not reach any conclusions on the merits of Clause 43 of the draft Media Bill, which would repeal Section 40.

23 May 2023

An amendment is proposed tightening the definition of a 'Recognised News Publisher' during the Committee Stage of the Online Safety Bill. The amendment is not moved to a vote.

31 October 2023

The Online Safety Act 2023 receives Royal Assent and becomes law.

8 November 2023

The Government introduces the Media Bill into Parliament, including Clause 50, which would repeal Section 40. The accompanying Impact Assessment concludes that it does 'not foresee any risks or potential unintended consequences resulting from the removal of s.40.[8]' but without any consideration of the role of Section 40 in underpinning the Recognition System.

9 November 2023

Ofcom commences consultation on 'Protecting people from illegal harms online', which includes the need for platforms to consider 'recognised news publishers' as defined in the Online Safety Act 2023.

23 November 2023

Second Reading of the Media Bill in the House of Commons where concerns are raised, by way of an amendment, regarding the effect on the Recognition System, freedom of speech, and public protection by repealing Section 40[9].

5 December 2023

Former MP and Government Minister Chris Huhne reportedly reaches an agreement with News Group Newspapers regarding allegations of unlawful news gathering dating back to 2014, accepting a six-figure settlement in compensation rather than proceeding to trial[10].

15 December 2023

Judgment upholds the claims by The Duke of Sussex, Nikki Sanderson, Michael Turner, and Fiona Wightman that Mirror Group Newspapers employed illegal and intrusive press practices to obtain stories up to 2011 and awards damages to the claimants[11].

8 January 2024

An amendment is proposed to the Media Bill presenting a compromise position on Section 40, retaining the safeguards for freedom of speech for news publishers who have joined an Approved Regulator while repealing the exposure to costs for those news publishers who chose not to. The Government defeats this amendment in a vote.

A further amendment is proposed to add a new clause to the Media Bill requiring the Government to bring forward alternative proposals to encourage publishers or regulators to seek recognition under the terms of the Royal Charter before Section 40 can be repealed. This amendment is not moved to a vote.[12]

22 May 2024

At Committee Stage consideration of the Media Bill in the House of Lords, Baroness Hollins draws Parliament's attention to a letter from Sir Brian Leveson[13] highlighting that freedom of expression was at the core of the Leveson Inquiry's recommendations and that nothing in the report undermines that principle. It aimed to protect individuals without substantial means caught up in public interest events but unable to seek redress for defamation or unlawful intrusion into their privacy simply because they could not afford to challenge the press in the courts. This principle is reflected in Section 40.

Amendments are proposed to retain all or parts of Section 40 as well as an alternative 'right of reply'[14].

23 May 2024

Despite expressing reservations that the issue of press regulation had not been given 'sufficient weight and seriousness', the Labour Opposition agrees that the Media Bill can proceed through the 'wash up' procedure to complete Parliamentary urgent outstanding business prior to the 2024 general election and does not support the amendments proposing to retain all or parts of Section 40.

24 May 2024

The Media Act 2024 receives Royal Assent and becomes law, repealing Section 40.

13 June 2024

The Labour Party Manifesto[15] includes a commitment to address 'historic injustices' arising from public inquiries, acknowledging that 'Without justice and the truth, victims and their families cannot move forward'. It does not directly reference the recommendations of the Leveson Inquiry.

4 July 2024

The Labour Party wins the 2024 general election, and Sir Keir Starmer is elected Prime Minister of the United Kingdom.

22 January 2025

News Group Newspapers (NGN) issues an apology to the Duke of Sussex for intrusion by *The Sun*, including unlawful activities carried out by private investigators. NGN also apologises for phone hacking, surveillance, and misuse of private information by journalists and private investigators at the *News of the World*. Additionally, NGN apologises to Lord Watson for intrusion by the *News of the World*, including surveillance[16].

5

THE PUBLIC HAS BEEN ABANDONED

Immediately following the announcement of the 2024 general election on 22 May, both major political parties concluded that the legislation underpinning independent press self-regulation in the UK should be repealed. This legislation was given priority in the wash-up period despite facing opposition from all parties in the House of Lords. Ultimately, the Lords Opposition Spokesperson maintained, somewhat jarringly, that [17]:

> *"… it is unfortunate that we are having this debate, on this Bill, at the end of a Parliament. It is a great shame, because this part of the Bill does not really sit easily with the rest of it, which is primarily about broadcast and audio media. We should have stuck to that subject matter…*
>
> *With that said, we do not support the amendments … We now have a settled position and things have moved on since Leveson …I do not think that sufficient weight and seriousness were paid to the arguments that are being made that we need to look closely at the press and examine how it works … We are content for the Government to conclude business on this group, which we hope will enable us to make progress on the Bill."*

Baroness Hollins at Report Stage of the Media Bill 23 May 2024

'The principle of access to justice for ordinary people against press abuse, and the freedom of regulated and ethical newspapers to hold wrongdoers to account without fear of expensive litigation, is common sense.'

We are unable to reconcile the assertion that the current situation regarding independent press self-regulation is inadequate at the same time as weakening said system. Nevertheless, we are where we are – Section 40 of the Crime and Courts Act 2013 ('Section 40') has been repealed. Section 40 and Section 34 (Award of Exemplary Damages) of the Crime and Courts Act were the key incentives for news publishers to join an Approved Regulator. Although Section 34 has been implemented, as we will see later in this chapter, news publishers have largely evaded the financial risk or poor conduct and behaviour presented by Section 34 by settling claims in nearly all cases.

Now, without Section 40 or any alternative in place, there is no meaningful advantage for news publishers to participate in independent press self-regulation or consequence for them failing to do so. The current press regulatory landscape remains fractured, and access to justice for the public is greatly diminished in the event of press harm.

The Liberal Democrats DCMS Team also expressed this concern in their response to our Call for Information:

> *'The Liberal Democrats supported the legislation which created the Leveson system, including both the creation of the PRP as a guarantor of regulatory standards, and the incentives contained in Section 40 of the 2013 Crime and Courts Act that were an integral part of the framework.*
>
> *As we said in our submission last year, those incentives have been misrepresented as an unfair measure whose only effect would be to make publishers liable for court costs even when they win. In fact, they would have both protected ordinary people who are victims of press malpractice from powerful and wealthy news publishers; and provided parallel protection to publishers faced with threats by wealthy and powerful litigants. With those incentives now repealed, there is a danger of reverting to a state of unaccountability within an industry that has a long history of breaching agreed professional standards.'*

The Public Interest

In the context of press regulation, 'The Public Interest' means a set of circumstances which justifies breaching the ethical code of standards which normally applies. This, non-exhaustively, includes:

- detecting or exposing crime or serious impropriety;
- protecting public health and safety;
- preventing the public from being seriously misled; and
- the need to protect confidential sources of information.

Importantly, standards must also take account of and balance the importance of freedom of speech *and* the rights of individuals.

Two of the key roles of a free press are to hold our public institutions to account and expose private individuals who might be trying to abuse their position in some way. The press acts in many ways as the public conscience, and we rely on it to act in our interest. The Public Interest.

In return, we give the press several privileges, like exemptions from certain taxes and laws, to enable news publishers to perform these roles using methods that, should an ordinary member of the public use them, might be considered illegal. These include protections in defamation legislation, exemptions from privacy legislation, and specific requirements for the police to obtain a court order before they can access journalistic material or undertake covert surveillance.

However, the press can also have a significant impact on ordinary members of the public. When the press chooses to exercise these privileges and protections, not in pursuit of a public interest matter but in pursuit of other interests, such as increasing circulation (whether print or online) and advertising sales, there needs to be a mechanism to hold news publishers to account.

Many point out that our legal system already includes provisions for dealing with situations where the press steps over the line. The challenge with reliance on this approach is that, except in the most serious of cases, the burden of holding news publishers accountable falls on ordinary members of the public. Many are unaware that it is possible to make a complaint and do not have access to the means and expertise to bring a claim through the courts when they are the victim of press intrusion.

SAMM network member

'My husband … was killed …This turned our families devastation into a media circus. The Press swarmed the village we live in for days. They were knocking on doors and approaching residents in the street trying to get information about him, us, the incident. We didn't dare open our blinds. We didn't dare venture outside.

Sharing our heartbreak is not something we should have to do, yet they act as though the world has a right to witness it. And they don't.'

The harm from press intrusion can be catastrophic for the individuals concerned – frequently damaging their mental health, finances, and career, as well as personal and professional relationships.

In any other industry where one party has an unequal and entirely disproportionate ability to cause harm, another characteristic of a democratic state is to put in place a regulatory framework to act on behalf of the public, determine what constitutes acceptable standards of practice, and adjudicate on cases where a complaint is made that these standards have not been met.

And yet, an effective regulatory framework is almost entirely absent for news publishers, whom we might describe as the 'traditional print media' despite their ever-increasing online and broadcast presence.

The Recognition System was meant to fill this gap. Overseen by the PRP, the model was intended, following the recommendations of the Leveson Inquiry, to reform press self-regulation by setting clear expectations on the independence, financial security, and performance of press self-regulators.

Section 40 has been misunderstood and mischaracterised

Families Outside network member

'They don't care about my life, or my children's lives, all they want to do is get a headline'

The PRP, acting independently of politicians, the industry, or any other third party, was intended to provide assurance to the public that press self-regulators were holding news publishers accountable to the public interest.

Since our establishment, we have not been able to provide such assurance. The Leveson Inquiry identified a key test of success for the design of this self-regulatory system:

> *'… it should not be possible for the industry (and, in particular, those who have a powerful voice in the industry), either in whole or in part, to choose not to engage with independent regulation.*[18]*'*

To fulfil this test, the Leveson Inquiry recommended that a system of arbitration be built into the independent press self-regulatory model to provide a timely and low-cost alternative to making a claim through the courts. Further, those news publishers participating in independent press self-regulation would be protected in the courts from costs if a relevant claim were brought against them that could have been resolved via arbitration.

This was intended to incentivise news publishers to participate in independent press self-regulation. However, this protection was balanced by a parallel protection for members of the public bringing a relevant claim against a news publisher who had chosen not to participate in independent press self-regulation, denying that member of the public the opportunity to resolve the claim in arbitration.

The intention was to provide affordable access to justice for all members of the public, even where a news publisher had chosen not to engage with independent press self-regulation, while at the same time upholding the rights of news publishers who did participate, protecting them from malicious lawsuits (referred to as Strategic Litigations Against Public Participation or 'SLAPPs') designed to muzzle investigative journalism with the threat of substantial legal costs.

In debates during the passage of the Media Act 2024 in the House of Lords, Sir Brian Leveson wrote an open letter to Baroness Hollins[19] describing the purpose of the recommendation that led to Section 40 succinctly:

> *'My recommendation was intended to be an incentive to the press to join a recognised self regulator and gain protection from SLAPP type behaviour … while at the same time providing a cheap and reasonable alternative to those without means whose rights may have been infringed.'*

Parliament agreed with this model and, with cross-party agreement, Section 40 was passed, giving legal effect to this cost-shifting regime.

However, the Government included a provision in the Crime and Courts Act that required a further order, known as a Commencement Order, to be made to activate the legislation. It is not clear why this provision was included as the drafting of Section 40 itself envisaged the circumstance that a claim might be made against a news publisher before it was possible to participate in independent press self-regulation under the Recognition System (i.e. no self-regulatory body had been recognised by the PRP as an Approved Regulator). This would ensure that no news publisher would be penalised for failing to engage with a system which did not yet exist. This drafting should have rendered a commencement provision unnecessary unless, as we might speculate, there was also an intention to continue to use Section 40 as a political bargaining chip.

Meanwhile, part of the industry pressed ahead with establishing the Independent Press Standards Organisation (IPSO). IPSO was advertised as a robust new independent press self-regulator with teeth, unlike its predecessor, the Press Complaints Commission (PCC). However, IPSO replicated many of the structural failings that undermined the PCC. IPSO did not conform to the Leveson Inquiry recommendations for an independent press self-regulator. Despite this, IPSO was used to justify a delay in commencing Section 40 and then the repeal of Section 40 entirely.

Lord Watson of Wyre Forest at the Third Reading of the Media Bill on 23 May 2024

'The public need to understand that, if we are going to concede to media barons — and let us not deny that this is what this represents — we need to be seen to do the right thing. In trying to railroad all these amendments through in an afternoon, on the day after the announcement of a general election, you cannot make the case that this is anything other than a venal deal.'

We might infer from this gradual rolling back from implementing the Leveson Inquiry recommendations that the then Government had no intention of regulating the press effectively. Perhaps another symptom of the 'too close' relationship between sections of the press and politicians described in the Leveson Inquiry report[20]. With the repeal of Section 40 now a fait accompli, there is no consequence for news publishers in choosing not to engage with independent press self-regulation. Public protection has been abandoned in favour of the commercial interests of sections of the press.

Arguments presented in favour of repeal by the previous Government and reported with great fervour by supportive sections of the press mischaracterised how Section 40 was intended to work, were misleading in what the effect of Section 40 would be and, in some instances, were factually incorrect.

Annex B to the previous Government's Overarching Impact Assessment accompanying the introduction of the Media Bill to Parliament in November 2023[21] asserted that 'there now exists a strengthened, independent self-regulatory system for the press' and that 'there has been a raising of standards across the industry' such that

Section 40 was no longer necessary and would be contrary to the efforts of the Government to support the sustainability of news publishers as they responded to the disruption of caused by an increasingly online world.

It is unclear what evidence the Impact Assessment relied on to assert that standards have been raised across the industry. In response to previous calls for information, the testimony we received tended to be more equivocal. As Lord Lipsey summarised it to us in 2022:

> *'In some regards press behaviour has improved since Leveson. I doubt widespread hacking still takes place for example. … However there is no guarantee that improvement will last as collective memories fade. With the press facing damaging competition from social media, there will be a constant temptation for it to break the rule.[22]'*

We discuss the issue of news publishers operating online and on social media, and whether the perception that they are 'losing out' in this competition is correct, later in this report. However, the general view that there has been some improvement in press standards was echoed in one of the responses to our Call for Information for this report from Iain Wilson, a partner in Brett Wilson LLP specialising in libel, privacy and harassment:

> *'My personal view is that there was initially some improvement in press standards following Leveson 1. There was some improvement following the Supreme Court's 2016 decision in PJS, which effectively killed the 'kiss and tell' story.*
>
> *…*
>
> *Moreover, the shift to online news consumption and resultant competition from non-legacy media has inevitably reduced revenue and the budget available for journalists/editors, as well as syndicated/ freelance copy. This has arguably resulted in a lowering of journalistic standards and more 'rushed' copy that may be inaccurate and/or not properly verified.'*

As we explore in more detail in the next chapter, the available evidence demonstrates that, whatever improvement there may have been in standards of press conduct, the potential for harm arising from press intrusion remains.

Arguments that Section 40 should be repealed because of its potentially burdensome cost also mischaracterise how it works. Former MP Damian Collins described during the Committee Stage of the Media Bill the risk of:

> *'lawfare, whereby wealthy people, particularly oligarchs, take spurious legal action against newspapers because of content they do not like, without worrying about whether the case meets any kind of threshold.[23]'*

This argument is sometimes referred to as the 'chilling effect[24]' on investigative journalism. However it is described, it is a bizarre argument. If a news publisher were a member of an Approved Regulator, they would be protected from precisely this kind of legal action under Section 40. Sir Brian Leveson highlighted, in his open letter to Baroness Hollins during the passage of the Media Act 2024[25], that his recommendation, which led to Section 40:

> *'was specifically designed to ensure that good journalism was encouraged, providing a quick, relatively inexpensive remedy to those who were defamed or whose privacy was unlawfully invaded without either side having to expend vast resources and energy pursuing in court litigation. At the same time, it provided real protection for the press from those with vast resources who sought to shut down what was legitimate investigative journalism: if such a person sought to use the power of money to litigate, the relevant press organisation would be able to demonstrate that such persons had been able to arbitrate and, having chosen a vastly more expensive route, could properly be required to pay the costs unnecessarily incurred. Far from chilling good journalism and encouraging SLAPPS, an appropriate arbitration scheme equally allowed vexatious claims quickly to be dismissed and meritorious claims to be quickly resolved.'*

The Liberal Democrats DCMS Team also raised the issue that the repeal of Section 40 was disadvantageous for Impress' membership in relation to investigative journalism:

> *'… there is also a significant danger of prejudicing the interests of those 120 plus publishers that have voluntarily chosen to join the only recognised regulator, IMPRESS and abide by their standards of journalistic conduct. Those publishers have now been deprived of the promised protection from wealthy litigants, leaving them potentially vulnerable to the financial risks that difficult investigative journalism often entails. If government is sincere in its commitment to safeguarding the interests of small, independent publishers and their ability to hold power to account with hard-hitting journalism, they should reassess the previous Conservative government's repeal of these measures.'*

In an example of hypocrisy, some news groups have been using a different cost-shifting mechanism, via settlement rather than arbitration, to encourage the timely resolution of cases. No admission of liability settlements are seen as preferable to allowing the facts to be aired in court and, we might imagine, exposing those news publishers to exemplary damages, which, unlike Section 40, has survived into implementation.

Legislation known as Part 36 of the Civil Procedure Rules, a failure to accept a settlement by the claimant exposes the claimant to costs even if they win the case if the award made by the judge is less than the settlement previously offered by the party defending the claim on an indemnity costs basis. This means that news publishers with deep pockets can expose any claimant to pay unreasonable costs on the basis that they were incurred if the claimant does not beat any, usually too good to be true settlement offer that was made before or during the trial itself.

In 2024, Hugh Grant felt forced to accept a no admission of liability settlement offered by News Group Newspapers, reportedly saying:

> *'I don't want to accept this money or settle. I would love to see all the allegations that they deny tested in court … But the rules around civil litigation mean that if I proceed to trial and the court awards me damages that are even a penny less than the settlement offer, I would have to pay the legal costs of both sides.*
>
> *My lawyers tell me that that is exactly what would most likely happen here. Rupert Murdoch's lawyers are very expensive. So even if every allegation is proven in court, I would still be liable for something approaching £10m in costs. I'm afraid I am shying at that fence.[26]'*

Hugh Grant's experience is only one of a number of high-profile cases reaching this outcome in what appears to be, as we reported last year, now a standard tactic. News groups appear quite happy with cost-shifting in court cases as a principle, but only when they can utilise it in their favour to avoid proper accountability by maintaining 'no admission of liability'. The fact is that news publishers are litigating at huge expense and may continue to need to do so for the foreseeable future.

With a few exceptions, the most high-profile being the Duke of Sussex and his co-claimants against Mirror Group Newspapers[27] in December 2023, obtaining justice has proven to be highly challenging even for those individuals with the means to bring a claim through the courts. More recently, even the Duke of Sussex, with Lord Watson, has settled a separate claim against News Group Newspapers, publishers of *The Sun* and the now-defunct *News of the World*[28], rather than proceed through the court. The ordinary public, on the other hand, have been abandoned. If this situation is allowed to continue, we will be sleepwalking into another scandal.

Information recently released under the Freedom of Information Act[29] shows that the Government estimated that there might be 126 cases a year relating to claims for libel, slander, breach of confidence, misuse of private information, malicious falsehood, and harassment, which could add between £12-40m in legal fees. However, this figure pales in comparison to the reported £1.2bn spent on legal fees and settlements by part of the industry over the last 12 years. Of course, the Government's officials noted that this cost would be defrayed by news publishers joining an Approved Regulator, which was exactly the point of Section 40.

However, we recommend caution when reading too much into these numbers. We have used these headline figures to illustrate the gaps in the arguments that were made in favour of repeal on the grounds of cost. Indeed, the Government's officials also advised caution at the time, with one official being very clear that:

> *'…it is indeed pretty complicated and you will note that some assumptions are made from a clear evidence base than others. So I would guard against too much reliance on these figures. And they clearly shouldn't be the sole or even primary factor for decision making.'*

This caution was notably absent from the consultation paper and the then Government's response, which maintained assertions regarding the financial pressure that Section 40 might create and alleged, again without evidence, that this would prevent news publishers from undertaking investigative journalism and have a 'chilling effect' on freedom of speech[30].

Sir Brian Leveson, in his open letter to Baroness Hollins during the passage of the Media Act 2024, summarised the more nuanced position with Section 40:

> *'Neither my recommendation (nor, as I read it, s. 40) 'forces' news publications to pay costs when they win. The recommendation encouraged news publications to establish an independent arbitration mechanism to resolve disputes which would then protect them from oligarchs intent on going to court in SLAPP type litigation while also allowing those without means who have been libelled or whose privacy has been invaded to seek redress without incurring vast costs which could not be afforded. Failure to attempt mediation can be taken into account in costs arguments. In any event, as I recommended, there is an overarching discretion so that the judge can reach a "just and equitable" resolution of any costs issue.'*

Further, in relation to smaller news publishers, Sir Brian said:

> *'The purpose of encouraging all (including small publishers) to be a member of a recognised self regulator is to allow them to offer arbitration and thereby protect them from adverse orders for costs in the event that expensive litigation was chosen in an effort to force a small publisher to retract irrespective of the merits. The absence of some mechanism such as I recommended, however, means that those who, for want of financial means, are unable to 'take on' the press however seriously they have been defamed or their privacy invaded are deprived of all remedy.'*

Making a complaint is a lottery

SAMM network member:

'At the time I didn't complain but I wish I had known there is an independent body who perhaps I could have contacted.'

The argument that there is a strengthened independent self-regulatory system for the press also ignores the fractured nature of the press's self-regulatory landscape. While there is an Approved Regulator, Impress, operating within the Recognition System that continues to demonstrate that it is independent, impartial, and effective at handling complaints, most news publishers, including all the national titles, have chosen to remain outside of the system. Some have preferred to join IPSO, which cannot demonstrate that it is independent of the industry and over whom we have concerns about the effectiveness of its complaints handling. Furthermore, some news publishers have chosen to operate their own in-house standards and complaints handling processes while others operate no standards or complaints handling system at all.

The suggestion that this represents a 'strengthened independent self-regulatory system' is disingenuous in the extreme when it remains a lottery as to whether the public can even access complaints systems outside of those news publishers amongst Impress' membership.

SAMM network member:

'I didn't use the complaints process — didn't know about press regulators/didn't have the energy'

In its response to our Call for Information, the charity Support After Murder and Manslaughter (SAMM), which provides a range of peer support to relatives of victims of murder and manslaughter, offered several examples which illustrate powerfully how press intrusion feels for ordinary people who are vulnerable and caught up in circumstances beyond their control, and how difficult it is to complain or know that it is even possible to do so.

Families outside network member

I was told by my solicitor I couldn't complain about it because he said they will come after you, they will follow you, they will follow your children, they will take pictures of you, so I felt completely vulnerable and violated and I felt like I had no rights at all.

Families Outside, a charity which supports families affected by imprisonment, responded to our Call for Information in 2022, expressing the concern that even when members of the public do know that it is possible to complain, there is a palpable fear of retaliation:

> *'The families we support, however, rarely raise complaints, often because the damage is already done, and they fear attracting more attention and media coverage of the issue.'*

Given this, the further assertion in the previous Government's Impact Assessment that 'There will be no equality impacts resulting from this regulatory change' ignores the Public Sector Equality Duty[1]. The fact that the repeal of Section 40 is, speaking very narrowly, 'neutral' in terms of equality impact because it was never commenced does not respond to the issue that the current press regulatory landscape is ill-equipped to deal with the discrimination and harassment of minority groups. On 8 May 2024, we published our follow-up analysis[31] of IPSO's complaints handling and related matters, focussing on IPSO's rulings. The analysis highlighted that because the *Editors' Code of Practice*[32] only covers discrimination by the press against individuals, not groups, the press can continue to make carefully worded derogatory remarks about groups based on any characteristics without fear of sanction by IPSO.

By contrast, whilst protecting individuals against discrimination, the Impress Code of Conduct also states that publishers must not encourage hatred or abuse against any group based on their protected characteristics.

Given its influence on the Recognition System, there is a clear advantage to the Public Sector Equality Duty in Section 40. However, the Impact Assessment did not even pay lip service to these considerations.

We have been seeking to engage with the current government on the future for independent press self-regulation. In correspondence with the Department of Culture, Media and Sport[33], it appears that the 2024 manifesto commitment to "address historical injustices ensuring that families do not have insult added to injury by years of delay" does not extend to fully implementing the recommendations of Part 1 of the Leveson Inquiry, proceeding with Part 2 of the Leveson Inquiry, or reversing the repeal of Section 40. This is a reversal of previous Labour policy while in Opposition which was reported in the then Government's response to the consultation on the Leveson Inquiry and its implementation[34]:

> *'The Labour Party was the only political party to argue that section 40 must be commenced to meet the commitments made to victims.*

[1] The Public Sector Equality Duty requires public authorities to have due regard to the need to:
1. put an end to unlawful behaviour that is banned by the Equality Act 2010 including discrimination, harassment and victimisation
2. advance equal opportunities between people who have a protected characteristic and those who do not
3. foster good relations between people who have a protected characteristic and those who do not

> *They also emphasised that this was a cross-party agreement, and that it should be implemented so that it can work properly. They stated that it should not be repealed just because IPSO is refusing to become a recognised regulator.'*

It is also hard to see why the Labour Party Manifesto's statement on historical injustices should not include those affected by poor press behaviour, nor does it seem salient that the manifesto was silent on press regulation: there are many things that governments do which have not been spelled out in a manifesto.

The Government maintains that its role is not to arbitrate on the work or governance of independent press self-regulators. We have pointed out that the Government is responsible for ensuring that the system of press self-regulation is coherent and works as intended. As things stand, press self-regulation is not coherent. The Recognition System was never fully implemented, and now, with the repeal of Section 40, it is unlikely to succeed without further policy intervention. There is currently no 'system' as such, but a permissive regime where news publishers can pick and choose whether they wish to act responsibly or not. Some news publishers participate in the Recognition System, some join IPSO, while others do neither.

SAMM network member:

'I didn't know what to [do], how to get help or who I can trust so I didn't do [sic] complain about it.'

This leaves the public in a very difficult position, struggling to understand how to make a complaint to the right body. If they do make a complaint, they are frequently met with obstruction and disinterest about 'yesterday's news'. As we have seen from our analyses, the experience of the various complaints systems, especially as between Impress and IPSO, can be wildly different[35].

While it is not the Government's role to arbitrate on the governance and work of press self-regulators, it is our role, as the body established under Royal Charter, with cross-party Parliamentary support following the Leveson Inquiry recommendations, to do so. However, it is a role we cannot perform effectively without sufficient coverage across the press industry.

Over the last ten years, the Recognition System has demonstrated that it can work in practice. The PRP has established effective systems and processes to provide independent oversight of a press self-regulator. Impress, with over 200 member titles, has continued to demonstrate that genuinely independent press self-regulation works in practice, without impacting on the freedom of the press where that operates in the public interest.

We have an Approved Regulator in place which is ready and fit for purpose but for the participation of the large national news publishers who have chosen not to engage. Unless those news publishers engage, the Recognition System cannot work as intended, and the PRP cannot discharge its role of overseeing the work or governance of all press self-regulators in a meaningful way.

In its response to our Call for Information, Impress also highlighted a risk to the progress that has been made in implementing the Recognition System:

> *'No national newspaper wanted to be regulated; only one regulator applied for recognition by the PRP; without the participation of high turnover publishers, subscription fees alone could never amount to more than a fraction of a regulator's running costs.*
>
> *Despite being aware repeatedly of the crippling effect of its charges upon Impress, the PRP has not minimised its own costs. Independent press regulation will not survive if two problems are not addressed: the absence of all high turnover publishers from the regulatory system, and the requirement for the regulator to finance the PRP.'*

We disagree that there is much more that the PRP could do to minimise costs. We already operate as a very lean organisation. Neither is it possible to reduce the fees for an Approved Regulator without either an amendment to the terms of the Royal Charter or a change in the regulatory landscape itself, such as another self-regulatory body achieving recognition, which would enable us to reconsider our fees model while still meeting the requirement to seek to recover our full costs.

This risks a retrograde step for press self-regulation

It would, however, be a significant retrograde step for press self-regulation should the only Approved Regulator be forced to withdraw from recognition for financial reasons because the national news publishers have chosen not to participate. Earl Attlee was of the view at the Report Stage of the Media Bill that this is a deliberate intention:

> *'The truth of the matter is that the opponents of the Leveson reforms want the only approved regulator to wither on the vine[36]'*

With the Government recused and the PRP stymied, the only other form of accountability for the system of press self-regulation lies with the House of Commons Select Committee for Culture, Media and Sport ('CMS Committee'). The CMS Committee missed the opportunity to meaningfully scrutinise the provision repealing Section 40 during pre-legislative scrutiny of the

Media Act in 2023. After briefly rehearsing some of the arguments for and against, they rather disappointingly concluded in their report[37]:

'We note the conclusion of the Government's review of Section 40 of the Crime and Courts Act and its decision that it should be repealed. However, there can be no room for complacency regarding press standards. We will continue to scrutinise the work of the media industry and hold the press accountable for its reporting'

The phrase 'continue to scrutinise the work of the media industry and hold the press accountable for its reporting' deserves further consideration. The CMS Committee attempted to perform this role in 2009 when *The Guardian*'s article revealing the scale of phone hacking in the industry came to light. Rather than dealing with the allegations, the PCC reassured the CMS Committee that phone hacking was the work of 'two bad apples'[38]. CMS Committee members came under intense pressure from News International. The BBC podcast '*Phone Hacking, Spying and Politicians*' describes[39] the contact that the then Chair of the CMS Committee had from News International:

'bombardment of text and calls that John Whittingdale received from News International. Records which have been read out in court cases show that between February 2010 and December 2011, he received 431 calls and text messages from News International PR's man … about 20 a week ... this very high degree of contact during an Inquiry with a Select Committee chair is unexplained.'

Also reported in the same podcast[40] are claims that several members of the CMS Committee had cause to suspect that they were subsequently the target of phone hacking. Lord Watson was one of these committee members and has just received a settlement and an apology from NGN for being put under surveillance by journalists and those instructed by them at the now-defunct *News of the World*[41].

The PRP was established to take politics out of press self-regulation. This ambition remains beyond our reach. Twelve years after the Leveson Inquiry report, it is all too easy to identify the 'too close' relationship between sections of the press and politicians re-emerging. That politicians may themselves have been victims of this relationship does not seem to have persisted in the Parliamentary memory. It should. Former Prime Minister Gordon Brown appeared on the *Tabloids on Trial*[42] documentary concerned that he was the target of unlawful information gathering and summed up:

'it's a lesson for all of us that we're in a democracy and it is the people, not the press, that must rule.'

Iain Wilson, in his response to our Call for Information, also highlighted that it is not just Parliamentarians who may be exposed to the risk of press harm:

'Notwithstanding this, the press obviously has a renewed sense of confidence following the abandonment of Leveson 2 and often pushes boundaries. I have been disturbed by attacks on the judiciary and the rule of law, most notably around Brexit/Article 50 litigation and privacy litigation – where senior judges have been described as 'enemies of the people''

While scrutiny of the functioning of any judiciary is clearly in the public interest of any democratic state, the risk that some news publishers may be actively seeking to undermine the judiciary where they have a clear commercial conflict of interest requires alertness and critical thinking. We might at this juncture remind ourselves that the Human Rights Act allows restriction of the right to freedom of expression where it is necessary for 'maintaining the authority and impartiality of the judiciary.[43]' This is clearly not a position that the authors of the *Editors' Code of Practice* agree with given it positions freedom of expression as a 'fundamental right[44]' and therefore without any such qualification.

Other policy interventions are available to change the nature of the press and press regulation. Rehearsing a recommendation from the follow-up to the 1989 Calcutt Inquiry, Sir David Calcutt's Review of Press Self-Regulation published in 1993[45] recommended a new statutory regulatory framework, including establishing a statutory regulator.

Establishing a press regulator on a statutory basis would require legislation, and having resiled from Section 40, a much milder intervention than statutory regulation, we do not assess any appetite for this solution. However, it would comprehensively address the issue of non-participation. As Iain Wilson observed in his response to our Call for Information:

'The repealed legislation [Section 40 of the Crime and Courts Act 2013] *adequately addressed the mischief ... Another mechanism is a statutory regulator, but this would no doubt be strongly opposed and would, admittedly, raise questions about whether the press is truly free.'*

The issue of statutory regulation was also considered by the Liberal Democrat DCMS Team in their response to our Call for Information:

'Leveson himself recommended that, should the industry not be prepared to join a system of voluntary independent self-regulation, Ofcom should be employed as a backstop regulator. This is not our preferred option, given that Ofcom is a statutory regulator and now has

multiple regulatory obligations (now enhanced through the Online Safety Act). Ofcom may still need to be considered as a last resort.

There are other options which could both enhance journalistic standards and protect members of the public from malpractice. These might include, but are not limited to, a statutory right of reply for those affected by press misrepresentation, a statutory tribunal (perhaps situated within Ofcom), or financial incentives to encourage publishers to join a recognised regulator. We would support effective proposals that would both enhance freedom of the press and ensure the regulatory system is successful.'

Impress, in its response to our Call for Information, also proposed an alternative approach to address the failure of the larger news publishers to engage in independent press self-regulation:

'There is a further option which, at no cost to the public purse, would ensure the viability of independent press regulation and make it freely available to all news publishers, large and small, in print and online. A marginal annual levy on all news publishers above a certain turnover level (perhaps £5m) paid direct to the PRP would cover the costs of its compliance functions over any independent regulator and permit the PRP to subsidise the operations of a regulator whose subscription income falls short of its operating costs. In return for such a levy, high turnover news publishers could, if they wished, join an independent regulator at no additional cost, though they would retain their right not to do so.

Industry-funding of the PRP would not jeopardise a regulator's independence and nor would it compromise the ability of news publishers to remain unregulated if they so choose. It would simply ensure a sound financial basis upon which the independent regulation of a free press could continue in the way that Leveson, Parliament and the British public expected.'

If we look to comparator organisations, such as the Financial Conduct Authority or the Professional Standards Authority for Health and Social Care, then this type of model is likely to require further legislation and/or an amendment to the Royal Charter[46]. In principle, we have not identified any immediate issues with funding the system through a levy. However, just as some firms view the Apprenticeship Levy as 'a stealth tax[47]', it is more than possible that those news publishers who have chosen not to engage to date with independent press self-regulation, will simply carry on and view the levy as a cost of doing business. While this would provide for the long-term financial security of the currently only Approved Regulator, it does nothing to address non-participation by sections of the press who may represent the highest risk.

This would need to be implemented in conjunction with some sort of backstop regulator or requirement in order to address this issue which, as discussed above, is likely to be strongly resisted by sections of the press. Another alternative might be to require news publishers to pay the levy and pay for an independent external audit unless they joined an Approved Regulator. These kind of options do however layer complexity onto the system and are likely to raise the same objections from sections of the industry as statutory regulation.

The Australian Government have taken a different approach to addressing concerns regarding the financial viability of the press. They have legislated for a New Media and Digital Platform Bargaining Code (the 'Bargaining Code') as part of a scheme to address bargaining power imbalances to ensure that digital platforms fairly remunerate news business for the content they generate, thereby helping to sustain public interest journalism in Australia[48].

While the scheme has been driven in an attempt to address wider concerns about market power and the potential for economic harm, the end goal remains the same: to preserve a free press holding an open discourse where the public are protected.

To be eligible to make use of the scheme, news publishers must meet a set of criteria, including a 'Professional Standards test' relating to mechanisms for accepting, adjudicating, and notifying complainants of the outcome of complaints about news content, standards relating to the accuracy and impartiality of news content, and editorial independence. The latter excludes news publishers either owned or controlled by a political party, lobby group, union, or a party with a commercial interest in the coverage being produced[49].

It is worth exploring whether this kind of model could be adapted for the UK context to provide an alternative, robust incentive for news publishers to participate in the Recognition System and Section 40. Membership of an Approved Regulator could serve as a substitute for the eligibility criteria described above, and it could reduce news publishers' reliance on advertising for income. Over time, we would expect this combination of reducing reliance on advertising-driven revenue and effective self-regulation to improve general standards of press conduct and behaviour. At the very least, there would be an obvious financial reward for high editorial standards and ensuring that effective complaints-handling systems are in place, advantaging public protection.

This kind of intervention would still require legislation and, as for other options, it is not clear that the Government places any priority on this area of policy. However, this option is less threatening than statutory regulation or the imposition of a levy and so may be more palatable to the industry, with a clear advantage for them in the online competition.

Press Intrusion and Regulation Report
Case Study 1: Mandy Garner

'They say in Parliament that Leveson was an historical problem, but it is not a historical problem. They have never addressed the issue of clickbait. The change I want is I want them to acknowledge the danger of clickbait. I know there are commercial pressures on newspapers, but clickbait is not the answer. There should be some sense of responsibility because everything goes onto social media now. There is a strong argument for press freedom but, with freedom of the press, there has to be responsibility.'

If Section 40 is not the answer to the Leveson test, another mechanism must be found to ensure that the whole industry can be held to account. As things stand, the Recognition System cannot work. We need to have a discussion that was sadly lacking from the debates during the Media Act's passage around what the future of press regulation should be. Therefore, our first recommendation is that the Government commission a review of the incentives for news publishers to participate in the Recognition System and the consequences of refraining from doing so.

Recommendation 1

The Government must urgently review the incentives for news publishers to participate and the consequences for failing to participate in the Recognition System in the interests of freedom of speech and public protection.

6 DOING NOTHING IS NOT AN OPTION

There is an effective and independent self-regulatory body, Impress, which has proven that the model proposed by the Leveson Inquiry some 12 years ago can and does work in practice. Impress has demonstrated that it meets the standards for an Approved Regulator under the Recognition System, meeting all the requirements, including independence, financial security, and effective complaints handling.

However, much of the industry continues outside of Impress' membership, which, as highlighted in Impress' own response to our Call for Information, raises a risk in the longer term that they will no longer be able to afford recognition unless things change. Many news publishers have instead preferred to join IPSO – which does not conform to the standards for an independent self-regulator under the Recognition System – or operate their own in-house standards and complaints-handling processes, or have none at all.

Even without a mechanism such as Section 40 in place to ensure that all news publishers can be held to account whether they participate in the Recognition System or not, as a voluntary system, it remains open to news publishers to join the Approved Regulator or form a new body which could then seek recognition as an Approved Regulator. It would also be open to IPSO, in collaboration with its funding body, the Regulatory Funding Company (RFC), to reform IPSO's regulations, including producing its own standards code and implementing mandatory arbitration for all its members, so that it can demonstrate that it meets the criteria for an independent press self-regulator following the Leveson Inquiry recommendations.

The table below illustrates some of the differences between IPSO and Impress, which need to be addressed before the public can have confidence in IPSO's independence and effectiveness.

TABLE 1: COMPARISON OF IMPRESS AND IPSO

	IMPRESS	IPSO
Titles include	• National, e.g., The Conversation UK, Prospect Magazine • Local, e.g., Newham Voices, Bath Echo • International e.g., New Internationalist	• National, e.g., The Sun, Daily Mirror • Local, e.g., Dover Express, Grimsby Telegraph • International, e.g., Mail Online
Publishers/titles	Approximately 130 publishers / 230 publications*	Approximately 95 publishers / 1900 publications†
Annual expenditure	£1.22m**	£2,87m††
Meets the Royal Charter criteria	✓	✗
Arbitration scheme	Compulsory for all publishers subscribing to the Impress regulatory scheme	19 publications have joined the compulsory scheme / 11 publications have joined the voluntary scheme / 1 news content creator also participates regardless of where its content appears. Remaining publications do not offer arbitration§
Power to direct apologies	✓	✗
Allows third-party complaints	✓	Infrequently
Complaints system independent of the press	✓	✗
Investigative powers	Serious OR systemic breaches of its code	Serious AND systemic breaches of its code
Publishes the number of complaints for each title	✓	✗ (Publishes number of complaints by publisher)

Notes *Taken from IMPRESS 2023/2024 Annual Report. Numbers are approximate as membership/number of publications fluctuates.
**Taken from Impress Report and Financial Statements for financial year ended 31 March 2024
†Taken from IPSO 2023 Annual Report members directory. Numbers are approximate as membership/number of publications fluctuates.
††Taken from IPSO Report and Financial Statements for financial year ended 31 December 2023
§Taken from list of publications participating in IPSO's arbitration schemes on IPSO's website

IPSO has, in many quarters, come to symbolise the weaknesses in press self-regulation. However, we must remember that IPSO is only a part of the picture. As we highlighted in our Annual Report on the Recognition System to Parliament last year[50], in contrast to Impress, IPSO is required to enforce a standards code (the *Editors' Code of Practice*) that it only has limited control over. The drafting of the *Editors' Code of Practice* means that, in practice, it is very difficult to successfully make a complaint that a news publisher has breached the code.

This combination of industry control over IPSO's regulations and the *Editors' Code of Practice* means that IPSO lacks the tools to deal effectively with complaints about press standards. In January 2024, we published a review of IPSO's complaints process and related matters. This analysis highlighted that, between 2018–2022, IPSO investigated just 3.82% and upheld 0.56% of the eligible complaints it received[51] (i.e. excluding complaints about matters not within the scope of the IPSO complaints scheme (third party or nonlead complainant, non-IPSO publisher, global jurisdiction, online reader comment, ongoing legal proceedings).

Liberal Democrats DCMS Team response

'There have been multiple examples over the last 12 years both of breaches of press standards and of the failure of the industry-controlled complaints-handler IPSO to deal with breaches in a timely and effective manner. IPSO has failed to mount a single investigation or levy any fines.'

This is a remarkably small number compared to Impress, which, across the period 2018–2023, upheld 21.67% of eligible complaints. This variation is even more remarkable when considering Impress' membership of largely specialised, regional, and local publications vs IPSO's membership, which includes national and tabloid titles.

The review also highlighted that one of the key factors constraining IPSO is its funding situation. The RFC can impose an annual funding deal upon IPSO, meaning that it has no long-term financial security (although IPSO has now managed to negotiate a five-year budget, according to its website[52]). This leaves IPSO potentially vulnerable to interference and undermines its independence. More practically, taking account of inflation, IPSO's budget is not dissimilar from its predecessor, the PCC, which was described in the Leveson Inquiry as 'barely sufficient'.

As we can see in Table 1, IPSO's budget is not even two-and-a-half times that of Impress', despite regulating eight times as many publications including many large national and international titles notably missing as a cohort from Impress' membership. We might, therefore, be unsurprised that IPSO investigates comparatively few complaints and upholds only a tiny proportion of those.

Families Outside network member

'I felt alone there was no one to talk to. I felt judged. I feared for my safety. I was verbally abused. My family home was repeatedly targeted. I had to pack up my whole life and had to give up our home, after living there for 23 years. This was heart-breaking for me, an upheaval which I did not need, especially seen as I hadn't done anything wrong.'

Further to this review, we analysed some of IPSO's regulatory decisions exploring how IPSO's limitations have led to the public remaining unprotected. The lack of an effective regulator means there is no serious deterrent to press intrusion and malpractice[53]. The analysis found serious weaknesses in its regulatory decision-making.

For example, our analysis of four case studies, identified that IPSO had failed to protect children and victims of crime, as well as the public, where a complaint had been upheld. This arises because of IPSO's apparent reluctance to impose sanctions, and when it does, it is no more serious than requiring a news publisher to publish the adjudication. In one instance, despite finding that the children involved had a reasonable expectation of privacy, the news publisher was permitted to continue to publish the article as long as the adjudication was published alongside it.

Any sanction imposed by a regulatory body will, by its nature, be retrospective and inevitably too late to help the original victims. This is why strong powers of deterrence, including fines, are so important. In the small number of cases where a consequence arises from a breach of the *Editors' Code of Practice*, it is so mild that it is difficult to identify any deterrent effect.

SAMM network member

'I was powerless I didn't count or matter, I Complained in [sic] fell on deaf ears has [sic] we have no rights and no choice.'

Without any deterrent effect, the mechanisms in place to prevent press harassment are also severely limited. IPSO has the power to issue notices to its members asking them to respect the privacy of an individual, at an individual's request. However, these are not always effective, even when IPSO has recognised that there may be limited public interest in the matter. In one case involving an actor's private life, despite three privacy notices being issued by IPSO, 51 articles about the issue were published in under four months, including two in one day and 18 in one week.

While producing these articles, journalists based themselves outside the actor's house and pursued them in cars as they drove around. When a complaint was then made, the IPSO Complaints Committee gave no weight to the issue of privacy, although it did find harassment by the news publisher for ignoring the requests to desist. In any event, the only consequence was again the publication of the adjudication, which one can only assume would fail to register when compared to the revenue created by mounting such a campaign of articles online.

The review also identified cases where circular logic in the *Editors' Code of Practice* — whereby the public interest is interpreted as equating to freedom of speech — has left ordinary members of the public unprotected. In two examples, the review highlights the inclusion of personal data of family members (including names and addresses) that had nothing to do with the story being reported. Yet the IPSO Complaints Committee did not consider this a breach of privacy, just 'simply biographical detail'. There was no consideration of the effect these stories might have on individuals connected to it by a familial relationship (and, in one instance, a relationship that had ended some seven months before the article's publication).

This was a theme also referred to by Families Outside in their response to our 2022 Call for Information:

> *'The printing of addresses and other information that can identify the family continues, however, even when they are not directly relevant to the story, which directly breaches ISPO Editors' Code (2021). In many cases, this is not justifiable or in the public interest but instead directly breaches children's and families' rights.'*

Liberal Democrat DCMS Team response

'Ordinary people still have as little protection from press mistreatment as they did in the days of the discredited Press Complaints Commission.'

Two further themes emerged in the review of note. First, IPSO seems to ignore the impact that a headline can have on people who may only be scanning an article. It can colour peoples' interpretation of the content. Even where the article may be accurate, if the headline leads towards an impression of wrongdoing, it can be extremely damaging. The second issue relates to IPSO's limited ability to deal with complaints about publications that discriminate against groups. While IPSO does now accept third-party complaints, which is a welcome move, it can only deal with cases of discrimination against individuals, not groups. The press can continue to make carefully worded[54] derogatory remarks about groups based on any characteristic without much concern that IPSO would be able to act upon it. By contrast, the *Impress Code of Conduct* explicitly states that publishers must not encourage hatred or abuse against any group based on their protected characteristics.

This technical review of IPSO's inability to deal with complaints in its regulatory decision-making reinforces the view that IPSO, in many ways, replicates the faults that plagued the PCC. However, we must not lose sight of the underlying issue – that news publishers retain the ability to cause harm to the public at scale and, in an increasingly online world, instantaneously.

In its response to our Call for Information, The Press Justice Project, a charity which advises people affected by wrongdoing in the press and seeks to educate the public about their rights in respect of unethical press conduct, echoed these themes, highlighting what they described as a number of specific flaws in the IPSO system of complaints handling, highlighting lack of investigatory process, weaknesses in the Editors' Code (especially around discrimination), weak or inadequate sanctions, failure record breaches, failure to proactively pursue complaints and irrational rulings.

The issue of discrimination was brought into sharp focus by the tragic events that occurred in Southport on 29 July 2024 and the subsequent public disorder. Government ministers have recognised the important role of the press, particularly local publications, in countering dis- and misinformation on social media[55].

The press has been swift to point to social media platforms[56] as being at the root of the issue, enabling 'violent disorder to be whipped up online'. However, the press widely uses social media to gain content for their stories and identify individuals involved. The theme of accessing information from social media was identified in the Leveson Inquiry[57], as were the challenges associated with individuals understanding privacy settings. Additionally, depending on the social media platform, even if you restrict access to your account, it might be shared with someone else in your network who reproduces it without the same privacy settings.

SAMM network member

'The morning after my mother had passed away. They tracked all of 5 of my siblings down and our partners down and hounded us with social media messages. My mother had been violently attacked and left for dead. We were still processing what was happening and did not expect them on the doorstep. They took photos of my mum and family of my mother's social media and printed this with quotes from my families social media.

I felt this was stealing, it made us feel vulnerable and over exposed. Our life had been pulled apart and spread over a newspaper. How is that in the public interest? They do not think of my mum and her dignity. They do not think of the pain the family is in.'

There is also the view that the long-term influence of language used repetitively by the news media (including news publishers) in relation to certain issues normalises attitudes that far-right extremists can then exploit. Appearing on *Good Morning Britain*, Zahra Sultana MP referenced the importance of language used by the media in shaping narratives. Referring to the riots, she said we 'shouldn't be surprised that this has happened, there has been decades of work by right-wing press and by politicians who have fanned the flames of this hate' to 'scapegoat minority groups' including migrants and asylum seekers for political decisions[58].

This long-term shaping of narratives was also the topic that the National Union of Journalists (NUJ) raised with IPSO in relation to both discrimination and disability issues in 2023. Dr Natasha Hirst of the NUJ said[59]:

> *'For IPSO to suggest that persistent negative framing of disabled people is mere 'polemic' demonstrates a shocking disregard for the real-life consequences of this rhetoric.*
>
> *Wilfully dehumanising disabled people in reporting legitimises hate speech and emboldens decision-makers who side-step their obligations to respect people's dignity and human rights. When this style of reporting so easily evades scrutiny, it points to a weak Code and regulator that doesn't care to use its teeth.*
>
> *The NUJ calls on IPSO to start monitoring national newspapers to identify poor framing that intentionally presents groups in a poor light. Our industry must be responsible for the consequences of such reporting instead of dodging accountability.'*

Hacked Off, in its response to our Call for Information, also expressed concern on this point:

> *'This also has wider consequences for society. Press disinformation on issues relating to climate change, marginalised communities, immigration and more is damaging public debate. This leaves citizens misinformed about the most important issues of the day.'*

This is an extremely complex and challenging area. IPSO has described discrimination as 'the greatest issue IPSO has had to grapple with[60]'. However, the fact that the *Editors' Code of Practice* is limited to 'avoid prejudicial or pejorative reference to an *individual's* race, colour, religion, sex, gender identity, sexual orientation or to any physical or mental illness or disability', rather than to groups has been a matter of repeated concern[61]. During the last review of the code, the Editors' Code of Practice Committee rejected submissions to broaden the scope of the relevant clause, saying[62] such an addition:

> *'would inhibit debate on important matters, would involve subjective views and would be difficult to adjudicate upon without infringing the freedom of expression of others.*
>
> *As always, the Code is striking a balance between the rights of the public to freedom of speech and the rights of the individual – in this case not to face personal discriminatory abuse. Freedom of expression must embrace the right to hold views that others might find distasteful and sometimes offensive.'*

This does not appear to be the view of Impress or its members. The *Impress Standards Code*[63] explicitly prohibits news publishers from encouraging hatred or abuse against any group based on their characteristics.

Wherever the balance might lie, and although IPSO has accepted complaints from representative groups where discrimination is alleged[64], the failure of the *Editors' Code of Practice* to address this point means that we are unlikely to reach a consensus position on this issue, leaving news publishers to act individually according to their own conscience and commercial interest.

With online platforms moving away from fact-checking[65], the role of a free press reporting in the public interest is likely to become increasingly important. However, as users of social media, the risk that the press amplifies misleading, inaccurate or discriminatory social media content also increases.

In May 2024, we published a research report we had commissioned into *Press Intrusion and Regulation*[66]. The report highlighted 10 case studies of press harm and intrusion where ordinary people, many of them already in vulnerable circumstances, found themselves under the gaze of the press, experiencing harassment, exploitation of grief, and damaged careers. Their stories were told in their own words, which otherwise might have been silenced by inadequate complaints processes and the challenges associated with lengthy and expensive court proceedings. In some cases, these individuals were able to obtain remedy or redress in the courts. Still, the obstacles in their path underline that the concerns regarding the ethics and culture of the press that led to the Leveson Inquiry persist. These case studies occurred between 2010 and 2020 and do not relate to the 'historic' phone hacking issues.

Case studies in the report[67] highlighted how some news publishers use content that deliberately employs observations regarding an individual's faith, sexuality, gender identity, or race, even if inaccurate or irrelevant to the main substance of the story, to attract attention and serve up advertising 'clickbait'. In one case study, a news publisher managed to obtain CCTV footage of a fatal road traffic accident and considered this acceptable to post on its website with no regard for the impact that might have on the victim's family.

The research also disturbingly reports the behaviour of some journalists working for major news publishers in situations of bereavement. Following the Manchester Arena Bombings, parents were finding out about the death of their children from journalists knocking at their door. In one case, a 14-year sibling of one of the victims was interrogated on the doorstep of the family home while his mother was en route to Manchester to try and find out if her older son was alive or dead.

Other examples illustrate how news publishers' have the power to destroy careers with defamatory headlines and vilification. In one case, associating an individual with sex traffickers because he happened to share the same religion and nationality, and in

Press Intrusion and Regulation Report
Case Study 5: Figen Murray

'We went to the stadium and left my two youngest daughters, the 16 year and 19-year-old at home … my youngest daughter, was downstairs watching the news, and the doorbell went. She opened the door, and there was a woman journalist who said to her, 'Oh, hi. I'm sorry to hear about what happened. Sorry for your loss. Would you like to tell me what Martyn was like? What was he like, your brother.' This journalist, who did not identify herself … assumed that Martyn was dead. The bodies at that time, were on the floor, still dead and nobody had been identified. She couldn't have known for sure that Martyn was dead. But she still decided to tell my youngest daughter the devastating news that her brother had died.'

another, taking a convicted fraudster at their word, accusing the prosecuting barrister in the case of suppressing evidence of police corruption and putting an 'innocent man in jail'.

It is difficult to identify where the public interest is in using these journalistic techniques. It is easy to identify the harm. Perhaps unsurprisingly, the report received little attention. Other than *Newsnight*[68] and some social media commentary, there was virtually no public coverage of the

Press Intrusion and Regulation Report
Case Study 7: Wajed Iqbal

'On the day it came out, I went have a look on the Mail Online app on my mobile phone. I saw my picture, which they had taken off social media. I was in shock. The headline called me 'the fixer' then the story went on to say that I had been giving badges out to the paedophiles that been convicted in Rochdale. I just start crying and when my wife asked me what was up, I had no words. I went to buy a newspaper to have a look at the actual hard copy. There was a double spread and a picture. I contacted my colleagues and they both said the same thing. They have gone for you because you're Asian.'

report. This again highlights the challenge of raising concerns and exposing misconduct about an industry that controls such a significant proportion of our public communication bandwidth.

Support After Murder and Manslaughter (SAMM) responded to our Call for Information with a collection of stories from members of its network, some historic, some more recent, which repeated similar themes. Notably, victims' families being approached on the doorstep, including children. Here is one example:

> *'My mum was murdered 20 years ago - and once the press found out where I lived with my husband and 2 children (aged 13 and 16) we weren't left alone! One particular female knocked on our door many times and often caught my children home alone and plied them with questions and asked for photos! We were constantly rung and emailed after the initial event — this lasted a couple of months then died down until the court case two years later when it started up again. While my husband and I were at the Old Bailey — the press were at our house waiting for our children to return from school. A couple of years later when 'he' killed himself in prison, we again had press knocking at our door, ringing and emailing!'*

Several prominent news publishers belong neither to Impress nor IPSO. These news publishers have set up their own standards and complaints processes. In its response to our Call for Information, Guardian News & Media[69] highlighted:

> *'We have strong self-regulatory standards, including an open and transparent editorial code and guidance that upholds high standards in our journalism. We were also the first UK paper to employ an independent readers' editor (who reports to the Scott Trust, not the* Guardian*) giving readers an independent voice to contact if they feel that our coverage ever falls short of our editorial standards. These are the principles and practices that begin to build trust in journalism and ultimately on anything that we put our name to.'*

The *Financial Times*, in its response to our Call for Information, also disagreed with the premise that any further intervention was necessary given the effectiveness of their in-house standards and complaints processes:

> *'the FT produces the most trusted journalism of any non-broadcast news brand in the UK. We maintain trust in that journalism by ensuring that every piece of journalism we publish accords to the FT Editorial Code. We also have a complaints-handling system that applies to 24 FT group online news titles. Where any complaint under the FT Editorial Code is unable to be resolved by FT senior editors, a complainant can appeal to the Editorial Complaints Commissioner who will review the matter and direct any appropriate redress. In December 2021, the FT's Appointments and Oversight Committee appointed Christina Michalos KC as its new Editorial Complaints Commissioner. The role of Editorial Complaints Commissioner ensures an independent means of overseeing reader and audience complaints. The role is a regulatory one, completely independent of the editor. The Oversight Committee and the Complaints Commissioner are part of FT governance structures that embed and ensure the highest standards in journalism. You can find out more about the policies and processes of the Complaints Commissioner here.*

The reliance on 'trust' as a proxy for evidence of good conduct and behaviour is also problematic. Trust can be misplaced and should not be mistaken for trustworthiness[70]. The fact that publications are trusted in an opinion poll does not provide us with a meaningful gauge as we have no way of assessing whether the respondents to that poll were in a position to make such a judgement. Even where these opinion polls may reflect that a publication is trustworthy, they do not provide objective and system-wide assurance. One test of trustworthiness is 'how to give adequate, useful and simple evidence that you're trustworthy[71]'.

The Recognition Criteria provide us with an objective standard for trustworthiness for press self-regulation. Given that much of the infrastructure described by some publications already reflects many of these requirements, it is unclear what the obstacle is for these publications either to join the Approved Regulator or set up their own self-regulatory body that could then seek recognition, except that it would make these publications vulnerable to genuinely independent scrutiny. Without such vulnerability, there is no meaningful way to assess the degree of trust we should place in these publications.

We would stress that none of this reflects on the conduct or behaviour of *The Guardian* or the *Financial Times*. We would also highlight that neither of these publications has been featured in our analyses or reports on press harm, intrusion, or inadequacies in complaints handling. However, there is also no objective external oversight that their systems are operating effectively to protect the public and deal with complaints effectively. We would also note that none of the news publishers responsible for the behaviour outlined in our various reports and analyses during 2024 participate in independent press self-regulation and belong to Impress.

Although we hold no real expectation that these titles who have featured in our various reports and analyses will suddenly choose to exercise their freedom of speech responsibly, it is nevertheless incumbent upon us to recommend that they, and any other news publishers who are not currently participating in the Recognition System, do so either by joining Impress, forming a new body which can act genuinely independently, or reforming IPSO so that it can do so and come within the Recognition System.

Recommendation 2

News publishers who do not currently participate in the Recognition System should join Impress, work to reform IPSO so that it can meet the recognition criteria, or come together to form a new body which could then seek recognition.

7 OBJECTIONS TO INDEPENDENT PRESS SELF-REGULATION ARE MISCONCEIVED

During the debates on the repeal of Section 40, a range of arguments were used to justify the proposal. Many of these arguments are spurious. As we saw in the first chapter, assertions around cost and freedom of speech cannot be substantiated with any meaningful evidence. We agree with Viscount Astor, in his comments at Report Stage of the Media Act 2024[72], that the reason for repealing Section 40 was more likely that:

> *'with the announcement of the election no Front Bench will put itself on the wrong side of the press'.*

Iain Wilson, in his response to our Call for Information, echoing Viscount Astor, laconically summed up:

> *'Politicians, whether in government or opposition, are terrified of Fleet Street and thus are unlikely to propose or pass meaningful legislation.'*

Other arguments included that these issues are 'historic' and that press standards have improved or that 'state-backed regulation' is anathema to a free press. Sir Brian Leveson remains of the view, expressed in his open letter to Baroness Hollins during the passage of the Media Act 2024[73], that:

> *'Allegations of libel, invasions of privacy, misuse of personal data remain equally as relevant today and are as pressing as ever.'*

There are very clearly historic issues, as highlighted in 2024 by ITV's *Tabloids on Trial*[74] documentary and the BBC's *Phone Hacking, Spying and Politicians*[75] podcast, which put a sharp focus on just how long it can take for the process of justice to run its course, even when celebrities and politicians have the means. If the system cannot even resolve these historical issues in a reasonable timeframe, what hope is there for new cases, such as those we see in the previous chapter, that continue to emerge?

SAMM network member

'Celebrities can sue the press and newspapers so why can't murder victims. Where's our rights our choices there should be a law stopping the press from Sensationalizing murders and the negative further trauma it causes to mother's families, and they should be made to be held accountable.'

As we saw in Chapter 1 of this report that the Public has been abandoned, there is evidence that access to justice is being restricted by a combination of cost and complexity, the inequality of arms between individuals and large news publishers, and the use of processes to reach 'no admission of liability' settlements which resolve the individual claim but do not necessarily achieve accountability.

Liberal Democrat DCMS Team response

'Those publishers in the PRP-approved regulator IMPRESS have pursued robust and difficult investigative journalism, without any compromise to their independent operation. They are living proof that objections of "state interference" have no basis in the real world.'

'State-backed' regulation is also a curious accusation. Many professions are self-regulating. However, when self-regulation is found to be insufficient, as it was in the case of the press in the Leveson Inquiry, it is only the government that can intervene. In this case, that intervention was to maintain a self-regulatory regime for the press, but to ensure that press self-regulators conformed to some minimum standards and were subject to some independent external oversight to ensure that they were meeting these requirements. But there is a wide difference between this and 'state regulation'.

The term 'state-backed regulation' has been used, including by the NMA, seemingly to paint the Recognition System as statutory regulation that would be 'anathema to a free press[76]'. The

Recognition System was carefully and explicitly designed to avoid state regulation of the press, not to implement it. As Sir Brian Leveson pointed out in his open letter to Baroness Hollins[77]:

> *'the suggestion that it [the PRP] is some kind of 'state regulator' of the press flies in the face of all that it was set up to do.'*

The Liberal Democrats DCMS Team, in their response to our Call for Information, also reflected on this theme:

> *'The safeguards enshrined in the Royal Charter in respect of appointments to the PRP guarantee its complete independence, and in particular its distance from both politicians and the industry. Those safeguards are greater than those applied to either the BBC or Ofcom, both of which are still regarded as trusted institutions. Conversely, IPSO is not protected from either political or industry appointments.'*

It is also the case that IPSO and *The Editors' Code of Practice* are also woven into legislation. The Editors' Code of Practice is the recognised industry code of practice to which news publishers must have regard when exercising the various exemptions to data protection legislation available for journalistic, academic, artistic, and literary purposes when processing personal data[78]. Given the way that *The Editors' Code of Practice* misrepresents 'freedom of expression' as a 'fundamental right', contrary to human rights legislation, this status is undeserved. We expand on this topic later in this chapter.

The issue of social media was another prominent argument in the repeal of Section 40, as summarised by Lord Bassam[79], that:

> *'Challenges from the rise of social media, online consumption of media and the consequences of falling advertising revenue mean that we have seen a significant impact on the ability of the press to compete in the market and undertake its vital work.'*

However, as both Hacked Off and the Liberal Democrats DCMS Team pointed out in their responses to our Call for Information, news publishers are very active online:

> *'Meanwhile, the growth of online news consumption has also done very little to dilute the power and influence of the press, relative to other news sources. For example, Ofcom has found that of the 19 most popular news websites, 9 are the websites of newspaper publishers and a further 4 are "magazines" or "online-only" news brands; all of which would qualify as "relevant publishers" under the Crime and Courts Act 2013 (the rest are major broadcasters, whose broadcast content is regulated by Ofcom).'*

We might also look to the example of Sky News, which, as a broadcaster subject to statutory regulation by Ofcom, still manages to win awards for its investigative journalism[80].

A privileged position is being maintained, political influence is being traded

This illustrates that news publishers are not necessarily losing out in the online marketplace, but both gaps and duplications are being created in online safety legislation, blurring regulatory boundaries. The cumulative effect of these legislative decisions is that the system represents a classic Swiss Cheese Model[81] in terms of public safety. The press can choose to maintain its privileged position, arbitraging political influence to maintain its benign regulatory environment[82]. This enables news publishers to pursue their own commercial interests without too much regard for the public interest or exercising their freedom of speech responsibly if they so choose. This cannot be an acceptable outcome.

Liberal Democrat DCMS Team response

'Young people are traditionally regarded as particularly news averse and newspaper averse. But recent research by the newspapers' marketing arm Newsworks suggested that seven out of ten visited publisher news brands (websites or apps from newspaper publishers) during a one month study'

In a further example of the blurring of regulatory boundaries, a government consultation[83] looking at updating the media mergers regime conflates the regulation of broadcast news and the press, contrary to the clear division that has been implemented in other aspects of media regulation, with Ofcom having statutory oversight of broadcasters, while independent self-regulation has been the preferred model for the press. The proposed changes aim to treat all 'news creators' under one definition but then,

Requirements of Standards Code under the Recognition System

Approved Regulators operating within the Recognition System must produce a Standards Code which takes into account the importance of freedom of speech, the interests of the public, the need for journalists to protect confidential sources of information, and the rights of individuals. Specifically, it must cover standards of:

- conduct, especially in relation to the treatment of other people in the process of obtaining material;
- appropriate respect for privacy where there is no sufficient public interest justification for breach; and
- accuracy, and the need to avoid misrepresentation.

somewhat awkwardly, provide different public interest considerations to news publishers vs broadcasters.

The public interest considerations for broadcasters that enable the Secretary of State to intervene in a merger include an assessment of the need for those in control of such enterprises to have a genuine commitment to the attainment of broadcasting standards. For news publishers, there is a much less comprehensive test incorporating only the accurate presentation of news and free expression of opinion – both of which are characteristics required of a Standards Code under the Recognition System but do not represent the totality of the requirement.

The key outcome of the Leveson Inquiry was to design a system that took politics out of press regulation. However, by degrees, successive governments have resiled from this position and created increasing opportunities for political influence to be traded over different legislative issues.

Rather than accepting this position, the current Government should act to address these legislative inconsistencies. In its response to our Call for Information, the campaign group Hacked Off were also of the view that the government needed to act:

> *'It is impossible to say what, genuinely, is the objection of national newspaper owners, but in the absence of any coherent reason from editors and executives themselves, one can only assume that they are resistant to the very principle of accountability. In these circumstances, it is the role of government to step in and ensure that there are safeguards to protect the public.'*

Several specific, simple, and obvious legislative interventions could bind the independent press self-regulation system together, even without an incentive/consequence model such as Section 40 to encourage news publishers to participate. The Government should act on these.

Both *The Guardian*'s and the *Financial Times*' responses referenced existing law as a factor weighing against further regulation for the press.

The Guardian stated that:

> *'It is worth noting again that it was journalists, not politicians or regulators, that broke the phone hacking stories — laws in place at the time are being used today by people seeking access to justice. A healthy and free press is the cornerstone of our democratic society. We welcome the repeal of s40 contained in the Media Act.'*

The *Financial Times*' view was slightly different, noting that the legislative burden was increasing:

> *'Journalism produced by the Financial Times is also subject to an increasing number of laws enforced by regulators who seek to place limits on the use of information to create journalism. The ICO's recent publication of its journalism code is a key example of such regulation in action.'*

The *Financial Times* referenced the ICO's *Data protection journalism code of practice*[84] as a further example of regulation in action. This code rehearses data protection legislation focussing on journalists and, particularly, how to apply the exemptions available to journalists. In the words of the Information Commissioner, who also provided us with a response to our Call for Information:

The Journalism Code

> *As set out above, use of personal data for journalistic purposes is exempt from data protection law subject to certain criteria being met. The Code provides guidance about applying the data protection principles in the context of journalism. It also sets out the legal requirements, information around the application of each of the criteria, and offers clear practical guidance for how these are to be met by those wishing to invoke the exemption, as well as examples of good practice[2].'*

It would therefore appear that this is not an additional regulatory intervention but rather a useful resource in plain English that digests a complex area of existing law for a specific audience. Legislation has existed in its current format since 2018.

The Guardian News & Media Editorial Code[85] and the FT Editorial Code of Practice[86] adopt and enhance the *Editors' Code of Practice*. We have no evidence to suggest that either of these publications are making decisions to exercise exemptions from data protection legislation in anything other than an appropriate manner.

However, it illustrates again a fundamental flaw in the current system, which potentially weights decision-making away from an individual's rights and towards news publishers' freedom of expression given the way that *The Editors' Code of Practice* position freedom of expression as a fundamental, rather than qualified, right. This is not consistent with human rights legislation[87] which is clear that it is a qualified right and must be balanced against other human rights.

Particularly, Article 11 of the Human Rights Act[88], which is the legal basis for freedom of expression, explicitly calls out:

> *'No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others emphasis added, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.'*

[2] data-protection-and-journalism-code-202307.pdf

Sections of the press seem to conveniently forget when they speak of 'freedom of expression', that the 'rights and freedoms of others' include the right to respect for private and family life under Article 8[89] of the Human Rights Act. Given that the *Editors' Code of Practice* has been adopted into data protection legislation, it is particularly concerning that this basic legal point has been insufficiently acknowledged. Only Government can address this.

In contrast, the *Impress Standards Code*[90] makes clear that:

> *'Freedom of expression is a protected right under Article 10 of the European Convention on Human Rights, scheduled to the Human Rights Act 1998 (see Schedule 1 of the Act). Article 10 (2) allows for restrictions on freedom of expression that are necessary and proportionate to protect legitimate goals, including national security, public safety, the administration of justice, preventing disorder or crime, protecting information received in confidence and the reputation and rights of others. This means freedom of expression must be balanced against other fundamental rights, including the right to respect for private and family life (Article 8) and the prohibition of discrimination (Article 14).*
>
> *The concept of 'press freedom', encapsulated in the right to freedom of expression, is not absolute. An expression can be lawfully restricted on the grounds set out in para 2 of Article 10".'*

The Guardian News & Media Editorial Code[91] does incorporate additional text relating to privacy and the need for proper consideration of the public interest, balanced against any privacy rights over and above the *Editors' Code of Practice*, explicitly referencing Article 8 of the European Convention on Human Rights[92]. The *FT Editorial Code of Practice*[93] does not.

In terms of the burden of data protection regulation on news publishers, The Information Commissioner provided us with the following statistics relating to the complaints they had received regarding breaches of data protection legislation by media organisations (recognising that this includes broadcasters as well as news publishers):

Complaint Outcomes	2023	2024*
Informal Action Taken	36	22
No Further Action	169	129
Total	205	151

Informal action can involve either a compliance outcome with actions, or a more informal request for an organisation to do more. No further action outcomes include finding no compliance concerns, or not having enough information from the complainant to proceed.

**2024 completed cases, year to date.*

This is a very small number of complaints with a smaller proportion where any action was taken. The Information Commissioner also signposted us to their *Outcomes report: The ICO's review of the processing of personal data for the purposes of journalism under the Data Protection Act 2018*[94]. The report highlights that just 0.7% of data protection-related complaints to the ICO in 2022 and 2023 were related to journalism. The Information Commissioner's conclusion from this was that:

> *'The low number of data protection complaints received by the regulators and press monitoring bodies may suggest individuals have a low awareness of data protection and their rights.'*

The report also included a survey which, despite a low number of responses, gives us some indication of the regulatory 'weight' of data protection on news publishers:

> *'• ICO received 11 survey responses; eight from the first survey with those engaged in journalism, and three from the second with parties with an interest in journalism.*
>
> *• With a limited number of responses to the surveys it cannot be concluded that awareness of data protection requirements is high in all areas. Some misconceptions were found in areas including, governance and accountability, training and awareness, lawful bases, DPIAs, data sharing, and individual rights.'*

Further, the report highlights that, amongst complaints received by both Impress and IPSO, the number of complaints upheld in relation to privacy and accuracy is very low. Impress received only a very small number of complaints during the Information Commissioner's Review period. For IPSO, however, the Information Commissioner found that 78% of the complaints relating to accuracy and privacy resulted in a finding of 'no breach' of the *Editors' Code of Practice*. This statistic also needs to be set in the context that IPSO only investigates a small proportion of the complaints it receives[95].

Given these statistics, it is difficult to draw conclusions about the effectiveness of data protection legislation in regulating the conduct and behaviour of news publishers. While the number of laws may be increasing, there is a lack of evidence regarding systematic and consistent enforcement.

Concerns have been expressed about the depth of the review[96] and we assess that it raises more questions than answers. Given this, we would welcome further engagement with the Information Commissioner's Office to develop its approach to the next review to examine the issue in greater detail.

Alongside requiring the ICO to report on these matters, the Data Protection Act 2018[97] requires the Secretary of State to commission a review into the effectiveness of alternative dispute resolution procedures operated by those bodies providing or enforcing press standards codes. We are concerned that, despite a requirement for such a review to be undertaken every three years, no such review has been commissioned since the Act received Royal Assent in 2018.

The use of the *Editors' Code of Practice* by *The Guardian*, *Financial Times*, and other publishers not part of IPSO's membership illustrates another incoherence in the system. Industry control of the *Editors' Code of Practice* was highlighted as an area of concern in the Leveson Inquiry[98]. Part of the solution to this was to assure, via the Recognition System, the independence of press self-regulatory bodies and require that Approved Regulators be responsible for the standards code they are required to enforce. However, news publishers have little choice but to 'have regard to' the *Editors' Code of Practice* if they are to apply the exemptions to data protection legislation.

The Press Justice Project, in its response to our Call for Information, indicated that it had concerns:

> *'... about IPSO's structure, which we consider to endanger press freedom and create obstacles to meaningful reform at the complaints-handler:*
>
> > *...*
> >
> > *c. The Editors' Code is written by a majority of newspaper editors, and cannot be changed by IPSO. Once again, it is those responsible for transgressions in the press who are setting or controlling the rules. The PJP see no reason why IPSO should not control the Code it is charged with enforcing (albeit, taking into account editorial experience and expertise).'*

We agree with this in principle, and it is a requirement of an Approved Regulator under Criteria 7 of the Recognition Criteria[99]. However, given that many news publishers have rejected the IPSO model, some vociferously,[100] it could be problematic for them to be forced to have regard to a Standards Code promulgated by an organisation which they have publicly rejected.

From a systemic perspective, we might think of this as a house of cards where the *Editors' Code of Practice* serves a critical role. It is a compromise that much of the industry can live with, given it is not a creature of IPSO and avoided the degree of criticism levelled at the PCC by the Leveson Inquiry.

A better alternative, one easily enabled by the drafting of Section 42 of the Crime and Courts Act 2013[101], is to include reference to the 'Standards Code of an Approved Regulator' as a recognised industry code of practice (both in data protection and other legislation) and remove the *Editors' Code of Practice*. Or simpler legislative intervention may be to define the term 'independent regulator' in law as an 'Approved Regulator'. This would incentivise news publishers to participate in independent press self-regulation. However, the status quo, it seems, is preferable to much of the industry.

We are also concerned that the risk to the public may be exacerbated by ongoing discussions regarding further protections for news publishers against Strategic Litigations Against Public Protection ('SLAPPs'). We support the principle that news publishers should be protected from wealthy individuals and organisations misusing the courts in an attempt to bury investigative journalism, where it is in the public interest, in complex and expensive legal proceedings. However, the evidence base for the scale of this problem is not clear to us and neither is the rationale for removing the protection from SLAPPs previously available in law in Section 40.

Iain Wilson, in his response to our Call for Information shared his view that:

> *' ... at the moment the press are seeking to undermine finely-balanced defamation and privacy law rights by mounting a misleading campaign against a so-called 'SLAPP' crisis. Whilst abusive litigation and threats of litigation may occur, to suggest it is systemic (or that there is a power balance in favour of victims of press abuse) is, in my opinion, a form of gaslighting. It seems to me to be little short of a landgrab by the already powerful press.'*

The PRP has not examined the evidence relating to the number and seriousness of SLAPPs, nor is it our role to do so. However, given the design of Section 40, it is a matter of interest to us, and we would support an investigation by the Law Commission of England and Wales or another competent authority to undertake a detailed review of the evidence before determining further action.

Both the current and previous governments have made public statements supporting further protections for news publishers against SLAPPs[102], although the current Government has indicated that it does intend to bring forward further primary legislation on this topic at this time[103]. The industry has argued forcefully for further protections against SLAPPs[104]. In its response to our Call for Information, the *Financial Times* were also supportive of further Government action against SLAPPs:

> *'We agree with the recent recommendation of the House of Lords Digital and Communications Committee that we need action on this issue now, in the form of legislation to tackle Strategic Lawsuits Against Public Participation (SLAPPs). This is now essential to ensure that the UK's media ecosystem does not become one in which those who can afford aggressive legal representation are able to escape legitimate scrutiny by journalists and the public.'*

The Solicitors Regulation Authority (SRA) also responded to our Call for Information, highlighting its review looking specifically into SLAPPs, noting:

> *'This* [review] *showed that whilst there was more to be done, there was good understanding of the issue and of our Warning Notice, and that this has led to some changes in practice.'*

The SRA further noted that:

> *'Following the review we updated our warning notice on SLAPPs to the profession, also taking into account of experience from our casework: We investigate complaints that we receive about SLAPPs and have referred some of these to the Independent Solicitors Disciplinary Tribunal to answer, the first of which is due to be heard this month.'*

In December 2024, this case reached a conclusion and while the solicitor concerned was fined £50,000, the Solicitors Disciplinary Tribunal found that it was not a SLAPP[105] illustrating the challenge of identifying what is, and what does not fall under this heading.

In 2024, correspondence was shared with the PRP by the Society of Media Lawyers who wrote to Lord Ponsonby, Parliamentary Under-Secretary of State for Justice, raising the concern that:

> *'Whilst anti-SLAPP legislation has so far received cross-party support, much of this has been based on a misleading narrative presented by the media (and their supporters) who want to reduce the legal protections available to victims of misreporting and invasions of privacy*
>
> *…*
>
> *Many so-called SLAPPs simply involve a disgruntled defendant who will not accept they have unlawfully libelled the claimant, or that the claimant is entitled to vindication. Indeed, it appears that many 'Anti-SLAPP' campaigners are seeking the introduction of a system which would make it almost impossible for victims of misreporting and other media misconduct to rely on their legal rights. This would be incompatible with the UK's obligations under the ECHR and would risk unintended consequences, including lower standards of fact-checking, the proliferation of misinformation and hate speech; and at a time when more than ever facts are being distorted and/or misrepresented.'*

If there is an evidence base to support further legislative interventions to protect news publishers against SLAPPs, we would caution that any such intervention avoids unintended consequences that lower press standards or further restrict access to justice for members of the public who have experienced press harm. Section 40 dealt with this by striking a balance between the two. It safeguarded news publishers against SLAPPs if they were responsible for their actions to an independent press self-regulator. At the same time, it increased access to justice for members of the public who had experienced press intrusion or harm from news publishers not accountable to an independent press self-regulator.

Setting aside that the Government does not view Section 40 as the answer, simply strengthening protections against SLAPPs for news publishers is not enough. Without a corresponding balanced mechanism to ensure that members of the public who have experienced press harm can still access justice, this approach only increases the risk to the public and further insulates news publishers from the consequences of press misconduct.

Recommendation 3

The Government should ensure consistency in the various definitions of 'news publisher' and relevant 'standards codes' for news publishers, aligned with the Recognition System, to enable press self-regulators, online platforms, the public, and news publishers themselves to understand the rights and responsibilities of the press under the law.

8 CONCLUSION

Given the repeal of Section 40 of the Crime and Courts Act 2013, the Recognition System cannot work as intended in the words of the Royal Charter[106]:

> *'as an effective regulatory regime which supports the integrity and freedom of the press, the plurality of the media and its independence, including from government, while encouraging the highest ethical and professional standards.'*

It is a travesty of justice that the progress made after Leveson is being put at risk for, the evidence leads us to believe, the commercial interests of a section of the press. The establishment of the Royal Charter, the PRP itself, and Impress demonstrating that the system works effectively represent significant achievements. Everything is 'ready' and fit for purpose but for the participation of those news publishers who prefer to remain outside of genuinely independent scrutiny.

Over 200 titles have taken the step of committing to high professional and editorial standards by joining Impress. However, those large national titles with the greatest capacity to cause harm have chosen not to. Without any tangible advantage to participating or consequence for failing to participate, there is no motivation for them to change their minds now.

Where does this leave us? There is currently no burning platform prompting calls to strengthen press regulation on the national political stage. Despite our own efforts and those of others to shine a spotlight on the harm of which the press is capable, all too frequently, it is difficult to get airtime through the very channels that have a vested interest in avoiding this type of scrutiny. Politicians seem far more likely to act in response to issues which gain traction in the 24-hour news cycle.

Without any meaningful brake on press conduct and behaviour, what will happen when the next scandal happens? That will be the burning platform, where public ire is turned on news publishers again. There have already been several Royal Commissions, Parliamentary Select Committee Inquiries, and Public Inquiries, of which the Leveson Inquiry was the most recent. There will be little point in having another one. The pattern is already known. In 2012, the Leveson Inquiry identified a recurring six-stage 'pattern of cosmetic reform[107]' every time a press scandal has emerged over the last 70 years:

1. crisis,
2. the press coming under heavy public and some political pressure,
3. some reforms, usually of a limited nature, being carried out,
4. ephemeral improvement,
5. deterioration in press behaviour, and ultimately
6. another crisis.

We are now commencing stage 5. Without further policy intervention from the government or unless those parts of the industry that do not participate in the Recognition System have a sudden revelation and overcome their objections to independent press self-regulation, it can only be a matter of time until the next crisis.

Both the Government and the industry itself can take action to prevent this from happening. If a clear roadmap for the future of press self-regulation can be agreed, the next crisis may not be a foregone conclusion. However, If the current fractured and blurred regulatory landscape is allowed by Government and the industry to continue, we must not be surprised about the consequences of failing to act at this juncture. The public will suffer, both individually and societally, as the race to the bottom in the competition for our attention online and the pursuit of advertising revenues continues to escalate.

There is a clear choice for the Government:

- does it want freedom of speech working in the public interest?

- or is it content with the status quo, which prioritises the commercial interests of a section of the press regardless over the harm caused?

The choice for the PRP is clear and we will continue to make the case for freedom of speech working in the public interest as well as speaking up for those victims of press intrusion and harm whose voices have been silenced.

Recommendation 1

The Government must urgently review the incentives for news publishers to participate and the consequences for failing to participate in the Recognition System in the interests of freedom of speech and public protection.

Recommendation 2

News publishers who do not currently participate in the Recognition System should join Impress, work to reform IPSO so that it can meet the recognition criteria, or come together to form a new body which could then seek recognition.

Recommendation 3

The Government should ensure consistency in the various definitions of 'news publisher' and relevant 'standards codes' for news publishers, aligned with the Recognition System, to enable press self-regulators, online platforms, the public, and news publishers themselves to understand the rights and responsibilities of the press under the law.

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PRP INDEPENDENTLY OVERSEEING PRESS REGULATION

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Update on key external matters

1. The update on key external matters is a research-informed piece based on a sample of information available in the public domain.

Commercial Landscape

2. As reported by Press Gazette, the print circulation of the Daily Mirror was 196,150 in February, its lowest since the Edwardian era. It fell 4.5% compared to January and 16.4% since February 2024. The Sunday Mirror was down 1.5% month on month and 17.3% year on year to 144,733. The biggest monthly decline was at the Daily Mail, down 5% to 652,866. The smallest year-on-year change among paid titles was at the i, down 5.3% to 119,333.

3. Press Gazette reported that print circulations at UK regional daily newspapers collectively declined 16% in 2024, according to the latest data from ABC. Circulations at the last two regional dailies to circulate 20,000+ print copies per day, the Irish News and Aberdeen's Press & Journal, fell below that benchmark, and the Evening Standard ceased as a daily title. The London Standard is now the non-daily regional paper with the largest circulation, averaging 148,021 copies per issue between October and December. Across the 69 dailies, the total number of single copies sold at newsstands circulated per day fell 16% to 279,000. Paid subscriptions fell 15% to 67,000 per day, and free copies fell more than a third to an average of 1,364 per day.

4. As reported by Press Gazette, top local newsbrands in the UK collectively grew their online audiences in 2024, while the total minutes users spent with them fell. Among the group of 87 news titles to appear in Ipsos iris' list of the top 2,100 online brands in the UK for January 2025, the average monthly audience increased by 7.2% from 1.8m last year to 1.9m this year, while the average number of minutes spent on them by audiences fell 7.7% from 6.3m to 5.9m. Reach's Manchester Evening News remains the largest local newsbrand with a monthly audience of 12.6m, up 14.6% year-on-year. It was also top for monthly minutes, increasing 7.2% to 67.4m. The largest audience growth was at Reach title Surrey Live, up 320% to 4.4m, with time spent on its platforms up by 202% to 5.6m minutes.

5. As reported by Press Gazette, more than half of the magazines audited by ABC saw their print circulation decline by 10% or more in 2024. The average print circulation change was -8.6%. Across all the titles, combined print circulation fell 2.9%. The greatest increase in print circulation at a paid magazine was seen at Homes & Gardens, where the average number of copies circulated per issue rose 8% to 51,432. Among the magazines with the largest print circulation declines were National Geographic (down 27% to 45,671), OK! Magazine (down 26% to 37,615), GQ (down 26% to 72,058), Wired (down 19% to 28,248), and Vanity Fair (down 18% to 50,027).

6. Press Gazette reported that more than half of digital magazine circulation came via “all you can read” services in 2024. ABC-audited magazines had a combined average digital circulation of 3m per edition – up 14% compared to 2023. 1.6m, or 55%, of the combined 2024 digital magazine circulation came from services like Apple News+, Cafeyn, Kindle Unlimited, and Readly. This circulation is defined as a digital copy that a consumer has “purchased and viewed as part of a multi-publication package”. It means publishers do not receive a full subscription price for these sales but instead get a royalty fee based on a Spotify-style model. For many magazines, these services make up the vast majority of their digital readership.

7. As reported by Press Gazette, growth in Impress-regulated Prospect’s global digital subscriber base more than offset its print circulation decline in 2024, according to new ABC figures. Prospect saw its global print circulation fall by 14% to 15,106 in 2024, but its digital circulation increased by 87% to 25,167 – all paying subscribers. Across print and digital combined, Prospect was up 30% to 40,273. Private Eye, a print-only product, continued to be the UK’s best-selling news and current affairs magazine despite staying steady year on year at an average of 232,638 sales per fortnight.

8. The Guardian reported that Sun readers will have to pay £1.99 a month to access columns by writers including Jeremy Clarkson, popular content such as from the agony aunt Dear Deidre and the Holidays from £9.50 promotion, and some exclusive stories and investigations. Billed as a membership programme offering “no-holds-barred access to our first-rate content”, Sun Club will require readers to pay for some of the title’s daily output, including exclusive video content such as from its Royal Exclusive programme. Other columnists to go behind the new paywall include Rod Liddle, Jane Moore, and political editor, Harry Cole.

9. Press Gazette reported that News Corp estimates that the Sun’s global online audience more than halved in a year to the end of 2024. The latest News Corp results revealed the Sun‘s “digital offering” reached 70m monthly unique users around the world in December 2024, down from 143m in December 2023, citing Meta Pixel analytics. News Corp said there had been a 2% drop in advertising revenues in its news media division between October and December. It said this was “primarily due to lower print advertising revenues and lower digital advertising revenues at News UK mainly driven by a decline in traffic at some mastheads due to algorithm changes at certain platforms”.

10. As reported by Press Gazette, Mail publisher DMGT grew operating profit at its consumer media titles in the year to September 2024 by 34% to £53m on revenue down 2% to £613m due to “cost rationalisation in the print businesses”. Print circulation declines are largely offset by cover price rises, print subscriptions are growing, and digital advertising growth cancels out print advertising decline. Overall revenue at DMGT was up 11% to £1.1bn, and the company also went

from a £13m pre-tax loss in 2023 to a pre-tax profit of £6m in the year, according to its annual report.

11. As reported by Press Gazette, CEO of Reach Jim Mullen has said that its print titles will become loss-making in six to eight years, but that its digital strategy will save them from closure, adding that he is committed to print in spite of the downturn. “I’m talking about profitability, not about the end of newspapers,” he said. “It is a revenue stream of hundreds of millions annually. With six to eight years’ profitability, I keep saying that is a positive. … When the time comes, when digital does overtake newsprint, then it will support the print newspapers.”

12. As reported by Press Gazette, the initial sale of the Spectator to RedbirdIMI cost the current affairs magazine £6.4m. The sale costs made up the majority of the £6.9m pre-tax and operating losses at the Spectator (1828) Ltd in 2023 – described as a “turbulent time” in newly-published company accounts. A year earlier, when still under Barclay family ownership alongside the Telegraph, the Spectator made £2.6m in profit. Further, as-yet-undisclosed costs have since been accrued from the subsequent sale of the Spectator from RedbirdIMI to Sir Paul Marshall’s Old Queen Street Ventures Limited for £100m in the 2024 financial year.

13. Press Gazette reported that shareholders at Scotsman and Yorkshire Post parent company National World have voted to approve a takeover bid by Irish marketing business and local publisher Media Concierge. The deal, offering 23p per share and valuing National World at £65.1m, received approval from shareholders representing 99.91% of the total share capital.

14. As reported by Press Gazette, the Guardian has become the latest news publisher to sign a deal with ChatGPT owner OpenAI over content licensing. The deal will ensure the Guardian receives compensation for the use of its journalism on ChatGPT and gets properly credited on the platform. Under the deal, the Guardian will also be able to use OpenAI technology in-house.

15. The FT reported that its group chief executive, John Ridding, is stepping down after almost 20 years. Ridding has led the publisher since 2006, including seeing through the sale of the company to Japanese media group Nikkei. Jon Slade, who has served as chief commercial officer at the FT since 2014, will take over in the summer. In a memo to staff, Ridding said he was stepping down at a time when the FT’s “readership, subscriptions and revenues are at all-time highs”, with “exceptional journalism reinforcing our reputation for trust and authority at a crucial time for international news media”.

16. As reported by Press Gazette, Tom McTague has been named editor of the New Statesman. The appointment follows Jason Cowley standing down as editor of the title at the end of last year. New Statesman executive editor Tom Gatti has been acting editor since the start of the year. McTague has been political editor of Unherd for two years and was previously a staff writer at the Atlantic. He was

chief UK correspondent of Politico from 2016 to 2019 and formerly worked as political editor of the Independent on Sunday. He was a political correspondent for the Daily Mirror from 2011 to 2014 and deputy political editor of Mail Online from 2014 to 2015.

17. The Guardian reported that i-D magazine is making a return to UK newsstands. The publication has been absent since its parent company, Vice, declared bankruptcy in 2023. Since then, it has been acquired by the model turned entrepreneur Karlie Kloss through her Bedford Media conglomerate. i-D will be printed twice a year and cost £20. Regarding the narrative around the decline of print, Thom Bettridge, the new editor-in-chief of i-D, said: “Print has been dying since the second I started working in print. I’m 10 years deep and it’s still here.”

18. Press Gazette reported that the Mail has more than 250,000 digital subscribers after expanding its Mail+ partial paywall into America. More than 163,000 people have signed up to Mail+ since its launch in the UK in January 2024, Australia in October, and the US and Canada in February 2025. The Mail also has more than 92,000 paying subscribers to Mail+ Editions, its newspaper replica app for phones and tablets. The brand is aiming to reach 1m paying subscribers by 2029. The Mail said journalism aimed at women is among the key subscription drivers for Mail+. It has promoted Daily Mail women’s editor Celia Duncan to the new job of global women’s editor leading this content across its newsrooms.

Legal

19. Press Gazette reported that Noel Clarke has lost a Court of Appeal bid related to his libel claim against Guardian News and Media (GNM) over a series of articles, including one that said 20 women who knew Clarke in a professional capacity had come forward with allegations of sexual misconduct. Clarke had sought to amend his claim, add six more defendants, and increase damages to more than £70m, arguing a conspiracy against him. A judge previously said that the actor’s request to amend his claim would be heard after the libel trial, which started on 7 March. His barrister, Philip Williams, told the Court of Appeal in London that the actor’s claim of an unlawful conspiracy “would essentially never see the light of day” if the application was heard after the main trial.

20. As reported by Press Gazette, Guardian News and Media has agreed to pay Spectator associate editor Douglas Murray “substantial” damages to settle a libel claim. The claim related to an Observer column from August 2024 in which writer Kenan Malik claimed that, during an interview, Murray had spoken in favour of the UK’s far-right summer riots. In fact, the interview to which Malik referred had occurred several months before the riots. The mistake was reportedly caught before being published online but not in print, and the Observer ran a correction on 17 August.

21. Press Gazette reported that Telegraph Media Group has apologised and paid “substantial” damages in a libel settlement with tech entrepreneur Zia Chishti.

Between November 2021 and February 2023, the Telegraph repeatedly reported on allegations of sexual misconduct made by Tatiana Spottiswoode, a former employee of Chishti's AI company Afiniti, to the United States Congress Judiciary Committee. Chishti denies the allegations and began libel proceedings against the Telegraph. The Telegraph initially sought to justify its reporting as being in the public interest and substantially true but has now withdrawn its defence.

Political

22. Bell Ribeiro-Addy (Labour, Clapham and Brixton Hill) tabled a question asking the Secretary of State for Culture, Media and Sport, if she will take steps to enact the recommendations of the Leveson Report on press regulation.

    Stephanie Peacock (Labour, Barnsley South) responded: "The Government has clearly laid out its priorities in the manifesto and in the King's speech, and the second part of Leveson is not among them."

23. Liz Jarvis (Liberal Democrat, Eastleigh) tabled a question asking the Secretary of State for Culture, Media and Sport, if she will take steps to ban the ownership of UK newspapers by foreign states.

    Stephanie Peacock (Labour, Barnsley South) responded: "On 24 May 2024, new legislation came into effect which prevents newspaper and news magazine mergers resulting in any ownership, influence, or control by foreign states. This change was introduced by the Digital Markets, Competition and Consumer (DMCC) Act 2024, which added new powers to the Enterprise Act 2002."

24. Ben Obese-Jecty (Conservative, Huntingdon) tabled a question asking the Secretary of State for Culture, Media and Sport, if she will take steps to (a) ensure that organisations campaigning against free media are not publicly funded and (b) protect freedom of speech for media outlets.

    Stephanie Peacock (Labour, Barnsley South) responded: "All funding decisions are carefully considered, and subject to DCMS spend controls and governance.

    The Government is committed to protecting media freedom, which is essential to a strong and functioning democracy. The UK has an independent, self-regulatory system for the press, while broadcast news is regulated by the independent regulator Ofcom through the Broadcasting Code. The Government cannot interfere with Ofcom's regulatory or operational decisions, including how Ofcom chooses to regulate content.

    To help ensure journalists operating within the UK can do so free from physical, legal and online threats, abuse and violence, I chair the National Committee for the Safety of Journalists, together with the Minister for Safeguarding and Violence against Women and Girls. The Committee facilitates collaboration between government, journalism, policing, prosecution services and civil society in support of this aim. I will continue to work with members on this important issue, including by delivering the National Action Plan for the Safety of Journalists."

25. Jo Platt (Labour, Leigh and Atherton) tabled a question asking the Secretary of State for Culture, Media and Sport, how (a) the Local News Commission and (b) other similar organisations will be able to contribute to the development of her planned local media strategy.

    Stephanie Peacock (Labour, Barnsley South) responded: "We have been working across Government as the Local Media Strategy develops and are also engaging with key external stakeholders, from industry, academia, civil society and local government. Officials have already met with the Public Interest News Foundation, founders of the Local News Commission, as part of that engagement. Our work is also being informed by the range of studies conducted into the state of local journalism in the UK in recent years. With this in mind, we look forward to publication of the Local News Commission's report and any new insights or recommendations that the Commission is able to offer."

26. Max Wilkinson (Liberal Democrat, Cheltenham) tabled a question asking the Secretary of State for Culture, Media and Sport, what assessment her Department has made of the potential impact of AI on (a) print journalism and (b) the online media industry.

    Max Wilkinson (Liberal Democrat, Cheltenham) tabled a question asking the Secretary of State for Culture, Media and Sport, what assessment her Department has made of the potential impact of AI on employment opportunities for freelance press journalists.

    Stephanie Peacock (Labour, Barnsley South) responded to both questions: "Journalism plays an invaluable role in the fabric of our society and we are committed to supporting a free, sustainable and plural media landscape. At the same time, the UK is well placed to seize the transformative opportunities presented by AI and is committed to the responsible adoption of AI across all parts of the economy. In this context, we recognise concerns from the press sector that recent developments in generative AI pose risks, as well as opportunities, to journalism, including those who work freelance. We are engaging with the press sector on these concerns, including through a recent ministerial roundtable with major UK publishers and broadcasters. We have also provided funding to the Bridging Responsible AI Divides research programme at The University of Edinburgh, which produced the report 'Generative AI and Journalism: Mapping the Risk Landscape(opens in a new tab)'. We will continue to monitor developments here to inform future policymaking, including with regard to employment opportunities for freelance journalists.

    We recognise that particular concerns have been raised with regard to the use of copyrighted news content in the training of AI models and how this interacts with UK copyright law. Our consultation on the impact of AI on the copyright regime has now closed. We will consider all the responses we have received and continue to develop our policy approach in partnership with creative industries, media and AI stakeholders. Addressing this is an urgent priority for the

Department for Culture, Media and Sport and the Department for Science, Innovation and Technology, but no decisions will be taken until we are confident we have a practical plan that delivers for the media and creative industries."

27. Max Wilkinson (Liberal Democrat, Cheltenham) tabled a question asking the Secretary of State for Culture, Media and Sport, what assessment her Department has made of the potential impact of misinformation created by AI-generated news on public trust.

    Stephanie Peacock (Labour, Barnsley South) responded: "The Government takes very seriously the impact that online mis- and disinformation can have, including risks posed by AI. We also recognise the concerns around AI models generating large volumes of content that is indistinguishable from human generated content which may also impact trust in the information environment. Enabling users, and institutions, to determine what media is real is a key part of tackling a wide range of AI risks.

    Journalism plays an invaluable role in the fabric of our society and we are committed to supporting a free, sustainable and plural media landscape, as the best way of maintaining a shared understanding of facts. We are engaging with the press sector on these concerns, including through a recent ministerial roundtable with major UK publishers and broadcasters on the broader impact of generative AI on journalism. We have also provided funding to the Bridging Responsible AI Divides research programme at The University of Edinburgh, which produced the report 'Generative AI and Journalism: Mapping the Risk Landscape(opens in a new tab)'. We will continue to work with the Department for Science, Innovation and Technology, as the lead department on counter-disinformation policy and monitor developments in this area to inform future policymaking."

28. Press Gazette reported that the Government has confirmed in its response to the House of Lords Future of News inquiry that it "does not intend to legislate further in the current parliamentary session" against SLAPPs. The Government also repeatedly cited a Local Media Strategy through which it said it intends to "support the long term financial sustainability of local journalism, where financial pressures are greatest". Details of the strategy have not yet been published. Baroness Tina Stowell, who chaired the Future of News inquiry, said: "The Government response fails to reflect the urgency and severity of the situation facing the UK's news media environment."

29. A cross-party Women and Equalities Committee's report on the rights of older people is critical of IPSO's lack of provisions to protect the public from ageism in the press. It states that leaving age out of Clause 12 (Discrimination) of the Editors' Code of Practice leaves older people "unprotected" and contributes "to a widely held perception that ageism is taken less seriously than other forms of discrimination". The report goes on to say that the justification for the omission of age from Clause 12 as set out in the Editors' Codebook, which states that journalists must be free to comment on public figures who are "past their prime", is itself "overtly ageist". The Committee recommends that the Editors' Code of

Practice Committee include age in Clause 12 of the Code and update the Editors' Codebook accordingly.

IPSO

30. Press Gazette reported that a reporter for the Sun visited the parents of a British aid worker killed in an airstrike in Gaza before they had been informed of his death. Subsequently, the family of John Chapman complained to IPSO that the Sun breached Clause 4 (Intrusion into grief or shock) of the Editors' Code of Practice. The complaint was upheld, and the Sun was ordered to publish a lengthy adjudication in print and online. IPSO criticised the fact that the journalist entered the property of the couple even after he discovered they were not yet aware of what had happened. It was also critical of the fact the reporter was present when the man's parents were informed of their son's death.

31. As reported by Press Gazette, IPSO has criticised Reach regional website Birmingham Live over two "actively misleading" headlines. A woman complained to IPSO because she felt the headlines made it sound like free bus passes and triple lock pensions were being scrapped before the substance of the text revealed this was not the case. IPSO said both articles breached Clause 1 (accuracy) of the Editors' Code of Practice which states publishers "must take care not to publish inaccurate, misleading or distorted information or images, including headlines not supported by the text". Birmingham Live has not changed or corrected the headlines in question but has published corrections as ordered by IPSO at the top of each article.

32. Press Gazette reported that the Daily Mail issued a correction after speculating about the finances of footballer Jamie Vardy and his wife Rebekah. The pair complained to IPSO over an article published in October 2024 headlined: "Rebekah Vardy, another showbiz leak and the question: Will she EVER stop meddling in the affairs of other footballers' wives?" IPSO deemed the inaccuracy to be significant in light of the article's claim that the couple was facing financial difficulties and found that it was, therefore, in need of correction. The Mail offered to run a standalone and footnote correction nine days after IPSO made it aware of the complaint.

Campaigners' news

33. The Society of Editors (SoE) and the News Media Association (NMA) have said they are disappointed by the Government's decision not to expedite further legislation to tackle SLAPPs in the upcoming parliamentary session. SoE Executive Director Dawn Alford said: "There remains an urgent need for expedited legislation to put an end to the ability of the rich and powerful to weaponise legislation to silence their critics and, in the absence of such safeguards, investigative journalism and the public's right to know continues to be at risk." NMA Chief Executive Owen Meredith said: "[It is] disappointing that the government still does not plan to legislate in this parliamentary session to rid us

of SLAPPs – a dangerous threat to press freedom. We will continue to work with government and parliament to find non-legislative solutions and push for a new law.”

34. Former Conservative MP and Secretary of State for Environment, Food and Rural Affairs George Eustice has joined the Board of Hacked Off. As a backbench MP, Eustice was a campaigner for independent press regulation as recommended in the Leveson Report. He organised other supporters on the Conservative benches, advocated for the Leveson system in his spoken contributions in Parliament, and tabled amendments to incentivise newspapers to comply. Commenting on his appointment to the Board, he said: “The failure of newspapers to participate in the compromise that they themselves helped to design is deeply regrettable. It means that alternative steps will now be required to improve accountability and safeguard the public interest. I look forward to supporting Hacked Off in this important work.”

35. Hacked Off has responded to the cross-party Women and Equalities Committee’s report on the rights of older people, which is critical of IPSO’s lack of provisions to protect the public from ageism in the press. Chief Executive Nathan Sparkes said: “IPSO is failing the public on multiple counts, across press ageism, other forms of discrimination, invasions of privacy, intrusion into grief, inaccuracy and more. In over ten years it has never investigated nor fined a single newspaper. Ordinary people are suffering the consequences of IPSO’s ineffectiveness every day. The Government’s failure to step in and implement the Leveson reforms, to replace IPSO with a genuinely independent and effective press regulator, is letting down the public.”

36. Hacked Off reported that a former chair of the Conservative Muslim Forum says he was “stunned” by an article in the Times newspaper which used an anti-Muslim narrative to mislead readers about a court judgment concerning a child’s life or death medical treatment. Mohammed Amin described how the newspaper picked information to make it appear as though the judgement had given undue credibility to a fatwa and had been handed down recently when neither was the case. The Times published the piece titled “High Court fatwa ruling raises alarm over sharia courts in UK” in December 2024. Amin said: “The article plays to a narrative that we often see. Namely that ‘Muslims are taking over’ or ‘Muslims are about to impose Shariah law on Britain’”.

PRP08(25)

PRESS RECOGNITION PANEL BOARD

FINANCE REPORT – MARCH 2025

Meeting: 22 April 2025

Status: for noting

Lead responsibility:
Susie Uppal, Chief Executive

Contact details: Susie Uppal and Charlie Billingham (JS2)

Purpose

1. The purpose of this paper is to update the Board on the finance and banking position as at 31 March 2025, and present the final budget for 2025/26.

2. The Board is invited to note the latest financial position and approve the final budget for 2025/26.

Background and analysis

Finance

3. A bank-reconciled set of management accounts as at 31 March 2025 is attached at Annex A. The management accounts also include the original budget for the year to March 2025 and the 6 month reforecast carried out in October 2024.

4. The surplus for the period to date is £331,633 against a year to date reforecast deficit of £137,136. This represents a positive variance of £468,769 compared to the year to date forecast:
   - The positive variance on income of £429,294 is due to the £430,000 grant income which was not included in the budget or reforecast. This has been accrued at financial year end and is expected to be received in April 2025.
   - The total positive variance on expenditure is £39,475. The larger variances contributing to this variance are:
     - provisions of £20,000 for strategic research costs and £10,000 for legal costs which were included in the reforecast, but were not fully utilised in the year.
     - Executive team costs of £19,124 which were forecast but not incurred in the year.

Devolved Nations

5. There are no specific implications/differences in relation to the areas of work covered in this paper and the devolved nations.

Communications

6. There are no specific communications implications to draw out.

Risks

7. A robust position in relation to the PRP's finances is required in order to avoid reputational damage and to ensure compliance with HM Treasury's *Managing Public Money*.

Recommendations

8. The Board is invited to **note** the latest financial position regarding the PRP's finances.

Timeline for future work

9. JS2 Ltd will continue to provide updates on the PRP's financial position at meetings of the Board.

Attachment

Annex A: Management accounts as at 31 March 2025

Press Recognition Panel
Period ended 31st March 2025

	12 months to Mar 2025				Full year to March 2025	
	Actual £	Reforecast Oct 2024 £	Variance £		Budget £	Reforecast Oct 2024 £
Income						
Subscription fees	281,238	281,238	-		281,238	281,238
Grant income	430,000	-	(430,000)		-	
Bank interest	55,906	56,612	706		56,000	56,612
Total Income	**767,144**	**337,850**	**(429,294)**		**337,238**	**337,850**
Expenditure						
Board and Committee costs						
Salaries & NIC	77,432	76,808	624		81,930	76,808
Travel & Subsistence	2,055	1,550	505		1,270	1,550
Other costs	3,173	3,000	173		2,000	3,000
Total Board and Committee Costs	**82,660**	**81,358**	**1,302**		**85,200**	**81,358**
Communications						
Publications	1,589	3,800			3,800	3,800
Communications tools	1,014	3,514	(2,500)		4,500	3,514
Website and Upgrades	1,988	2,356	(368)		2,516	2,356
Total Communications Costs	**4,591**	**9,670**	**(2,868)**		**10,816**	**9,671**
Other costs						
Executive team costs	227,594	243,574	(15,980)		- 260,279	243,574
HR & Recruitment	15,000	18,697	(3,697)		17,057	18,697
Strategic research	15,000	20,000	(5,000)		- 40,000	20,000
Office costs	6,612	7,272	(660)		8,097	7,272
Meeting rooms	6,324	7,609	(1,285)	Room hire costs not fully utilised	9,500	7,609
Travel & Subsistence	1,462	1,550	(88)		1,440	1,359
IT Hardware	1,387	2,887	(1,500)	Budget for new laptop not fully utilised	1,600	2,887
Information Technology	7,324	7,168	156		7,920	7,358
Accountancy	28,183	28,637	(454)		25,939	28,637
Audit Fees	15,000	15,000	-	Based on budget, actual fee under discussion	15,000	15,000
Printing & Stationery	1,086	1,325	(239)		1,480	1,325
Insurance	4,980	5,582	(602)		4,909	5,582
Legal	2,640	10,000	(7,360)	Legal provision not fully utilised	10,000	10,000
Subscriptions & publications	4,385	3,711	674		4,636	3,711
Finance charges	208	180	28		180	180
Sundry expenses	11,075	10,766	309		10,640	10,766
	348,260	**383,958**	**- 35,698**		**418,676**	**383,958**
Total Expenditure	**435,511**	**474,986**	**(37,264)**		**514,692**	**474,986**
Surplus / (Deficit) for the period	**331,633**	**(137,136)**	**468,769**		**(177,453)**	**(137,136)**
Reserves Bfwd	**1,564,303**	**1,564,303**				
Reserves Cfwd	**1,895,936**	**1,427,167**				

Press Recognition Panel
Period ended 31st March 2025

	Mar-25		Mar-24	
	£	£	£	£
Current Assets				
Current account	177,525		70,606	
Fixed term deposit accounts	1,296,913		1,004,293	
Deposit account	208,101		252,474	
Cash at bank		1,682,539		1,327,373
Prepayments	7,427		8,337	
Accrued Income	435,721		433,514	
Third Party Deposit	911		911	
Sundry debtors		444,059		442,762
Creditors: amounts falling due within one year				
Trade creditors	7,236		3,220	
Deferred income	171,956		163,960	
Social security and other taxes	7,766		6,267	
Pensions	3,578		3,166	
Sundry creditors and accruals	40,126		29,219	
		230,662		205,832
Net Current Assets		**1,895,936**		**1,564,303**
Net Assets		**1,895,936**		**1,564,303**
Funds brought forward				
Funds bought forward at 31 March		1,564,303		820,488
(Deficit)/ surplus for the period		331,633		743,815
		1,895,936		**1,564,303**

PRP10(25)

PRESS RECOGNITION PANEL BOARD

ANNUAL GOVERNANCE PROCEDURES AND POLICIES REVIEW

Meeting: 22 April 2025

Status: for decision

Lead responsibility:
Susie Uppal, Chief Executive

Contact details:
Halina Briggs

Purpose

1. This paper provides an update on the annual procedures and policies review undertaken by the ARC Committee at its meeting on 17 February 2025.

2. This paper provides the second tranche of policies and procedures that fall within the Boards remit for its consideration.

Background and Analysis

3. The PRP Board reviews all of its organisational procedures and policies on an annual basis and at present there are 31 in place. The Board reviewed the first tranche of procedures and policies at its meeting on 17 February 2025 and agreed amendments to ensure currency, and to provide greater clarity and detail where necessary.

4. The Audit and Risk Committee Members were invited to consider the policies attached at Annexes A to H. These fall within the Committee's terms of reference and have been reviewed and updated in line recommendations made by ARC ahead of submission to the Board.

Risk Management

5. The Risk management policy is provided at Annex A for general review. The Committee recommended no changes to the policy.

ARC Terms of Reference

6. The ARC terms of reference is provided at Annex B. The Committee recommended no changes to the policy. The Board are requested to review the terms and consider whether they require any further information.

Data Protection Legislation

7. The Data protection legislation policy is provided at Annex C for general review. The Committee recommended no changes to the policy.

Privacy Statement

8. The PRP's Privacy statement is provided at Annex D for general review. The Committee recommended no changes to the policy.

Data Retention and Disposal

9. The data retention and disposal policy is provided at Annex E for general review. The Committee recommended no changes to the policy.

Emergency and Disaster Recovery Plan

10. This policy is confidential and is not made available on the PRPs website.

Anti-bribery, Money Laundering, Fraud, Theft and Corruption

11. The anti-bribery, money laundering, fraud, theft and corruption policy is provided at Annex G for general review. It is considered that the policy remains proportionate to the level of risk that the PRP faces in these particular circumstances.

Business Continuity

12. The Business continuity policy is provided at Annex H for general review. The policy was approved the by the Committee subject to a minor amend.

Artificial Intelligence (AI)

13. At its last meetings the ARC and Board it was agreed that it would be helpful for Hal Briggs to attend an online course on “Navigating AI”. The course has been booked for the 11 July 2025. Following completion of the course, Hal Briggs will prepare a briefing note and draft AI policy in conjunction with consultation with Board member Hayley that will be shared with the Board for ratification. Board member Hayley Stallard has been kept up to date.

Communications

14. The finalised policies will be published on our website once ratified by the Board at its meeting on 22 April 2025 with the exception of the confidential Emergency and Disaster Recovery Plan.

Risks

15. There are significant reputational and organisational risks if the PRP does not maintain robust governance procedures and policies and maintain and review these on a regular basis.

Recommendations

16. The Board is invited to
    - review the procedures and policies at Annexes A to H respectively
    - confirm whether these require any further amendment

Timeline for future work

17. The updated documents will be uploaded to the PRP's website at the conclusion of the review. The Executive will continue to review the governance procedures and policies annually, subject to any legislative changes that may require earlier consideration.

Attachments

Annex A: Risk management policy
Annex B: ARC terms of reference
Annex C: Data protection legislation
Annex D: Privacy statement
Annex E: Data retention and disposal policy
Annex F: Redacted
Annex G: Anti-bribery, money laundering, fraud, theft and corruption policy
Annex H: Business continuity

PRP INDEPENDENTLY OVERSEEING PRESS REGULATION

Risk management policy

Risk policy purpose

1. This policy is a formal acknowledgement that the Board of the Press Recognition Panel (PRP) is committed to maintaining a strong risk management framework. The aim is to ensure that the PRP makes every effort to manage risk appropriately by maximising potential opportunities whilst minimising the adverse effects of risks. The policy will be used to support the internal control systems of the organisation, enabling the PRP to respond to strategic, reputational and operational risks regardless of whether they are internally or externally driven.

Risk policy objectives

2. The risk policy objectives of the PRP are to:
   - confirm and communicate the PRP's commitment to risk management;
   - establish a consistent framework and protocol for determining appetite for and tolerance of risk and for managing risk;
   - assign accountability to identified individuals for risks within their control; and
   - provide a structured process for risk to be considered, reported and acted upon within the PRP.

Risk policy statement

3. The Board and executive management of the organisation believe that sound risk management is integral to both good management and good governance practice.

4. Risk management forms an integral part of the PRP's decision–making and is incorporated within strategic and operational planning.

5. Risk assessment will be conducted on all new activities and projects to ensure that they are in line with the PRP's objectives. Any risks or opportunities arising will be identified, analysed and reported at an appropriate level.

6. A risk register covering the key delivery, reputational and organisational risks will be a live document and formally reported on to the Board on a biannual basis and more frequently where risks are known to be volatile. A more detailed operational risk register will be maintained for specific projects where this is considered appropriate, taking account of the impact of potential risk and the cost benefit of the exercise.

7. Staff will be provided with adequate training on risk management and their role and responsibilities.

8. The PRP will regularly review and monitor the effectiveness of its risk management framework and update it as considered appropriate. Reports will be made to the Board biannually of continuing and emerging high concern risks and those where priority action is needed to effect better control.

Roles and responsibilities

9. **The role of the Board**

- To ensure that a culture of risk management is embedded throughout the PRP.
- To set the level of risk appetite and risk tolerance for the PRP in specific circumstances.
- To communicate the PRP's approach to risk and set standards of conduct expected of staff.
- To ensure risk management is included in the development of business plans, budgets and when considering strategic decisions.
- To approve major decisions affecting the PRP's risk profile or exposure, in line with the Board's matters reserved and scheme of delegations.
- To satisfy itself that less fundamental risks are being actively managed and controlled.
- To review regularly the PRP's approach to risk management and approve any changes or improvements to processes and procedures as necessary.
- To receive reports from the external auditors (National Audit Office), the Audit and Risk Committee, external consultants and any other relevant parties and to make recommendations to the Board as necessary.

10. **The role of the Audit and Risk Committee (ARC)**
The purpose of the ARC is to support the Board in its responsibilities in terms of control, governance and risk management. The ARC reports to the Board on internal controls and emerging issues, in addition to overseeing the external audit. The detailed remit is set out in the ARC Terms of Reference.

11. **The role of the Chief Executive Officer**

- To ensure that the risk management policy is implemented.
- To manage the risk register.
- To anticipate and consider emerging risks and to keep under review the assessed level of likelihood and impact of existing key risks.
- To provide regular and timely information to the Board on the status of risks and their mitigation.
- To implement adequate corrective action in responding to significant risks.

- To learn from previous mistakes and to ensure that contingency plans are sufficiently robust to cope with high level risk.

12. The Chief Executive, as the PRP's Accounting Officer, will also have due regard to Managing Public Money 3.3 where they hold personal responsibility for key aspects of risk management including:

- to take a balanced view of the organisation's approach to managing opportunity and risk commensurate with the organisation's risk appetite;
- have trustworthy internal controls to safeguard, channel and record resources as intended;
- have practical documented arrangements for controlling or working in partnership with other organisations, as appropriate;
- use management information systems to gain assurance about value for money and the quality of delivery and make timely adjustments;
- use internal and external audit to improve its internal controls and performance; and
- sign the governance statement within their Annual Report and Accounts.

13. **The role of staff**

All colleagues are responsible for managing project-specific operational risks and for ensuring that risks are reported upon in a timely fashion through designated lines of reporting.

Interaction with other policies

14. Risk management forms part of the PRP's system of internal controls and should be read in conjunction with the policies and detailed controls procedures specified in our Finance policy and related policies. In addition, the PRP expects to meet minimum standards required by legislation and best practice in operational areas including data protection, financial management and reporting and governance.

15. The risk of falling short of these standards is mitigated as far as possible by ensuring that appropriate policies and procedures are adopted in each of these key areas and stringent internal controls are in place. Where necessary, external advice will be sought to supplement internal expertise.

Audit and Risk Committee Terms of Reference

Purpose

The purpose of the Audit and Risk Committee (ARC) is to support the Board in its responsibilities in terms of control, governance and risk management. Its detailed remit is to:

1. Promote the highest standards of propriety in the use of funds by the PRP, to be satisfied that arrangements are in place to encourage efficiency, effectiveness, proper accountability and value for money for the use of those funds.
2. Advise the Board on anything that affects the financial health, probity or external reputation of the organisation.
3. Critically challenge and review the system of internal controls of the PRP so that it complies with all necessary requirements.
4. Ensure the internal systems within the organisation promote a climate of financial discipline and internal control which will help to reduce the opportunity for financial mismanagement, will satisfy the Board that it will achieve its key objectives and targets and that the organisation is operating in a manner which will make most economic and effective use of resources available.
5. Ensure that the identification of key risks that threaten the achievement of the PRP's objectives is carried out and that a register of these risks is maintained.
6. Ensure that the PRP has a strategy in place to manage risk including monitoring of the satisfactory operation of that risk management strategy, and ensuring arrangements are in place to raise the awareness of risk.
7. Challenge and hold the Executive to account on aspects of the Committee's role set out above as appropriate.

Commented [HB1]: Board to confirm whether they have any concerns relating to internal controls and/or whether they require any further information.

The Committee's duties are as follows:

8. Review the PRP's internal and external financial statements, reports and annual accounts ensuring they reflect best practice, comply with appropriate guidance and are produced in a timely manner.
9. Provide a critical independent opinion on the adequacy of risk management by:
   - commenting on proposals for implementation of risk management and expressing an opinion on their overall adequacy;
   - receiving reports concerning the effectiveness of controls in each area of major risk;
   - commenting annually on the effectiveness of risk management activity in the organisation on the basis of the external audit completion report received and the internal audit annual report, if applicable

10. Review the nature and scope of external audit, consider external audit reports and management letters and ensure that the external auditor has the fullest co-operation of the organisation.
11. Consider and advise the Board on its annual and long-term internal audit programme, if any, and consider internal audit reports reviewing the effectiveness of the PRP's internal control systems, including changes to the annual audit plan.
12. Recommend the appointment, fees and termination of employment of the internal audit service if applicable.
13. Make recommendations to the Board in order that it may be assured that internal controls of the organisation are fit for purpose, effective and give value for money.
14. Consider any matters referred by the Board, or internal audit service.
15. Oversee policies on fraud/financial irregularity including any action taken under that policy.
16. Assess from time to time its own effectiveness and report its findings to the Board.

Membership, Chair, Quorum

17. The Committee shall consist of up to three members, including a member with financial responsibility. A Committee member can be either a current Board member or Independent member. In light of the size of the PRP, the Chair of the Board may be appointed a member of the Committee, although this is not generally regarded as best practice. One of the members shall be nominated by the Board Chair to chair the Committee. In the absence of the Committee Chair, the remaining members present shall elect a member to chair the meeting.
18. Committee appointments will be made by the full Board, after recommendation by the Chair. Appointments are made for an initial period of up to three years or until the Member's appointment to the Board expires; whichever is the sooner. Appointments will then be extendable by additional periods of 12 months after recommendation by the Chair and agreed by the full Board.
19. If the Chair of the Board is not a member of the Committee, the Chair of the Board will be free to attend meetings.
20. Only Members of the Committee have the right to attend and participate at Committee meetings. However, other individuals such as relevant executives or other advisers considered appropriate by the Chair of the Committee may be invited to attend for all or part of any meeting.
21. The Committee may ask any or all of those who normally attend but who are not members of the Committee to withdraw to facilitate open and frank discussion of particular matters.
22. The Committee will be provided with the opportunity to meet internal and/or external auditors, without members of the Executive present to discuss any issues of concern or interest.
23. The quorum necessary for the transaction of business shall be two members. Members' attendance via telephone or video-link is permissible for the purposes of determining a quorum.
24. A duly convened meeting of the Committee at which a quorum is present shall be competent to exercise all or any of the authorities, powers and discretions

vested in as outlined in these terms of reference, or exercisable, by the Committee.

25. Where the Chair of the Committee considers it appropriate, decisions may be taken by email. An audit trail of decisions taken by email will be maintained.
26. In the event that a decision is required by vote, where the Committee has the authority to make a final decision, the Chair will have the casting vote. In the instance of a tied vote where a recommendation is being made to the full Board, the outcome of the vote will be reported to the Board.

Access

27. Representatives of the PRP's internal and external audit services will have free and confidential access to the Chair of the Audit and Risk Committee.

Frequency and Notice of Meetings

28. The Committee shall normally meet at least twice a year. The Chair of the Committee may call additional meetings as they deem necessary.
29. Unless otherwise agreed, notice of each meeting confirming the venue, time and date together with an agenda of items to be discussed and supporting papers, shall be forwarded to each member of the Committee and any other person required to attend, no later than five working days before the date of the meeting.

Minutes of Meetings

30. A minute of the discussion, decisions and actions of all meetings of the Committee shall be prepared, including recording the names of those present and in attendance.
31. Minutes of Committee meetings shall be circulated promptly to all members of the Committee once agreed by the Committee Chair.

Accountability & Reporting Responsibilities

32. The Committee is accountable to the full Board.
33. The agreed minutes of the Committee meeting will be circulated to the next meeting of the full Board or ex committee, along with a report from the Committee Chair highlighting any issues for the Board's discussion/consideration as necessary.
34. The Committee will approve a statement in the annual report about its membership, role and remit for the preceding year timed to support finalisation of the Accounts and the Governance Statement, summarising its conclusions from the work it has carried out during the year.

Other

35. The Committee shall review its own performance, constitution and terms of reference to ensure it is operating at maximum effectiveness and recommend any changes it considers necessary to the full Board for approval.

36. The Committee is authorised by the Board to investigate any activity within its terms of reference.
37. The Committee is authorised by the Board to obtain, at the PRP's expense, outside legal or other professional advice on any matters within its terms of reference.

Review

38. These terms of reference form part of the PRP's Governance Framework and will be reviewed annually.

Data protection policy

1. Purpose

1.1 This document sets out our policies on the rights of individuals under Data Protection Legislation. The individual rights covered in this policy are:

- The right to be informed
- The right of access (subject access requests)
- The right to rectification
- The right to erasure
- The right to restrict processing
- The right to data portability
- The right to object
- Rights in relation to automated decision making and processing.

1.2 The General Data Protection Regulation (GDPR) together with the Data Protection Act 2018 (the Data Protection Legislation) sets out the responsibilities of those dealing with personal data and the rights of individuals to access their personal data. All staff, contractors and any third party working on behalf of the Press Recognition Panel (PRP) are contractually bound to comply with the Data Protection Legislation and other relevant policies.

2. Introduction

2.1 Data Protection Legislation gives you the right to confirmation that your data is being processed, to know what information is held about you, how that information is processed, and receive access to this data. It provides a statutory framework to ensure that personal information is handled properly.

2.2 The purpose of allowing access to personal data is so that you are aware of and can verify the lawfulness of the processing.

3. What is personal data

3.1 Personal data means any information relating to an identified individual or identifiable natural person ("Data Subject"); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name. This includes any expression of opinion about the individual and any indication of the intentions of the Data Controller (i.e. the PRP).

3.2 This applies to both information held electronically and manually.

4. Right to be informed

4.1 The PRP is committed to being transparent over how we use personal data.

4.2 We inform people how we use their personal data through our privacy statement (published on our website) and we may make other information available depending on the circumstances.

5. Right of access (subject access request)

What is the PRP's general policy on providing information?
5.1 We are committed to operating openly and responding to all requests for information. We welcome 'informal' requests and these may be a quicker and more effective way for you to access particular information. We will explain to you whether we are able to comply with any particular request.

5.2 If you wish to make a 'formal' subject access request, in accordance with the provisions of Data Protection Legislation, we will provide you with:

- Confirmation that your data is being processed
- Access to your personal data
- Other supplementary information as set out in Data Protection Legislation.

How do you make a right of access (subject access request)?

5.3 A subject access request ("SAR") must be made in writing and we will require you to provide your full name and a contact address (either a postal address or an email address) and details of the specific information you require and any relevant dates.

Confirmation of Identity
5.4 The PRP recognises that individuals may initially seek to exercise their subject access rights in a range of different ways including by telephone. However, because of the statutory requirement to be satisfied as to the applicant's identity, the PRP will ordinarily ask any prospective applicant to provide written confirmation (via email or letter). We will not progress a SAR until we are satisfied as to the applicant's identity. We will routinely ask for a copy of a passport, driving licence, bank statement or other proof of identity.

5.5 Where we are satisfied as to the identity of the person making the request (for instance if a request were made by a current or past employee), we may elect to waive the requirement for the applicant to provide proof of identity. The decision to waive proof of identity will be taken by the CEO.

What is the timeframe for responding to subject access requests?
5.6 We will log the date the request was received (and the applicant's identity confirmed).

5.7 We will seek to provide you with the information as soon as possible and not later than one month of receipt. If a request is particularly complex or numerous requests have been submitted we may extend the response time by up to two further months. However, if this is necessary we will contact you within a month of your original request to advise you of this and to explain the reasons why. We will seek to provide as much information as possible as early as possible within that period and may make a 'staged' disclosure of information.

5.8 We will inform you without delay, and no later than one month after receiving the request, if we do not intend to take action in response to the request, including the reasons why the PRP does not intend to take action in connection with the request and the right to make a complaint with the ICO or seek a judicial remedy.

What do we do when we receive a subject access request?

Collation of information
5.9 We will undertake a reasonable and proportionate search for the personal data requested, in conjunction other relevant staff who will be responsible for assisting the team to locate and extract any relevant personal data.

5.10 We will check that we have enough information to find the information you have requested. If we feel we need more information in order to clarify the request, then we will promptly ask you for this.

Issuing our response
5.11 Once any queries that PRP may have around the information requested have been resolved, a copy of the information will be provided to you.

5.12 Before sharing any information that relates to third parties, we will where possible anonymise information that identifies third parties unless it is reasonable to disclose that information or we have their consent. Whilst the right under Data Protection Legislation is to "personal data", rather than documents, we will where appropriate and as a matter of discretion, try to provide you with contextual information or entire documents to help you understand your information.

5.13 We will explain any complex terms or abbreviations contained within the information when it is shared with you. Unless specified otherwise, we will also provide a copy of any information that you have seen before.

5.14 Where we hold data about a Data Subject, the PRP's response shall contain the following information:
• The purpose of the processing

• The categories of the personal data concerned
• The recipients or categories of recipient to whom the personal data have been or will be disclosed, in particular recipients in third countries or international organisations
• Where possible, the envisaged period for which the personal data will be stored, or, if not possible, the criteria used to determine that period
• The existence of the right to request from the controller rectification or erasure of personal data or restriction of processing of personal data concerning the data subject or to object to such processing
• The right to lodge a complaint with a supervisory authority
• Where the personal data is not collected from the data subject, any available information as to their source
• The existence of automated decision-making, including profiling, and, at least in those cases, meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject
• An explanation of whether and why any exemptions have been applied to the Personal Data we hold.

5.15 Any preferences of the data subject will be taken into account in determining the format in which the information is disclosed. Where the request has been made through electronic means (including email), in the first instance we will communicate our response in an electronic format, using PDF or other commonly accessible formats to provide personal data.

5.16 Appropriate security measures will be taken to protect data during the course of its disclosure, included encrypted transfer mechanisms. Where possible, the information will be disclosed in a secure, readable electronic format to minimise costs, provide an audit trail, protect the environment, and to promote the security of the information. Any personal data disclosed via hard copy will be sent via recorded delivery.

Will there be a fee?
5.17 Information will usually be provided free of charge.

Are there any grounds we can rely on for not complying with a subject access request?

Exemptions

5.18 Once all relevant information has been located, the CEO will review the data prior to disclosure and will be responsible for deciding whether any exemptions apply under Data Protection Legislation on a case by case basis.
Manifestly unfounded or excessive requests

5.19 If a request is manifestly unfounded or excessive, particularly if it is repetitive, the PRP can either charge a reasonable fee taking into account the administrative costs of providing the information or refuse to respond to the request.

5.20 Where we refuse to respond to the request we will explain why we have done so and advise of your right to complain to the ICO and to a judicial remedy. We will do this without undue delay and within one month.

5.21 In deciding whether multiple requests are excessive (or made at unreasonable intervals), and what action to take in consequence, the PRP will consider all the relevant factors, including the following:
• The time that has elapsed since the previous request;
• The volume of information involved; and
• Any reasons given by the applicant for wanting the same information again.

5.22 A record shall be kept of the PRP's decision making and this explanation will be given to the applicant. The applicant may ask for a review of the decision.

6. If you identify an error in our records (the right to rectification)

6.1 If we agree that the information is inaccurate or incomplete, we will rectify it and where practicable, destroy the inaccurate information. Please note that a difference in opinion or interpretation is not the same as an inaccuracy, but we may record your disagreement with the data in question.

6.2 If we have disclosed the personal data in question to a third party we will inform the third party of the rectification unless this is impossible or involves disproportionate effort. On request we will inform you of any third party recipients.

6.3 We will respond to any request for rectification within one month although we reserve the right to extend this by two months where the request is particularly complicated.

6.4 If we do not agree the information is inaccurate or we cannot delete the information, we will make a note of the alleged error and keep this on file. We will also explain why this is the case and advise of your right to complain to the ICO and to a judicial remedy. We will do this without undue delay and within one month.

7. If you want the PRP to stop processing your data and delete it (the right to erasure)

What is the right to erasure
7.1 The right to erasure is also known as the 'right to be forgotten'. This is effectively the right to request the deletion or removal of your personal data where there is no compelling reason for the PRP to process (or continue to process it).

When does it apply
7.2 The right to erasure is not an automatic 'right to be forgotten' and your right to erasure only applies in certain circumstances including the following:

• It is no longer being necessary for the purposes it was originally collected
• Where the PRP is relying on consent for processing and you withdraw this consent
• Where you object to the processing of your personal data and there is no overriding legitimate interest to continue with the processing
• The personal data was not processed in line with Data Protection Legislation and is therefore unlawful
• Erasure is necessary to comply with another legal obligation

Situations where the PRP may refuse to consider a request
7.3 There are certain circumstances where the PRP may refuse to comply with a request. These may include the following:
• To exercise the right of freedom of expression and information
• Where the information is needed to comply with a legal obligation or public interest task
• Where the information is for public health tasks in the public interest
• Where the information is for archiving for public interest or research purposes
• Where the information is held for defending legal claims.

How to apply
7.4 Should you wish to make such a request you should send us the request in writing. When we receive the request, we will send you written notice that either we have complied with your request, intend to comply with it or state the extent to which we will comply with it and why as soon as possible.

7.5 If we have disclosed the personal data in question to a third party we will inform the third party of the erasure unless this is impossible or involves disproportionate effort. On request we will inform you of any third party recipients.

8. If you want the PRP to restrict the processing your data (the right to restrict processing)

When does it apply
8.1 You also have a right to ask us to block or restrict processing of your personal data in some circumstances:
• Where you contest the accuracy of the personal data, we will restrict processing of this data until we can verify the accuracy
• Where you object to the processing and we require time to consider whether the legitimate grounds for processing overrule this objection
• Where the processing is unlawful but you oppose erasure and request restriction instead
• Where we no longer require the personal data but you require it for another purpose such as to defend a legal claim.

What we will do
8.2 Where we restrict the processing your data we will continue to store it but will not process it further.

8.3 We will hold a log with the minimum amount of information necessary to ensure that we continue to be able to restrict the processing in future for example where we are required to back up the system we may need to check our records to ensure no information is inadvertently added back onto our stakeholder list.

8.4 If we have disclosed the personal data in question to a third party we will inform the third party of the restriction unless this is impossible or involves disproportionate effort. On request we will inform you of any third party recipients.

8.5 If we decide to lift the restriction for any reason we will inform you in writing.

9. The right to data portability

What is the right to data portability?
9.1 The right of data portability is the right to request your information to reuse for your own purposes in a different environment. It effectively allows you to transfer your personal data from the PRP's IT environment to that of another organisation, securely and without hindering its usability.

9.2 In relation to the PRP's work it will be extremely rare for the right of data portability to apply.

When does it apply
9.3 The right to data portability applies where:
• You have provided the information to us
• The processing is based on your consent (or for the performance of a contract)
• When the process is carried out by automated means.

What we will do
9.4 Where you meet the requirements we will provide your data free of charge.

9.5 We will provide the information within one month of your request except where your request is particularly complex or numerous requests have been submitted. In this case, exceptionally, we may extend this period by up to a further two months.

9.6 Where we are not taking any action in relation to your request, we will write to you within a month to explain why and to inform you of your right to complain about the PRP's decision.

9.7 Where the data includes personal data relating to another party we will consider whether providing this data breaches their rights.

10. How to object to the PRP's processing of your personal data (the right to object)

What is the right to object?
10.1 You have the right to object to any processing based on legitimate interests, the performance of a task in the public interest or exercise of official authority or processing done for the purposes of research, or direct marketing.

10.2 See our Privacy statement or contact us for more information on the basis for processing.

Objecting on the grounds of legal tasks or the PRP's legitimate interests

10.3 Your objection must be on 'the grounds of your particular situation' - please specify what this is when you make the request in order to help us to respond to your request.

10.4 We will stop processing the personal data unless:
• We have legitimate grounds for the processing, which override the interests, rights and freedoms set out in your request
• The processing is for the establishment, exercise or defence or legal claims.

Objecting on the grounds of direct marketing (PRP updates etc)

10.5 We will stop processing your personal data on the grounds of direct marketing as soon as you request this.

What we will do
10.6 We will respond to your request within one month except where your request is particularly complex or numerous requests have been submitted. In this case we may extend this by up to two further months. However, if this is necessary, we will first check that we have enough information to be sure of your identity. Where we are satisfied as to the identity of the person making the request, we may elect to waive the requirement for the applicant to provide proof of identity. However, if we are not satisfied as to the identity of the requester it will take reasonable steps to identify the requester. we will contact you within a month of your original request to advise you of this and to explain the reasons why.

10.7 Where we are not taking any action in relation to your request we will write to you within a month to explain why and inform to of your right to complain.

10.8 Where the data includes personal data relating to another party we will consider whether stopping processing providing this data breaches their rights.

11. Rights related to automated decision making

11.1 The PRP does not engage in “automated decision making”, which means that no decisions are made about you solely by automatic means without any human involvement at all.

12. Checking of identity when we receive an individual rights request

12.1 In the unlikely event that an information request is received from a third party, the PRP will take whatever steps it considers reasonable to satisfy itself that the third party has the appropriate authority to make the request.

13. Audit and record meeting

13.1 The PRP will maintain records of:
• The requests it receives;
• the ‘raw’ products of any searches undertaken;
• a master audit/redacted copy of the information proposed for disclosure;
• any correspondence with/the final response given to the applicant; and
• any advice or other records received or prepared in the course of handling the request.

14. Our complaints procedure

14.1 If you are not satisfied with the way we have dealt with your individual rights request or any other action in relation to this policy you can seek recourse through our internal complaints procedure, the Information Commissioner or the courts.

14.2 The Chief Executive will deal with any written complaint about the way a request has been handled and about what information has been disclosed. The Chief Executive can be contacted at:
Press Recognition Panel
4 Winsley Street
London W1W 8HF
Email: suppal@pressrecognitionpanel.org.uk

14.3 If you remain dissatisfied, you have the right to refer the matter to the Information Commissioner:
Information Commissioner’s Office
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF
Telephone: 0303 123 1113
Email: casework@ico.org.uk

Privacy statement

1. The Press Recognition Panel (PRP) is a data controller and is committed to protecting your personal data and working in accordance with all relevant data protection legislation.

2. This statement explains how the PRP processes and uses the personal data we collect and store.

What data do we hold?

3. The data that we hold about stakeholders is that which you provided in your initial contact with the PRP or that we have added as a result of your interest in our work.

4. Our records may include:
   - Contact details – for example your address, email address and telephone number (we update these whenever you tell us they have changed).
   - Your preferences – to help us engage you in the ways most relevant to you.
   - Information that you provide to us including in relation to job applications, email notifications, your requests to join our database and responses to consultations.

5. We may also augment data you provide with data that is publicly available, for example we may record:
   - Your interests in press regulation and the work of the PRP.

6. We are required to ensure that data we hold about you is as accurate as possible and therefore, we may update your details based on reliable publicly available sources. For example, we may update your address or business details.

7. We use a wide variety of sources either directly or via internet search engines, some on a subscription basis to augment, update and validate the data we hold. These include:
   - Parliamentary and personal websites,
   - Reliable news and press reports, and
   - Companies House and other business-related websites.

8. The PRP will retain your data indefinitely unless you request otherwise.

How do we use your data?

9. The PRP primarily uses your data to communicate PRP related information. This can include:
   - Informing you of calls for information
   - Sending you annual reports
   - Sending you relevant updates

10. Communications may be sent to you by post and/or email depending on the communication preferences you have shared with us.

How will we share your data?

11. Data is only shared with persons directly engaged in carrying out work for the PRP. It is never shared with anyone to enable other organisations to contact individuals. The PRP does not sell data to third parties or allow third parties to sell on data where data is shared.

How do we protect your data?

12. Your data is held securely on the PRP's IT system. The database is accessible to a limited number of PRP staff and directly engaged consultants. The PRP ensures that appropriate data sharing agreements and proper systems are in place prior to sharing your personal data with any partners.

Your rights and preferences

13. The PRP may contact you by post and by email as you have previously consented, unless you request otherwise.

14. If you no longer want to receive communications by post or email, please email the PRP at admin@pressrecognitionpanel.org.uk. When contacting us, please also specify if you wish to unsubscribe from all communications or from specific communication types or channels.

Other information

15. The legal basis for processing your minimal personal data for the purposes described above is that it is necessary for the pursuit of our legitimate interest in gathering as many views as possible to inform our decision making and for the purposes of our annual reports to Parliament.

16. This Policy will be kept under review. Any changes will be updated on our website and communicated to you as appropriate.

17. You have the right to:
   - Ask us to see, correct or delete the data we hold about you

- Object to specific data uses, as described above
- Object to receiving communications

18. The PRP's Chief Executive is responsible for monitoring compliance with relevant legislation in relation to personal data and can be contacted at admin@pressrecognitionpanel.org.uk. You have the right to lodge a complaint with the Information Commissioner's Office at www.ico.org.uk/concerns.

PRP INDEPENDENTLY OVERSEEING PRESS REGULATION

Data retention and disposal policy

Introduction

1. Effectively managing the information we hold and dispose of is critical to any business' organisational success. We have to be able to access information in a simple and effective manner and to be able to dispose of information that is no longer relevant to our business needs.

2. Legal requirements determine that some of the information we hold such as financial records, contracts and HR records must be stored for predetermined time periods. The length of time we hold other records is determined by us and should be determined on what information we need to keep in order to operate effectively.

3. This Policy sets out our current position on what to keep and how long it should be kept for. It sets out what electronic information should be kept for business, legislative and historical reasons and what information should be routinely deleted.

4. Once you have identified a record (see definition of a record below) you need to determine how long you need to keep it and why. All records should be stored on our Egnyte Shared Account and not on local hard drives. This is to ensure there is access for all staff to the records required and that records are secure.

5. The key to ensuring documents can be found easily is to ensure that staff use the file plan structure currently in place. If you need to change this structure you will need to speak to the Executive Administration Manager.

Retention Schedule

6. The Retention Schedule set out in Appendix A sets out the minimum length of time that we should retain records. It is designed to ensure we can:
   - Find and use the information we need;
   - Justify our decisions and provide a clear audit trail;
   - Maintain our corporate memory;
   - Comply with legislative and regulatory requirements;
   - Ensure that the disposal of information has been carried out according to the agreed policy;
   - Mitigate the cost and potential liabilities associated with retaining information that is not required;
   - Ensure storage costs and administrative overheads are justified by business needs and
   - Improve the security of our information.

7. Appendix A identifies the functional area where the record should be saved and for the minimum period the record should be stored. This is referenced where appropriate to the citation for the required retention period.

Destruction/Disposal

8. Paper records containing confidential and or personal information should be shredded securely using the facilities provided. Electronic versions of documents may only be downloaded onto non PRP devices, if adequate security measures are in place, and they must be deleted as soon as possible.

Further Information

9. If you are unsure about any aspect of this Policy, please contact the Executive Administration Manager for further advice at: Hbriggs@pressrecognitionpanel.org.uk

Appendix A

What is a record?

How to identify a record	Is it a record?
Does the content of the item contribute to a policy decision or decision making process?	Yes
Does the content of the item contribute to and action taken or a decision made?	Yes
Does the content of the item contribute to a change in our policy or procedure?	Yes
Does the content have financial or legal implications?	Yes
Does the content need to be approved by or reported to another individual or an external body?	Yes
Does it have to be created as a result of specific legislation?	Yes

If it is none of the above criteria apply, it is not a record and can be destroyed when it is no longer required.

Governance processes

What to Keep	Where to save it	When should it be saved	When should it be deleted	Who should action this
Early policy drafts not shared with colleagues	Personal Drive	Immediately	When superseded	Originator
Drafts shared with colleagues for comment	Shared drive	When access is required	When superseded	Originator
Drafts that have been to Board for discussion	Shared drive	When approved for discussion with the Board	When superseded	Executive Administration Manager
Final policy documents	Shared drive	When approved by the Board	When superseded	Executive Administration Manager

Team meeting project plans and notes	Shared drive	Once approved	Review annually	Executive Administration Manager
Board papers, agendas and minutes	Shared drive and Website	Once approved	Permanent	Executive Administration Manager
Financial Information relating to business operation	Shared drive	Immediately	6 Years from last action	Executive Administration Manager
Contractual Information (those tendered)	Shared drive	Immediately	6 Years from termination of the contract	Executive Administration Manager
Annual Plans and Reports	Shared drive	Once approved	Permanent	Executive Administration Manager
Employers Liability Insurance	Shared drive	Immediately	Expiry of Policy + 40 years	Executive Administration Manager
Other insurance policies	Shared drive	Immediately	Expiry of Policy + 6 years	Executive Administration Manager
Claims made under insurance Policies	Shared drive	Immediately	Permanent	Executive Administration Manager
Legal claims	Shared drive	Immediately	Settlement of the case + 6 years	CEO
Legal advice regarding operational issues	Shared drive	Immediately	Permanent	CEO

Application and review Processes

What to Keep	Where to save it	When should it be saved	When should it be deleted	Who should action this
All relevant documents relating to applications, reviews, and any required actions, and all relevant correspondence	Shared drive	Immediately	Permanent	CEO

Information requests

What to Keep	Where to save it	When should it be saved	When should it be deleted	Who should action this
Information requests or complaints received, and our response to these	Shared drive	Immediately	Review annually	Executive Administration Manager

Human Resources Information

What to Keep	Where to save it	When should it be saved	When should it be deleted	Who should action this
Leaver and joiners forms Annual leave, special leave, Medical and sickness records, termination of employment by resignation, redundancy, retirement or dismissal	-Shared drive	Immediately	Termination of employment + 6 years	CEO
Performance management, probation and disciplinary, Training and development	Shared drive	Immediately	Termination of employment + 6 years	CEO
Reportable accidents, injuries or deaths in connection with work	Shared drive	Immediately	Incident + 3 years	CEO
Grievances	Shared drive	Immediately	Conclusion of investigation + 6 years	CEO

Stakeholders

What to Keep	Where to save it	When should it be saved	When should it be deleted	Who should action this
Contacts Database	Shared drive	Immediately	Review annually; delete immediately if requested to do so by an individual	CEO
Consultation Responses	Shared drive	Immediately	Permanently	CEO
Correspondence and notes on discussions with interested parties	Shared drive	Immediately	Review annually	CEO
Diversity Monitoring Forms	Shared drive	Immediately	Review annually; delete immediately if requested to do so by an individual	Executive Administration Manager
Statements to the media and press releases	Shared drive	Immediately	Permanently	CEO

PRP INDEPENDENTLY OVERSEEING PRESS REGULATION

Anti-bribery, money laundering, fraud, theft and corruption policy

Introduction

1. The Press Recognition Panel ('the PRP') has a zero-tolerance policy towards bribery, money laundering, fraud, theft and corruption. The PRP is also wholly committed to the prevention of bribery, money laundering, fraud theft and corruption and in fostering a culture where these acts are unacceptable. This policy has been developed taking into account the risks the PRP faces and is based on the Ministry of Justice's six principles: proportionate procedures, top level commitment, risk assessment, due diligence, communication (including training) and monitoring and review. The PRP will take action against those who knowingly partake in fraudulent and corrupt activity, including taking or giving bribes.

Purpose and scope

2. This policy:
    - defines what is meant by bribery, money laundering, fraud, theft and corruption and gives examples which the Board, Independent members and PRP staff can use to help them recognise such activity;
    - sets out expectations of Board members, Independent members and PRP staff in relation to the prevention, detection and reporting of bribery, money laundering, fraud, theft and corruption and the consequences of non-compliance with this policy; and
    - outlines how allegations of bribery, money laundering, fraud, theft and corruption will be investigated and the options open to those who wish to make a wider disclosure
    - applies to all Board members, Independent members, advisors, contractors and employees (whether permanent or temporary). The PRP expects that others working on its behalf e.g. consultants and third parties, to comply with this policy.

Bribery

3. Compliance with this policy is mandatory. Non-compliance for staff is considered to be gross misconduct (and could result in dismissal). Non-compliance for Board and Independent members could result in removal from office. Bribery is a criminal offence under the Bribery Act 2010, which came into force on 1 July 2011. It is defined as "offering, promising or giving someone a

financial or other advantage to encourage them to perform their functions or activities improperly, and includes where it is known or believed that the acceptance of the advantage in itself constitutes improper performance. It also includes asking for or agreeing to accept a bribe". This also includes facilitation payments (small bribes paid to speed up a service) and bribes under duress (blackmail and extortion). There are four offences covered by the Act:

- bribing another person (where a person offers, promises or gives a financial or other advantage to another person with the intention that the advantage will induce a person to perform a function or activity improperly);
- being bribed (where a person requests, agrees to receive or accepts a financial or other advantage with the intention that a function or activity is performed improperly);
- bribing a foreign public official (where a person bribes a foreign public official); and
- failure of a commercial organisation to prevent bribery (where a person associated with a commercial organisation bribes another person with the intention of obtaining or retaining business for the organisation or an advantage in the conduct of the organisation's business).

The PRP operates a zero-tolerance policy towards offering and accepting bribes. This includes facilitation payments and bribes under duress.

Money laundering

4. Money laundering is a criminal offence under the Money Laundering Regulations 2007. In addition, money laundering is also a criminal offence under the Proceeds of Crime Act 2002, Terrorism Act 2000, Anti-Terrorist Crime and Security Act 2001 and Counter-Terrorism Act 2008. Money laundering is defined as "exchanging money or assets that were obtained criminally for money or other assets that are 'clean'". The 'clean' money or assets do not have an obvious link with any criminal activity. Money laundering also includes money that is used to fund terrorism, however it is obtained. The term 'laundering' is used because criminals turn 'dirty' money into 'clean' funds which can then be integrated into the legitimate economy as though they have been acquired lawfully. The PRP operates a zero-tolerance policy towards money laundering.

Fraud and theft

5. Fraud is a criminal offence under the Fraud Act 2006. There are many technical definitions of fraud, but we define it as a form of dishonesty, involving either false representation, failing to disclose information or abuse of position, undertaken in order to make a gain or cause loss to another. There are six offences under the Fraud Act:
   - fraud by false representation;
   - fraud by failing to disclose information;

- fraud by abuse of position;
- obtaining services dishonestly with intent to avoid payment
- possessing, making and supplying articles for use in frauds; and
- participating in a fraudulent business carried on by a sole trader.

6. Theft is a criminal offence. The Theft Act 1968 covers the criminal definition of theft and the associated offence of ‘false accounting’. This is defined as where a person dishonestly, with a view to gain for themselves or another or with intent to cause loss to another either:
    - destroys, defaces, conceals or falsifies any account or any record or document made or required for any accounting purpose; or
    - in providing information for any purpose, produces or makes use of any account, record or document, which to their knowledge is or may be misleading, false or deceptive.

   The PRP operates a zero-tolerance policy towards fraud and theft.

Corruption

7. Corruption is defined as “the offering, giving, soliciting or acceptance of an inducement or reward, which may influence the action of any person”. The PRP operates a zero-tolerance policy towards acts of corruption.

Prevention and detection

8. We expect everyone who works for the PRP to:
    - support the PRP’s public statement on the zero-tolerance policy towards bribery and corruption, and comply with this policy;
    - have, and be seen to have, the highest standards of honesty, propriety and integrity in the exercise of their duties;
    - report all suspected and known cases of bribery, money laundering, fraud, theft and corruption; and
    - assist in any investigation.

9. The PRP will:
    - publish a statement setting out its commitment to preventing bribery and corruption;
    - undertake a risk assessment of its exposure to potential external and internal risks;
    - ensure that there are suitable levels of internal controls embedded in day to day practices, particularly in relation to financial procedures;
    - ensure that other policies are clear about the PRP’s commitment to anti-bribery, money laundering, fraud, theft and corruption and are followed;
    - ensure that references are checked and necessary due diligence is carried out when recruiting and appointing people and when new suppliers are procured;

- ensure that Board Members and staff and others who are engaged by the PRP are aware of their duties in relation to the management of interests; gifts and hospitality; and how this policy applies to them;
- ensure that there are appropriate processes in place to report and investigate concerns about bribery, money laundering, fraud, theft and corruption;
- ensure an appropriate Whistleblowing policy is in place;
- provide training and guidance as necessary so that individuals understand their role in relation to preventing bribery, money laundering, fraud, theft and corruption;
- record and report on allegations received under this policy;
- take appropriate disciplinary and legal action when necessary (e.g. dismissal, removal from office and termination of contract); and
- inform the relevant authorities, such as the police, if the circumstances and evidence are appropriate.

Reporting concerns

10. If there are suspicions that an individual has breached this policy concerns should be reported as follows:
    - if the concern is about an employee or a contractor – these should be reported to the Chief Executive. If it would not be appropriate to do this, concerns should be reported to the Chair of the PRP;
    - if concerns relate to a Board or Independent member – these should be reported to the Chair;
    - If concerns relate to the Chair, report these to the Senior Independent Board member.

11. Concerns should be documented immediately, in as much detail as possible and include all relevant details such as dates, times, places, details of phone conversations, names of those involved etc. An individual should not attempt to carry out an investigation by themselves as this might damage any subsequent investigation.

Investigation

12. Any allegation of non-compliance with this policy regarding staff or contractors will be investigated by the Chief Executive (unless it would not be appropriate to do this, in which case the investigation will be by the Chair). Any allegation of non-compliance with this policy regarding Board or Independent members will be investigated by the Chair (unless it would not be appropriate to do this, in which case the investigation will be undertaken by the Senior Independent Board Member). If the allegations are sufficiently serious the PRP may inform the relevant authorities (for example, the police or Serious Fraud Office) before any investigation is initiated.

13. The PRP will:
    - listen to all concerns raised and treat every allegation seriously and confidentially;
    - (unless inappropriate to do so), notify the Chief Executive and Chair of all allegations and keep them appraised of the progress of any investigation;
    - Get as much information as possible from the reporting individual, including any evidence that may support the allegation.
    - report the outcome of any investigation and make recommendations for any remedial action required to the Board;
    - not ridicule, victimise or discriminate against those who raise a legitimate concern, irrelevant of whether it proves to be founded or not;
    - once the investigation is complete, any recommendations will be actioned immediately and these could include, but are not limited to:
        - closing the matter where no wrongdoing is found
        - referring the matter to the police
        - disciplinary action
    - notify the person who initially raised the concern of the outcome of the investigation and any remedial action to be taken.

Further concerns following investigation

14. If an individual is unhappy with the outcome of the initial investigation, concerns can be raised with the Chair, another Board Member, or the Chief Executive. The **PRP's Whistleblowing policy** also gives details of how reports can be made to 'prescribed persons' (i.e. external agencies).

Monitoring and review

15. All allegations made under this policy will be reported to the Board, regardless of whether they are founded or not. The identity of the person who raised the concern will be kept confidential. This policy will be reviewed on a regular basis, taking into account new or changes to legislation and regulations as well as best practice.

PRP INDEPENDENTLY OVERSEEING PRESS REGULATION

Business continuity management policy

Definition

1. Business Continuity Management (BCM) is about identifying those parts of our business that are critical and planning how we would maintain these if an incident occurs.

2. Implementation:

   To implement business continuity, we need to identify:

   - our key products and services;
   - the critical activities and resources to required to deliver these;
   - the critical risks to these activities; and
   - how we will maintain these critical activities in the event of an incident (loss of access to premises, loss of utilities etc.)

Objectives and strategy

3. Our Business Continuity Management Policy aims to ensure that systems and plans are designed to address significant disruptions that might affect our capabilities to perform our day-to-day activities.

4. These are likely to include:

   - Loss of staff and Board Members
   - Loss of systems
   - Loss of access to premises
   - Loss of key suppliers
   - Disruption to transport

5. We will identify the critical risks that relate to the above groups and develop appropriate mitigations to address any major disruption to our services.

6. We will follow nationally accepted best practice in this area and we will aim to give due consideration to the Business Continuity Management Systems (ISO 22301 and 22313) where applicable.

Roles and responsibilities

7. It is essential that this area of work has the full support of the Board and the Executive.

8. The following paragraphs set out the key roles the Board and the Executive have for delivering this area of work and ensuring that it is actively managed on an ongoing basis:

9. The Board will review this policy on an annual basis to ensure we have robust and sensible plans in place.

10. The Chief Executive Officer is responsible for the Business Continuity of the organisation. The Chief Executive Officer will review the Emergency and Disaster Recovery Plan and critical risks on an annual basis with the Audit and Risk Committee. As part of this review, the plan will be challenged and tested and updated as required. We will also link this review to a review of our main identified risks to ensure that all the known risks are covered by this process.

11. Staff will be trained as required and the plans developed with the relevant parties as necessary.

Corporate standards and guidance

12. This policy and associated plan will be stored on our shared secure system and updated annually as necessary.