

Rebuttal of 'No More Excuses'

In late 2016, Hacked Off published a document 'No More Excuses', claiming that press regulation had failed. Nothing could be further from the truth.

IPSO has been asked by a handful of commentators for our response to the document. Although we disagree fundamentally with it and the claims in it, we are happy to set the record straight about IPSO's role, work and achievements and to reaffirm that IPSO will continue to protect the rights of anyone who feel wronged by the press and to uphold high standards of professional conduct for the press.

Taking the various claims in turn, IPSO would respond as follows.

Hacked Off claim – **Press abuse continues and the big newspapers continue to reject independent press self-regulation that would provide 'after the event' redress.**

Reality:

- Far from rejecting independent press self-regulation, that is precisely what the overwhelming majority of the UK press – national, regional, local and magazines – have agreed to, by being regulated by IPSO. More than 2,500 titles have signed up and have submitted themselves to a legally enforceable contract for five years. Every single day IPSO deals with complainants, providing redress, resolution and protection for those who feel wronged by the press.
- Most of the cases given as examples have already been rebutted here: <https://www.ipso.co.uk/media/1132/rebuttal-the-failure-of-ipso.pdf>. Other examples referred to do not fall under IPSO's remit. Legal issues, for example are quite rightly pursued through the courts.
- IPSO has worked closely with the Samaritans to provide guidance on the reporting of suicide and have upheld complaints under the stand alone Clause 5 (Reporting Suicide).
- IPSO has ruled on many stories regarding the EU referendum, agreeing and facilitating corrections and upholding a number of complaints including from the campaign organisation In Facts. The thoroughly depressing public discourse seen throughout the referendum campaign – promoted primarily by politics and politicians – is not the responsibility of the press regulator. When we received complaints about specific articles, we dealt with them as we would with any other. In many cases, newspapers amended information quickly and in others we did not find the Code was breached.

Hacked Off claim - IPSO is not independent – it is still wholly controlled by the major newspaper groups.

Reality:

- An external review carried out by former permanent secretary Sir Joseph Pilling, which reviewed the independence and effectiveness of IPSO, found that there is “no evidence of IPSO’s decision-taking being improperly influenced by the industry”.
- The document criticises the Regulatory Funding Company as being controlled by the industry but overlooks the fact that regulation must be paid for somehow. IPSO’s funding is paid for by its members and not reliant on financial input from a single wealthy individual or the government. The RFC has no influence on IPSO’s work.
- The booklet criticises the four year funding deal agreed by IPSO and the RFC as ‘doing nothing to change the underlying grip held by the industry over its regulation’. In reality, agreeing a four year funding deal gives IPSO the absolute freedom to act as it sees fit, without being beholden to any funder.
- Hacked Off don’t like the IPSO Appointments Panel either. However, in his review, Sir Joseph Pilling states: “... establishing a separate distinguished body seems to have been a sensible way of limiting any perception that the industry were choosing their own gamekeepers. In November 2013 it was announced that Sir Hayden Phillips, former Permanent Secretary, would serve as Chairman of the Appointments Panel. In January 2014 it was announced that Sir Hayden would be joined on the Appointments Panel by the former Supreme Court judge, Lord Brown of Eaton-under-Heywood; the former Manchester Evening News editor, Paul Horrocks; the former Chair of the Commission for Social Care Inspection, Dame Denise Platt; and the current editor of The Times, John Witherow. I consider that the Appointments Panel, as originally constituted, and as currently constituted, is such that the public can feel confident that the process of appointing the IPSO Board and Chair, when Sir Alan steps down, is sufficiently independent of the industry.” IPSO agrees with that judgement.
- The booklet says the press can veto appointments to the IPSO Board. This is untrue. All appointments are made independently by the IPSO Appointment Panel. Positions are publicly advertised and appointments are made based on IPSO’s Appointments Principles. The RFC is permitted under IPSO’s Articles of Association to recommend the industry members of the Board but the decision to appoint is ultimately that of the Appointments Panel. IPSO’s Board has a majority of lay members with press members chosen for their experience and expertise. The booklet criticises IPSO’s Chair Sir Alan Moses, who is widely respected in his role. Pilling’s external review describes the ‘possibility of his resignation is an effective restraint’. It quotes Paul Vickers, the former Chairman of the RFC as saying, when referring to IPSO’s rules “So when Sir Alan says that he is going to put a red line through a whole load of things, he cannot do that.” What Hacked Off fail to say is that is precisely what Sir Alan did.

Hacked Off claim – **A self-regulator recognised by the PRP is the only way of securing real change**

Reality:

- The UK has had a free press since the seventeenth century and the entirety of the industry – including publications not regulated by IPSO like The FT and the Guardian – have stated they are opposed to the parliamentary stick of Section 40 of the Crime and Courts Act as a way of persuading newspapers to sign up to a ‘recognised’ regulator. It is seen as state interference and the FT described it as “a measure which would inflict disproportionate, unjust and potentially disastrous legal costs on newspapers, irrespective of their record on the ethical issues which initiated the Leveson Inquiry” and that “the implementation of Section 40 would certainly have the effect of encouraging unmeritorious legal challenges to the FT’s journalism and with that the chilling of journalistic inquiry.” We agree.
- The annex of Joseph Pilling’s review which analyses Leveson’s criteria clearly demonstrates that IPSO does comply with almost all of these.

Hacked Off claim – **IPSO’S improvements are non-existent**

Reality:

- Changes to the Code are the responsibility of the Editors’ Code Committee not IPSO. A new Code consultation has just been launched. If the Code were as terrible as Hacked Off claim, why would it be used by the Guardian, the Independent and the Evening Standard (none of whom have yet to sign up to IPSO)?
- It is true that IPSO has the ability to levy fines for serious and systemic standards breaches. It takes a serious and measured approach to this and will use this power when it is appropriate to do so. In his review, Sir Joseph Pilling stated “Those opposed to IPSO are often of the view that the fact that IPSO has not yet launched a standards investigation is evidence that it has failed to regulate the press. Given the significance of a standards investigation IPSO ought not to feel under pressure to launch one. It would be a serious mistake to launch a standards investigation on relatively flimsy grounds. It ought to be exceptional.” We agree.
- IPSO’s pilot arbitration scheme is much more than a cosmetic operation and Hacked Off’s portrayal of our scheme is disingenuous. The IPSO scheme charges the publisher a fixed fee of £3,500 for a preliminary ruling and just £300 for the claimant. It is a balancing act, giving capable arbitrators the necessary time and resources to properly investigate claims, whilst ensuring that the scheme remains cheaper than litigation. It is widely accepted that, while Conditional Fee Arrangements are still in place, that many potential litigants will prefer this approach to arbitration. If the claim continues to be arbitrated after the preliminary ruling the claimant and publisher share the cost of a £5000 final ruling fee (£2500 each). Costs that are all significantly cheaper than going to court without a CFA.

- In two years of operation we have dealt with nearly 30,000 complaints; amended our rules and regulations; agreed our budget through to 2020; published two sets of annual statements from all member publishers; commissioned an Independent External Review, published in the name of the reviewer; started a pilot arbitration scheme, introduced a Readers' Panel; likewise a Journalists' Panel; appointed an independent complaints reviewer; spoken to dozens of conferences, journalism students, faith groups and academics and ordered 15 front page references. This is not a record of failure.