
MINUTES of the BOARD MEETING
Held on Wednesday 30 September 2015 at 10.30 a.m.
Gate House, 1 Farringdon Street, London EC4M 7LG

Present: Sir Alan Moses (Chairman)
Rick Hill – **from 11.30 during Minute 9**
Anne Lapping
Martyn Lewis
Charles McGhee
Mehmuda Mian
Keith Perch
Richard Reed
Charlie Wilson

Attending: Elizabeth Bardin - Governance Manager and Minute-taker
Richard Best - Deputy Chairman, Complaints Committee
Charlotte Dewar - Director of Operations
Niall Duffy – Director of External Affairs
Alistair Henwood - Arbitration Project Researcher (for Minute 9)
Neil Marshall – Complaints Reviewer (for Minutes 10-11)
Matt Tee, Chief Executive

Observing: Charlotte Urwin – Head of Standards from 9 October
Peter Wright – Complaints Committee member

1. Apologies

An apology for absence was received from Kevin Hand. Rick Hill gave advance warning of a late arrival due to adverse airport weather conditions.

2. Declarations of Interest

None were declared.

3. Minutes of the Previous Meeting

The minutes of the previous meeting held on 10 June 2015 were approved as a true and accurate record subject to the following amendments:

Page 5, Item 8, paragraph 3: the first sentence “The Chairman of the Audit and Risk Committee proposed that the Board recommend the papers provided” should read “The Chairman of the Audit and Risk Committee proposed that the Board approve the papers provided.”

Page 9, Item 16: The sentence “Keith Perch reported that following a visit to East Anglia he had seen that locals were promoting their business with IPSO, which was very important.” should read: “Keith Perch reported that following communication with various East Anglian publications he had seen that locals were publicly declaring that they were regulated by IPSO, which was considered to be very important.”

Some concern was expressed about the availability of the minutes of meetings on IPSO’s website, and it was suggested that following a recent technical update to the site, it was possible that an older version might have been picked up during some attempts at gaining access. It was therefore agreed that this issue would be investigated and any problems resolved.

With regard to minutes of the Complaints Committee Meetings, the Director of Operations explained that some cases mentioned were still either under review or subject to further investigation, and it could therefore be seen to be misleading or confusing if the minutes were published ahead of a conclusion.

4. Matters Arising

The meeting noted that all the actions agreed at the previous board meeting had either been completed or were in progress.

5. Chairman’s Report

The Chairman introduced Charlotte Urwin, future Head of Standards at IPSO, and acknowledged the presence of Peter Wright from the Complaints Committee.

He continued with an oral report which commenced with a reminder of the impending joint Complaints Committee and Board gathering arranged for the following week, during which decisions emerging from recent events would be discussed. He noted that although IPSO’s general public profile had been low-key recently, he had been busy seeing various media lawyers through meetings and speech-giving, and that more were in the pipeline.

Progress

The Chairman noted progress in the appointment of a Head of Standards, the receipt and review of annual statements from all nationals and the majority of the local press, and the fact that IPSO was being seen to be taking the process of regulation seriously.

He noted further progress on the proposed changes in IPSO’s Regulations, Articles and Scheme Membership Agreement, following the work carried out by the Chief Executive, Matt Tee, the Director of Operations, Charlotte Dewar, and a Senior Complaints Officer, Ben Gallop. This will be a milestone in IPSO’s progress, countering the negative predictions voiced at IPSO’s beginning. Overall, he said, he felt cautiously optimistic, and reiterated his acknowledgement of the efforts of his three colleagues who had worked so hard to achieve this progress.

The Board confirmed its agreement for the Chairman to proceed to final agreement over the changes with the RFC and member publishers.

Draft Budget

The Chairman informed the Board that the budget had been agreed by the Regulatory Funding Company for the next four years, subject to minor finalisations, and that IPSO now had control of its own budget.

Political Climate

He reported that he and the Chief Executive had paid a visit to Jesse Norman MP, the Chairman of the Culture, Media and Sport Select Committee.

The Chairman concluded by saying that he felt no great concern at any potential challenge to IPSO's position by the creation of another regulator, particularly because IMPRESS seemed likely to concentrate on hyper-local publications.

Board Vacancies

Following the recent departure of Ros Altmann and Bill Newman, there were now two vacancies on the Board, to be appointed by the Appointments Panel, in addition to an external reviewer.

6. Chief Executive's Report

The Chief Executive's report was summarised in a paper, on which he briefly expanded, adding that he and the Chairman had attended a second meeting of the Editors' Code of Practice Committee, at which observations were made on the proposed changes to the Code. He reported that although there were some differences expressed, there was agreement nonetheless and that the overall tone was consensual. He said that final changes needed to be agreed, for which both the RFC Board and the IPSO Board would need to be in accord, with the safeguard that there could be no changes without IPSO's consent.

The Chairman pointed out that it should be clear that these changes were the result of a review which took place before IPSO, or the independent members of the Code Committee, were involved. It was also agreed that a view of a "before and after" picture would be helpful to illustrate the changes.

7. Director of Operations' Report

The Director of Operations gave a brief oral statement, and referred to the greater detail to be found in Item 10 in the agenda. She welcomed the imminent arrival of the Head of Standards and said that she expected that by IPSO's second anniversary in September 2016 the organisation would have made major progress in developing its standards function and refining its complaints function. She expected further discussion on this to take place at the joint gathering between Complaints Committee and Board the following week.

8. Director of External Affairs' Report

The Director of External Affairs expanded briefly on his written report, expressing his regret at the delay, due to a change of provider, in the creation of the new website, now scheduled for early 2016.

He reported on the success of the visit by the Chairman, Director of Operations and two members of the complaints team to the Muslim Media Conference, where the Chairman sat on the panel. IPSO received favourable feedback regarding group complaints and was seen to take great sensitivity in dealing with such complaints. The Board was informed that the complaints officer Robyn Kelly had received a personal invitation to the conference, due to her excellent handling of a recent complaint in this area.

He suggested that the analysis offered by Hacked Off of IPSO's performance so far was inaccurate enough to require rebuttal and the Board agreed that, in general, unreasonable and untrue adverse criticism should and must be rebutted.

A query was raised as to whether it was permissible for individual Board members to give speeches on behalf of IPSO. It was agreed that this was permissible and positive and that the Director of External Affairs should be informed of any such invitations.

Alistair Henwood joined the meeting for the following item.

9. Arbitration Report

The Chairman referred to Alistair Henwood's comprehensive four-part paper which he said underlined the difficulty at this stage of instigating a scheme without the guarantee of the participation of those at whom the scheme was aimed. It was therefore suggested that the Board be asked to approve the implementation of a pilot scheme in order to test the level of interest in such a scheme. He also informed the Board that Alistair would stay in place to oversee the implementation of the scheme and continue to monitor its progress.

Alistair pointed out that a pilot scheme would test the potential impact of a permanent arrangement, would expose the level of likely usage, the fairness of legal costs involved, and would reveal data protection issues which might arise.

A detailed discussion took place encompassing the reasons for introducing an arbitration scheme, whether it should be voluntary or mandatory, cost implications, and IPSO budget considerations. It was generally believed that, although the introduction of such a scheme was not a requirement of IPSO's function as a regulator, it would be a positive undertaking to attempt to create a workable system. Any subsequent decision relating to the future sustainability of the planned scheme should be based on evidence resulting from a serious and well-considered pilot.

The question of when to announce the commencement arose and the Board recognised that such publicity would only be meaningful once the responses to the consultation had been considered and the level of interest of potential supporters amongst publishers had been gauged.

It was suggested that certain criteria would have to be devised in order to measure the success of any scheme. Alistair stated that although there had not been enough time thus far to research this area, it could and would be explored. The Chairman concluded the discussion with a proposal that the Board agree in principle to the implementation of a pilot scheme on arbitration, with a final decision proposed to be taken at the next Board meeting. This was accepted by the Board. He also welcomed the extension of Alistair's tenure at IPSO; without him the project could not have satisfactorily reached this stage.

DECISION: The Board to consider the material on arbitration put before them and reach a final decision on the implementation of a pilot scheme at the next board meeting.

ACTION: All

DECISION: To examine the criteria necessary to define the success of a pilot scheme.
ACTION: AH

Alistair Henwood left the meeting

Neil Marshall joined the meeting for the next two items

10. Complaints

10.1 Complaints Procedures

The Director of Operations gave a brief introduction to the paper and a discussion followed. The Board was invited to raise any substantive issues arising from the study of this paper at the next meeting. Clarification was sought on the targets specified for the time taken for complaints to be processed, and the Board was informed that these would be reviewed in due course as part of the implementation process for the Complaints Review, which is covered in item 11.

An observation was made regarding the need for clarification regarding the role of the Complaints Reviewer. The Director of Operations stated that she would consider this further.

Concerns about the security of IPSO staff on site were raised; the Chief Executive assured the Board that a risk level assessment had been carried out, and that the measures in place were commensurate with the assessed risk.

DECISION: See 11 below

10.2 Proposed new requirement on retention of online articles

Drawing the Board's attention to the paper, the Director of Operations highlighted the problems that the Executive had encountered in a small number of instances in which an individual sought to complain about an online article that had been amended, but no copy of the original had been retained by the publication, against which the complaint could be assessed. She noted that the Executive proposed, with the agreement of the Complaints Committee, that the Board should issue a requirement for publications to put in place procedures requiring the retention of copies of online material which has been the subject of a complaint.

DECISION: The Board approved the proposed requirement.

The Board expressed its thanks to the Director of Operations for the extensive work carried out on this subject.

11. Complaints Review

Neil Marshall, commissioned to undertake an independent review of the IPSO complaints process, presented his findings to the Board.

He thanked the IPSO staff for their valuable help in clarifying the process as it stood and, having reviewed the responses he had received, was of the impression that IPSO gave an exemplary service with exceptional decision-making, and was seen to be more independent than most regulators. NM stressed that IPSO was still a new organisation, and therefore it could not be expected that everything would be in place – there were still outstanding areas to be looked at – including targets, KPI, quality assurance, guidance, and other issues relating to IPSO's regulatory role in the industry. He expressed his satisfaction that most of the recommendations in his report had been accepted.

The Director of Operations stated that the complaints and standards functions would be integrated appropriately and in line with the overall approach recommended by the review.

At this point Richard Reed apologised and, with the Chairman's permission, left the meeting (12.46 p.m.).

The subject of the possibility of recording all telephone conversations was broached, and the Director of Operations explained that currently technology at IPSO held this capability, but that creating records of advice and complainant information was felt to be likely to present problems of confidentiality. Similarly, the possibility of opening up Complaints Committee meetings to the public caused concern in terms of confidentiality.

DECISION: The Board asked the Executive to develop a plan to implement those recommendations of the review which it had accepted (see Agenda papers). They would be discussed further following consideration by the Complaints Committee.

The Board agreed that it would re-consider the complaints procedure after the conclusion of the implementation plan following the review.

The Board conveyed its thanks to Neil Marshall for his thorough and comprehensive report.

Neil Marshall left the meeting

12. Publishers' Annual Statements Update

The Director of Operations reported to the Board on the response of publishers to the request for the first annual statements. A substantial number had been received, including those from all major national and magazine publishers, and the overall quality of the submissions was good. The Board was invited to voice their thoughts on the content of those already received, a selection of which had been printed and distributed as an addendum to this item on the agenda. CD invited the Board to obtain advance sighting of the annual statements, and stated that the regulated entities should know that the statements would be published.

The Board approved proposals by CD for the process by which the statements would be reviewed and prepared for publication, subject to the proviso that the Board should have a further opportunity to discuss them before publication.

The Chairman thanked CD for her efforts in this area, and was satisfied that the press took these reports seriously.

13. Finance Report and Budget 2016-2019

The Chief Executive presented a written paper and confirmed the details, drawing to the Board's attention the welcome news that following earlier negotiations, the RFC had agreed a multi-year budget to 2019. The Board had already agreed this budget unanimously by email, as required by the regulations for decisions taken outside a meeting. The Board was invited to formally ratify this agreement, and agreed to do so.

14. DECISION: Ratification by the Board of the IPSO Budget 2016-2019
Any Other Business

None was recorded.

16. Date of Next Meeting

The next meeting would be held on Thursday 26 November 2015 at 2.00 p.m.

The meeting finished at 13.08

Elizabeth Bardin
Governance Manager
3 October 2015