

## **The Pilling Review – IPSO’s response**

Sir Joseph Pilling was appointed by the independent IPSO Appointments Panel to conduct an external review of IPSO’s independence and effectiveness. His work, as is made clear in the report, was funded by IPSO, but no limit was placed on the budget. The terms of reference were agreed with IPSO, but the approach and methodology were Sir Joseph’s. He had access to whatever documents, data, personnel and meetings he wanted.

The findings and recommendations in the report suggest that IPSO has made a positive start and give IPSO a guide to how it may wish to develop in the future. Many of the findings and recommendations are not for IPSO alone. In this response we indicate, where appropriate, whether we agree with the recommendation and what we intend to do. Recent contacts with both the Editors’ Code Committee and the Regulatory Funding Company suggest that the report has been received favourably and discussions will follow on the recommendations.

This report takes the ‘Findings and Recommendations’ section of Sir Joseph’s report and intersperses IPSO’s responses.

## **FINDINGS AND RECOMMENDATIONS**

As will be clear from the body of this report, IPSO is in its early stages. While arguably a review that starts less than 18 months into the life of a regulator is coming a little early – as is demonstrable from the fact that some aspects of IPSO work can only be analysed in theory rather than practice – it is clear that already there are some important achievements. These achievements and the commitment from all of those involved for IPSO to be a success can be built on. These recommendations are not an attempt to save a failing organisation, rather they are intended to help a new regulator, which demonstrates early achievement, promise and commitment, to develop into a trusted, experienced regulator.

## **INDEPENDENCE**

1. To date and throughout this process of review I have seen no evidence of IPSO’s decision-taking being improperly influenced by the industry. (paragraph 59)
2. It is to be noted that it is an uphill task for IPSO to prove that it deserves to be trusted as independent regulator. Decisions made by those in charge of the PCC led to its demise and a collapse in public trust. This is only compounded by the fact that IPSO is funded, and was established, by the industry. In these circumstances, it is no easy task to gain the public’s trust. (paragraph 60)

**IPSO response:** IPSO notes Sir Joseph's finding and believes that gaining public trust is an important goal.

## **Funding**

3. An obligation to reach full-term funding agreements to be included in IPSO's articles of association and the RFC's articles of association. (paragraph 61–67)

**IPSO response:** We agree in principle, although this is not a decision for us alone. We have informal agreement with the RFC for a review of the contract and regulations in the run-up to contract renewal in 2019 and this proposal will form part of that review.

## **IPSO's Board**

4. IPSO considers revising its articles of association to define independent, for example, to exclude anyone who has been employed in the industry in the previous 20 years. (paragraphs 49–51)

**IPSO response:** We agree that the definition of "independent" needs to be reviewed in the consideration of amendments to the articles of association. At a time where industry figures often leave newspapers and magazines mid-career and where increasing numbers of freelancers are paid for content but have other roles, it is important to be clear who is eligible for which IPSO roles.

5. IPSO and the Appointments Panel continue to strive to ensure that appointees have the necessary mix of skills and experience to regulate the press effectively and inspire public confidence in the organisation's independence. (paragraphs 49–53)

**IPSO response:** We agree and will discuss this with the IPSO Appointments Panel next year.

6. IPSO gives reasonable priority to drawing up an appropriate code or codes of conduct for staff and members of the Board and the Complaints Committee. (paragraphs 54–56)

**IPSO response:** We agree and these codes of conduct will be considered by the Board at a meeting in early 2017. Codes of conduct are a protection for the Board, Committee or staff member as much as the organisation's reputation.

## **COMPLAINTS Editors' Code Committee**

7. I have found that there are few if any criticisms of the contents of the Editors' Code. (paragraphs 39, 43)

8. As a standard of expected behaviour the Code is well regarded and appears comprehensive. (paragraph 39)

9. The Code should continue to be the responsibility of the Editors' Code Committee as presently constituted. (paragraphs 41–44)

**IPSO response: We agree that arrangements for the Code should remain as now between the Editors' Code Committee, IPSO and the RFC.**

10. The Code Committee's constitution should limit the length of time that anyone may serve on the Committee save for the Chair and the Chief Executive of IPSO. (paragraphs 45–46)

**IPSO response: We agree with fixed term appointments to Boards and Committees. The Code Committee constitution is not within IPSO's control.**

11. The Editors' Code Committee should consider whether it is necessary to revise its constitution to allow persons connected with IPSO to sit as independent members. (paragraphs 35–37)

**IPSO response: We agree in principle. The Code Committee constitution is not within IPSO's control.**

12. A requirement to complete a consultation exercise and have regard to the conclusion of that consultation should be included in the Editors' Code constitution. A summary report of any such consultation should also be made available to the public. (paragraphs 39–40)

**IPSO response: We agree in principle. The Code Committee constitution is not within IPSO's control.**

### **Complaints Officers**

13. The staff of IPSO are very proud of the way they engage informally and helpfully with complainants who do not understand the system. I consider the assistance they lend to be of a high quality. (paragraphs 55, 68, 73)

**IPSO response: We very much welcome this finding.**

14. I have seen the correspondence between IPSO and complainants; in large part it is of a very high standard. (paragraph 73)

**IPSO response: We very much welcome this finding.**

15. The brusque nature of the letters stands out even more in comparison to the engaging one-off correspondence I have seen and revisions should be considered. (paragraph 73)

**IPSO response: We will review correspondence with complainants in the first half of 2017.**

16. In considering how IPSO engages with both complainants and the industry I recommend that it should consider how it encourages and facilitates consistency in terms of address. (paragraph 75)

**We understand the issue Sir Joseph is identifying, but fear that by trying to drive consistency there is a danger of establishing inappropriately prescriptive guidelines. Our current approach, is to take our cue from the individual with whom we correspond, responding using either titles or first names as they do. In applying this, we achieve a sufficient level of consistency, while facilitating an appropriately formal level of**

correspondence style; at the same time, our skilled complaints officers have the flexibility to use correspondence to build productive, professional relationships with parties to the complaint, which improves outcomes. We will keep the situation under review.

17. IPSO should consider the introduction of formalised training programmes for both new and more experienced complaints officers. (paragraph 76)

**IPSO response: We agree. We will concentrate initially on new staff.**

18. The introduction of more systematic supervision, particularly in a person's early months, will assist in ensuring a consistently high standard and provide staff with additional support. (paragraph 76)

**IPSO response: We agree. This will be introduced alongside the more formalised training.**

19. IPSO should aim, and budget, for staff to remain in position for five to seven years to ensure that the relevant skill and experience needed can be developed and retained in the organisation. (paragraph 77)

**IPSO response: We believe this is too long an aim for complaints staff. Paragraph 77 relates specifically to complaints staff. We attract excellent fields for these roles and tend to attract mid 20s looking for their first or second postgraduate role (often after a post grad qualification). Within IPSO they are soon called upon to mediate between senior editorial staff and distressed complainants, distil the arguments in a complex code complaint, and to draft a finely balanced adjudication with great attention to detail. In the Civil Service a Fast Stream graduate (from a similar recruitment pool) would expect to be posted to a new role in two years. Our staff are bright and ambitious and we have limited places for them to be promoted to. We retain the belief that 3-5 years is a reasonable retention period for complaints officers.**

## Complaints Handling

20. IPSO should consider how it can improve its communications to complainants about confidentiality. (paragraph 90–92)

**IPSO response: We will review this in the first half of 2017, along with correspondence.**

21. IPSO's upholding of a complaint is taken very seriously by the industry, and by editors specifically. The newspapers and magazines want to have as few complaints upheld as possible. (paragraphs 8, 100)

**IPSO response: This finding reflects our experience.**

22. IPSO and the industry should monitor how long on average it takes for newspapers to deal with complaints and, depending on the facts, should consider revising the 28-day period to allow for a shorter period of time, either 14 days or 21 days. (paragraphs 78–82)

**IPSO response:** The 28 days is part of IPSO's regulations and is a maximum period. We monitor this figure and will review it during 2017. It is open to the publication or the complainant to ask for us to move to a formal investigation, curtailing the 28 day limit.

**23.** IPSO should now work on producing its own guidance on the application of the Code. (paragraph 98)

**IPSO response:** We disagree. The new version of the Editor's Codebook, which gives guidance on the application of the Code has been developed in full cooperation with IPSO. If we produced our own guidance it would seem to be in competition with the Codebook and risk confusing journalists.

**24.** IPSO should produce guidelines on its application of '*due prominence*'. That guidance should include case studies and explain why in those cases IPSO believed that the adjudication or correction was given due prominence. (paragraphs 101–102)

**IPSO response:** We agree.

### Complaints Committee

**25.** IPSO should continue to work to ensure that the Complaints Committee includes individuals with recent day-to-day experience of the practical application of the Editors' Code. (paragraphs 93–96)

**IPSO response:** We agree and will discuss this with the Appointments Panel in the new year.

**26.** Where the full Committee meets the Chairman or the executive should summarise more fully the conclusions of the Committee. (paragraph 97)

**IPSO response:** We agree. We have attempted to do this informally and will examine ways of achieving it more formally.

**27.** The staff should ensure that they provide the Committee with previous decisions of the Committee where they are relevant. (paragraph 97)

**IPSO response:** We agree and this is now policy.

### Reviewing the Complaints Committee's

**Decision 28.** It should be possible to seek a review on the ground of substance as well as process. (paragraphs 104–108)

**IPSO response:** The review only on the grounds of process is set out in IPSO's regulations. We propose to include this recommendation in the review before the contracts are renewed in 2019. We are concerned that this would mean that every complainant whose complaint was not upheld would want a review.

### STANDARDS Standards Investigations

29. The funding arrangements for a standards investigation should remain as they are. (paragraphs 110–116)

**IPSO response: We welcome this finding.**

30. It would be a serious mistake to launch a standards investigation on relatively flimsy grounds. It ought to be exceptional. (paragraphs 117)

**IPSO response: We agree.**

### **Whistleblowing Hotline**

31. The procedure IPSO now has in place is more than adequate to ensure confidentiality and enable journalists to be confident about using it. (paragraph 121)

**IPSO response: We very much welcome this finding.**

### **Annual Statements**

32. The required content for the annual statements appears to cover most of the right issues but I am of the view that it is, certainly in places, a little vague as to what is required. (paragraph 125)

**IPSO response: The content of the annual statement is set out in the regulations and propose to review this before the contracts are renewed in 2019. However, we have revised our guidance for publishers on producing the annual statement, in light of this recommendation.**

33. IPSO should consider revising the Regulations setting out the required content to ensure greater clarity. (paragraph 125)

**IPSO response: The content of the annual statement is set out in the regulations and propose to review this before the contracts are renewed in 2019. However, we have revised our guidance for publishers on producing the annual statement, in light of this statement.**

34. IPSO should consider requiring the publishers to record and include in the annual statements data about the number of complaints received by the publisher that were not dealt with by IPSO and the outcome. (paragraph 126)

**IPSO response: We will review this with our members as part of the review of the contract and regulations in advance of the contract renewal.**

35. IPSO should consider requiring that members publish the statements on their own website. (paragraph 124)

**IPSO response: The statements are published in full on the IPSO website. We will discuss with members the idea that they might also publish on their websites, recognising that most of them only host news, as opposed to publishers' corporate information.**

## Privacy Advisory Notices

36. This appears to be a well-run and highly valued service. I would not make any recommendations for changes. (paragraphs 127–128)

**IPSO response: We very much welcome this finding.**

## ARBITRATION

37. Given the very early stage of the arbitration pilot it is not possible for this review to reach any conclusions on its effectiveness. (paragraphs 129–133)

38. Should the arbitration pilot have very few or no cases, it may suggest that the fee has been set too high and may need to be reconsidered. (paragraphs 129–133)

**IPSO response: Our analysis to date is that the continuing availability of Conditional Fee Arrangements is a more significant driver away from arbitration than the level of fees that we have set, but we will review this periodically.**

## AWARENESS

39. IPSO should continue to engage with those interest groups that represent individuals or groups affected by press intrusion or other failures to comply with the Code. (paragraph 135)

**IPSO response: We agree.**

40. IPSO should continue to work towards increasing public understanding, including on the limits of its powers. (paragraph 135–137)

**IPSO response: We agree and this will be part of next year's business plan.**

41. IPSO should produce an annual table of adjudications and complaints against each member, which is also be broken down by publication. (paragraphs 139–140)

**IPSO response: We will do this.**

## MEMBERSHIP

42. It would be simpler for readers who want to complain if IPSO's coverage were closer to 100 per cent. (paragraphs 141–143)

**IPSO response: We agree, but it is out of our direct control.**

43. I welcome the continuing contact between IPSO and publications that have chosen not to be members. (paragraphs 141–143)

## THE FUTURE

**44.** Should IPSO wish to renegotiate the terms of the contracts again it is highly likely that a protracted period of renegotiation and redrafting would ensue. (paragraphs 144–147)  
**IPSO response: We agree and have already discussed this with the RFC.**

**45.** IPSO should already be planning for the next renegotiation, which should reflect the changing milieu in print media publishing. (paragraphs 144–148)  
**IPSO response: We agree and have already discussed this with the RFC.**