

Independent external review of IPSO

Sir Bill Jeffrey

Sir Bill Jeffrey was selected to undertake the independent external review by the Appointments Panel, chaired by the Rt Hon Lord Triesman.

Sir Bill served as Political Director in the Northern Ireland Office from 1998 to 2002 and was Security and Intelligence Coordinator at the Cabinet Office at the time of the attacks on London in July 2005. He was Permanent Secretary at the Ministry of Defence from 2005 until his retirement in November 2010. In 2016, at the request of the then Secretary of State for Justice, he undertook a review of the arrangements for providing advocacy in the criminal courts in England and Wales. He is currently Chair of Trustees of the Police Foundation, the leading independent research institution and think tank on policing in the UK.

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- 1.1** I was appointed to conduct this external review of how effectively IPSO is fulfilling its role as regulator of the UK newspaper and magazine industries. Save for the fact that I read newspapers, I have had no previous connection with the news industry. At the time, like most others with an interest in current affairs, I followed the events which led to the Leveson inquiry, the publication of Lord Leveson’s report in 2012, and the subsequent controversy about how his principal recommendation, for a new independent press regulator, should be implemented.
- 1.2** The fact that I have been willing to take on this task should not be interpreted either way as an indication of my personal views on the merits of the post-Leveson arguments. IPSO has now existed for more than eight years. Although it is still the subject of public and political controversy, and circumstances could change, it looks set to continue for some time to come. Its work is important. High standards of journalism and an effective free press build confidence in a democratic society. Lazy, inaccurate or intrusive journalism can damage lives. How well IPSO does its work and whether it meets its aspiration to be an effective independent regulator are therefore matters of significant public interest, as are the implications for both regulator and regulated of the profound changes that have been taking place in the industry and in society at large.
- 1.3** My terms of reference can be found at Annex A. I had an opportunity to comment on them before they were finalised. I was assured at the outset by Lord Faulks, the IPSO Chair, that I was free to undertake my review in whatever way I thought fit; that he and the IPSO staff would provide as much information and assistance as I needed, including access to papers; and that I could be confident that there would be no undue pressure or influence on my findings. These assurances, without which I would not have been willing to take the task on, have been fully honoured.

- 1.4** Rebecca Keating, of counsel, whom I selected from a short list drawn up following an approach by myself to three sets of Chambers, was made available to support me. She has attended most of my meetings, and provided invaluable support in teasing out the issues and drafting this report. But I alone am responsible for its content.
- 1.5** The review began at the beginning of October 2022 and this report submitted in mid-March 2023. In the intervening five months, we have both worked part-time on it. Since it is they who commissioned the review, we have been paid by IPSO.
- 1.6** Our first steps were to set up a website independent of the IPSO website, with a dedicated email address to which submissions could be sent in confidence. The public announcement by IPSO of the establishment of the review included a statement by myself to the effect that I would welcome such submissions. I also wrote to many of IPSO's member publications and to a variety of other stakeholders, including some of IPSO's long-standing critics, identifying the main issues from my terms of reference and inviting views. In a number of cases I sought a meeting to discuss the matter. The review website also included a general invitation to submit views, with a voluntary questionnaire to help in ordering the comments we received.
- 1.7** A list of those whom I have interviewed in the course of the review is at Annex B. This includes those of the IPSO staff whom I interviewed, but one way or another I have spoken to most members of staff, and at an early stage took a meeting of as many of them as could be gathered together to explain how I was approaching the review.
- 1.8** In addition, I thought it right to interview a sample of complainants about their experience of the complaints process and dealing with IPSO. The sample was selected by identifying all complainants in cases decided over a recent three month period. They were first approached by IPSO in neutral terms, to establish whether they would be willing to speak to me. This process led to seven complainant interviews, and we also interviewed two complainants who approached us directly. To get a fuller, although inevitably less immediate, account of complainant views, I also examined (and cite below) summaries of complainant feedback forms from the last six months.
- 1.9** In addition to these interviews, we attended, as observers, three meetings of the IPSO Complaints Committee, two meetings of the IPSO Board, one meeting of the IPSO Liaison Committee and one meeting of the Editors' Code Committee. Impressions of these meetings feature significantly later in this report.

Acknowledgements

- 1.10** I would like to thank most warmly all those whom we interviewed over this period. Without exception, they engaged constructively with the issues and gave freely of their views. I am particularly grateful to Charlotte Dewar, the IPSO Chief Executive, and the IPSO staff, who were generous with their time, guided us through their administrative processes, and were shrewd observers of the system in which they work. My greatest debt is to Rebecca Keating, whose insights, both on the subject matter and in our various meetings, were always on the point, and who has contributed a great deal to this report. Her Chambers, 4 Pump Court, and Practice Manager Joe Brown in particular, deserve special mention, for arranging our programme and putting up with my occasional changes of plan.

Structure of this report

- 1.11** Central to my terms of reference are the questions of IPSO's independence and effectiveness as a regulator. I will therefore come to these towards the end of this report, having first described and offered comments on IPSO's governance and management, and how it does its work. Shortly after IPSO's establishment, an external review with similar terms of reference to this one was undertaken by Sir Joseph Pilling ("**Pilling**" and the "**Pilling Report**"). Chapter 1 of the Pilling Report contains a relatively full description of the recent history, including the Leveson Report and subsequent events, based in large measure on interviews with a number of those who had been directly involved. An understanding of these events is still essential to an understanding of IPSO and the context in which it works. I have not replicated here the account of them in the Pilling Report, but I would urge any reader unfamiliar with them to read it.
- 1.12** Chapter 2 of this report describes IPSO's governance, the roles of its Board and Complaints Committee, the Regulatory Funding Company which finances it, the Appointments Panel and the Editors' Code Committee. It also touches on the management of the organisation, including staff and financial management, and how the IPSO Board discharges its oversight function.
- 1.13** Chapter 3 deals with the handling, investigation and determination of complaints against member publications, which, day to day, makes up the bulk of IPSO's work.
- 1.14** Chapter 4 covers IPSO's wider regulatory activity on press standards, including the monitoring of standards in member publications; identification of trends in complaints; consideration where necessary of the need for standards investigations; the issuing of guidance on the Editors' Code, and associated training activity; and privacy advisory notices.
- 1.15** Chapter 5 considers progress in establishing an arbitration service for those seeking to resolve disputes with regulated publications without recourse to civil proceedings.
- 1.16** Chapter 6 deals with how IPSO communicates with and raises awareness among the public, its main stakeholders, and the wider industry.
- 1.17** In the light of the analysis set out in the previous chapters, Chapter 7 considers the core questions of whether, and to what extent, IPSO has established itself as an independent and effective press regulator, and the linked issue of public confidence.
- 1.18** Chapter 8 looks to the future, with consideration of the continuing transformative effect of technology, its implications for press regulation, and the expanding role of other media regulators.
- 1.19** Chapter 9 brings together the conclusions and recommendations reached elsewhere in the report.



- 2.1** IPSO's governance is the product of arrangements which were made by the news industry in the period following the 2012 report of the judicial inquiry, under Lord Justice Leveson (as he then was), into the culture, practice and ethics of the British press, following the News International phone-hacking scandal. The process which was followed to design and implement the governance structure as it is now is described in some detail in the Pilling Report.
- 2.2** The essence of the matter is that the Leveson Report recommended the creation of a new independent self-regulatory body, to replace the Press Complaints Commission, with the dual roles of promoting high standards of journalism and protecting the rights of individuals. Leveson was clear that this new regulator would not be created by statute, but based on proposals from the industry. But he laid down a number of criteria which it should meet, principally to guarantee its independence from the industry. He also saw a need for legislation to provide for independent recognition and review of the new regulator, and to create some benefits in law which would accrue to publications which subscribed to it.
- 2.3** Most of the leading news publishers soon made it clear that they could not accept these proposals, and in particular any suggestion of legislation, even limited as Leveson had proposed. This led the Government to pursue the alternative approach of establishing recognition arrangements (the Press Recognition Panel) by Royal Charter. This too was rejected by the industry, which pursued and in 2014 implemented its own proposals, in the form of IPSO and its associated governance. As Pilling analysed fully (in Annex C to his report), and as I shall discuss below, these proposals followed Leveson's recommendations in many (indeed most) significant respects, but not in every respect, and they do not involve seeking recognition by the Press Recognition Panel. Indeed, the Scheme Membership Agreement allows publishers to withdraw from the scheme with minimal notice in the event that IPSO were ever to apply for recognition.

2.4 The main players in the governance system are:

- IPSO itself; and within it, the Complaints Committee;
- the Appointments Panel;
- the Regulatory Funding Company; and
- the Editors' Code Committee.

IPSO

2.5 IPSO is a community interest, limited liability company, established on a not for profit basis.

The company's Articles of Association set out its remit and functions, and establish the Board as responsible for the management of the company's business, including the exercise of its powers over regulated publishers. These powers derive from the contracts between IPSO and its members, which are a central feature of the system. The fact that, unlike its predecessor the Press Complaints Commission, IPSO has a contractual relationship with member publishers means that newspapers and magazines are obliged in law to comply with regulatory sanctions. The contracts are for five years, renewable, so – other than in exceptional circumstances of the kind noted above – a publisher disappointed by adverse complaints adjudications cannot simply walk away. The system is, in that respect, significantly stronger than its predecessor.

2.6 Under the Articles of Association, there are 12 Board Directors. Seven (including the Chair) must be independent, in the sense that they have had no recent connection with the industry. (Following the Pilling Report, the Articles were amended to make it clear that this excludes anyone employed in the industry in the preceding 20 years.) The remaining five are to have recent senior experience in publishing, one from each of the five sectors of the industry – national mass market newspapers, national broadsheet newspapers, Scottish newspapers, regional newspapers and magazines. Serving editors of publications which are or could be regulated by IPSO are excluded.

2.7 Appointments to the Board are made by the Board on the nomination of the Appointments Panel, in accordance with what the Articles of Association define as the Appointment Principles – merit, fairness

and openness. Openness is defined to include public advertisement of all appointments in a way that is designed to attract a strong and diverse field of suitable candidates. No one is to be nominated for appointment to the Board unless the Appointments Panel considers they can act fairly and impartially in its decision-making. Although the Articles of Association are expressed in terms of the Board making the appointments, they are, in effect, made by the Appointments Panel.

IPSO Chair

2.8 The current IPSO Chair, Lord Faulks, was appointed by these means in 2020, and recently reappointed for a second term. He is a widely experienced barrister, who sat as a recorder, served for several years as Minister of State at the Ministry of Justice, and is now a crossbench peer with no political affiliation. He is widely regarded as fair-minded and impartial, and many of those to whom I have spoken in the course of this review have remarked, unprompted, on the skilful and even-handed way in which he chairs meetings of the IPSO Board and Complaints Committee. Moreover, in my judgement formed over several months of this review, he has his profession's integrity and independence of mind, and would be ready to resign if he felt that IPSO's independence was threatened.

2.9 Some of IPSO's critics have pointed to the fact that the appointment criteria set for regulators seeking recognition under the Royal Charter exclude from appointment to the Board a member of the House of Lords, if he or she has been politically affiliated in the previous five years. If IPSO had sought recognition under the Charter, this would have had a bearing on Lord Faulks' appointment, although it should be noted that it is not a requirement which derives from the Leveson Report, which would only have excluded serving members of the House of Commons or of the Government. In practical terms, what matters is whether the holder of the office allows present or previous political affiliation to influence their conduct of IPSO's affairs. In Lord Faulks' case, I should record that I saw no sign of this whatsoever.

Board Directors

- 2.10 There is a list of the members of the Board at Annex C. As can be seen from this, the independent members are a diverse group, covering a wide range of experience and interests, including the business world, regulation in other fields, public service, banking and the law. I am pleased that the IPSO Board has recently pre-empted one recommendation which I would otherwise have made about its composition, by appointing as an independent Director, Kavita Reddi, who brings current experience of the digital world, including AI, which is increasingly relevant for the newspapers and magazines industry.
- 2.11 As required by the Articles of Association, the industry Directors cover the five sectors of the industry, and between them have wide experience of editing and publishing newspapers. The exclusion of serving editors is understandable and correct, but it does mean that, in a fast-moving industry, it is difficult for even the industry Directors to be completely up to date. IPSO and the Appointments Panel are well aware of this, but **I would encourage them to use each exercise to replace industry members as an opportunity to import very recent experience on to the Board, particularly of digital/online news media.**

Complaints Committee

- 2.12 The Committee is appointed by the IPSO Board, following a recruitment process undertaken by the Board's Nominations Committee.

- 2.13 As with the Board, the independent members cover a good range of experience and interests, including the law, policing, education, other regulatory bodies, and human rights. The industry members are a widely experienced group. An issue which has been raised in the past is whether the industry figures who have taken on this role have sometimes lacked recent "front-line" experience of newsrooms and editorial challenges. Although he did not comment on this directly, Pilling included in his earlier report a recommendation that 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. The current group of industry members have all worked in senior executive roles in the industry within the last few years, which suggests that the point has been taken, but it is nevertheless something to keep in mind for the future

Appointments Panel

- 2.14 A key feature of the history is that a group of distinguished people was first established, one of whose purposes was to appoint the first Appointments Panel. Under the IPSO Articles of Association, now that the Board itself is established, it is responsible for appointments to the panel when members resign or become time expired. These appointments are made, by consensus, in accordance with the three principles (merit, fairness, openness) noted above. The panel comprises three independent members, one of whom is the Chair, and two members with recent senior experience in publishing, one of whom is a serving editor. All serve for up to six years. The Chair of IPSO is also an ex officio member, save where the panel is making an appointment to that role.
- 2.15 The current Chair of the Appointments Panel is Lord Triesman, a merchant banker and former trade union leader who held Ministerial office in the 1997–2010 Labour Government, and was for a time the Chair of the Football Association. He has a reputation as an independently minded person, and has no previous connection with the news or magazine publishing industry. The other members of the Panel are listed in Annex C.

- 2.16** The process of making appointments to the Board starts with IPSO making known to the Panel when there will be a vacancy or vacancies and, in general terms, the gap that needs filling and the preferred candidate profile. There is then a public advertisement inviting applications. In the case of the independent members, I was told that these generally attract a large number of candidates. There is a first sift of candidates by the IPSO Chief Executive, against the set criteria, and taking account of such factors as the need for diversity. The Panel is then given a spreadsheet, with details of all the candidates, and a suggested short list for interview. In addition, a number of candidates are identified as sufficiently close to making the short list that the Panel might want to consider interviewing them.
- 2.17** The involvement of the Chief Executive in short-listing may be questioned, but the number of candidates for independent roles is so great that the Committee needs administrative support in short-listing, and the Chief Executive is well placed to provide it, knowing, as she does, the nature of the role and the optimum candidate profile. She herself is clear that ultimately these are decisions for the Panel. The Panel normally interviews around five candidates, unless there are fewer. The Chair of the Panel told me that discussions are lively and of high quality, and that, given the need for consensus, it can, on occasion, take some time to reach a decision.
- 2.18** One aspect of the appointments process which has attracted attention is the fact that, in appointing Directors from the industry, the Panel is required to take account of the views of the Regulatory Funding Company on the suitability of the candidates. In commenting on the extent to which IPSO meets the criteria for recognition under the Royal Charter, the Press Recognition Panel has taken the view that this conflicts with criterion 1, which requires that the regulator's Chair and Board be appointed in a genuinely open, transparent and independent way, without any influence from industry or Government. This criterion is based on the corresponding recommendation (recommendation 1) of the Leveson Report.
- 2.19** I have enquired about how, in practice, the Regulatory Funding Company's ("RFC") views on potential industry members of the Board are sought and taken into account. Unlike the independent roles, these have historically attracted small numbers of candidates. It is some time since any of these vacancies has occurred, but I was advised that the procedure now would be for the Secretary of the RFC to be given an opportunity to comment on the list of candidates, and for any relevant comments to be included in the spreadsheet to be sent to the Appointments Panel for the purpose of short-listing. Everyone concerned is clear that the short-listing decision is entirely for the Panel, as is the decision on whom to appoint. I did not detect any appetite on the part of RFC to influence the process, and in practice I suspect that the presence of a serving editor on the Panel comes closer to representing industry influence, albeit in a forum in which decisions must be reached by consensus. It is worth recalling that Leveson himself envisaged that one member of the Panel would have current industry experience, and therefore presumably considered that degree of influence to be appropriate.

Regulatory Funding Company

- 2.20** The RFC was established in 2014 as a company limited by guarantee to be the means by which the industry – or at least the part of it which subscribes to IPSO regulation – collects and channels to IPSO and the Editors' Code of Practice Committee the funds required for their operation. The RFC also convenes and appoints the Editors' Code Committee. It currently has nine Directors, listed in Annex C. Under the Company's Articles of Association, up to four represent regional publishers (with one of these from Scotland); up to four represent national publishers; and one represents the magazine sector. All are elected by the IPSO members in the relevant sectors. One of the representatives of national publishers, Peter Wright, Editor Emeritus, DMG Newspapers, was recently elected Chair. The Company sets subscriptions, by sector, and for each Regulated Entity, by a methodology which is not disclosed publicly on grounds of commercial confidentiality, but no doubt takes account of the size and readerships of the individual publications.

IPSO's Funding

- 2.21** When IPSO was established, a budget for its first year of operation was agreed between the IPSO Board and the Regulatory Funding Company. This was followed by a four year budget covering the calendar years 2016 to 2019. Then, in 2019, a budget for the five years 2020 to 2024 was agreed, sufficient to meet IPSO's expected expenditure over that period. For the first year, the sum agreed was rather more than £2.5 million, and it was agreed that, for subsequent years, the budget would be increased by an amount equivalent to the Consumer Prices Index ("CPI") at the end of the previous financial year. The RFC also undertook to meet any exceptional costs arising, for example, from legal claims. Towards the end of last year, there were discussions between the IPSO Board and the RFC about the implications of the exceptionally high levels of inflation then being experienced, which were impacting adversely on the industry. Although IPSO was contractually entitled to the full CPI uplift, the Board judged that it could still meet its strategic objectives with a more limited increase, and this was agreed on a one-off basis.
- 2.22** The RFC are committed to open negotiations early next year on funding for the third five year period, 2025 to 2029. Such a quinquennial settlement gives IPSO a firm basis for planning, and avoids the rather hand-to-mouth approach to financing which seems to have characterised the previous relationship between the PCC and the industry. As the Pilling Report pointed out, it is, however, not embedded in the contractual arrangements, and the RFC's Articles of Association include a provision to the effect that the Company's budget is to be set annually, having regard to the funding requirements of IPSO and the Editors' Code Committee. Pilling therefore recommended that an obligation to reach full-term (i.e. five year) funding agreements be included in both IPSO's and the RFC's Articles of Association.
- 2.23** IPSO's initial response to the Pilling Report accepted this recommendation in principle, but it has not been implemented. I understand this reflects the fact that changing the Articles of Association is not straightforward, and it is well understood on both sides that the RFC is committed to five year settlements. It is also the case that the existing provision for the RFC's own budget to be set annually is not, strictly speaking, inconsistent with five year settlements for IPSO. Nevertheless, the argument about how independent of the industry IPSO really is persists, and focusses on the financial arrangements. A firm contractual commitment on both sides to quinquennial funding would counter that, and strengthen IPSO's and the industry's hand in arguing that the arrangements are truly independent. **I would therefore encourage IPSO and the RFC to reconsider the Pilling recommendation.**
- 2.24** I am struck by how little public information there is about IPSO's funding. The four year settlement in 2015 was announced in a press notice, but, so far as I can find, the current settlement, in 2019, received only a brief mention in a notice about other matters, and does not feature in the 2019 annual report. IPSO's Annual Reports include a brief statement of accounts, in conventional form, but make no mention of the source of the funding. These are matters of public interest, and, as I have indicated above, the stability of the current arrangements means that there is a reasonable story to tell. **I would encourage IPSO to be more transparent about its funding in future.**

Editors' Code of Practice Committee

- 2.25** The Editors' Code of Practice Committee describes its role as being to "write, review and revise" the Code. The Committee is appointed by the Regulatory Funding Company, although appointments of independent members are made on the nomination of the Appointments Panel. The current membership of the Committee can be found at Annex C. Its Chair is Neil Benson, formerly Group Editorial Director, Reach plc, who has wide experience of editing regional newspapers. 10 of the members are from the industry; there are three independent lay members; and the Chair and Chief Executive of IPSO are members ex officio.
- 2.26** The composition of the Code Committee is consistent with Article 10.10 of the RFC's Articles of Association, which is to the effect that the Committee should have independent members up to a maximum of a third of the total membership.
- 2.27** There is undoubtedly a question about the optimum composition of a Committee of this kind. The Leveson Report envisaged that it would be a Committee advisory to the regulator's Board (a point to which I will return more fully below), and observed in the relevant recommendation that it "may comprise both independent members of the Board and serving editors", without offering a view on the proportions of each. IMPRESS' Code Committee, by contrast, comprises several Board members and others with a wide variety of experience, and only a minority of serving editors.
- 2.28** My own view is that a mix of serving editors and independents is essential, and there is a good case to be made for a strong representation of editors. In my meetings with representatives of the newspaper industry, including some non-members of IPSO, it was clear that the Editors' Code commands near-universal confidence. I suspect this has a good deal to do with the degree of involvement of serving editors, and the credibility they bring with working journalists. I also welcome the involvement, as full members, of the Chair and Chief Executive of IPSO, which, as I observed when I attended a meeting of the Code Committee, makes an essential connection in a system in which the Committee is not an IPSO Committee as such.
- 2.29** I have set out the governance system in a little detail, because it is essential to an understanding of how IPSO works in practice. It is complicated, in terms both of the number of distinct players and of their relationship with each other. This is in large part a consequence of the industry's desire, in setting up IPSO, both to demonstrate an arm's-length relationship between the regulator and those who fund it, and to retain the lead responsibility for setting standards.
- 2.30** The first of these stems from the fact of industry funding, which is probably inescapable, since, on the scale required, the only feasible alternative would be funding from the Exchequer, which no-one now advocates. It is notable that the Leveson Report assumed that the new independent regulator which its author recommended would be funded by the industry. Granted that assumption, the question becomes whether the arrangements adopted provide sufficient institutional distance between industry and regulator, and crucially whether in practice they deliver the requisite operational independence.
- 2.31** I will address these two related questions later in this report, after first describing IPSO's work on complaints-handling and standards.

Management

- 2.32** The IPSO Board, as described above, oversees the management of the organisation. It meets on average five to seven times a year, but there is scope for ad hoc meetings to be called as necessary. There is a conventional agenda, with reports from the Chair and Chief Executive, and a full report on operations and performance, including complaints handling and standards monitoring.
- 2.33** The organisation maintains a risk register, which is discussed (selectively) at each meeting. This seemed to me to be fit for purpose, although, on the basis of my own experience elsewhere, it is easier to have a well-constructed risk register than to use it effectively. To the extent that I could judge, discussion of risk was, however, focussed on the right issues, and on the key questions of whether mitigations were in place and likely to be effective. The Board also has regular discussions of financial matters, both to monitor expenditure and to take any necessary decisions arising from the relationship with the RFC.
- 2.34** Those Board members whom I interviewed considered meetings to be well-managed, with an inclusive atmosphere in which a strong group of Directors are encouraged to express their views, and with no evident divide between independent and industry members. That was consistent with my own impression from the two meetings I observed.
- 2.35** The Board has three sub-committees, covering Audit and Risk, Remuneration and Nominations, and has just established a Communications Committee. I did not observe any of these in action, but the **committee structure, which is pretty conventional, strikes me as appropriate to IPSO's needs.**
- 2.36** The day-to-day management of the organisation is in the hands of the Chief Executive, Charlotte Dewar. Reporting to her are the Heads of Complaints, Standards, Communications and Systems. This management structure differs from that which was in place when the Pilling Review took place, which included a post of Chief Operating Officer, held at the time by Charlotte Dewar. I did not observe that structure in operation, and a good deal depends on the personalities and capabilities of those involved; but my own judgement is that, for an organisation as small as IPSO, a COO post is scarcely necessary. Although it places a heavy burden of management on the Chief Executive, the current arrangement probably works better.
- 2.37** From my own experience in larger case-working organisations than IPSO, the key factor in delivering results is the quality and motivation of the staff. IPSO clearly had staff retention problems several years ago. These coincided with the COVID pandemic, during which the periods of lockdown significantly complicated the training and induction of new staff. Lockdown also forced the closure of the office for significant periods, thus preventing – or at least making more difficult – the informal consultations with colleagues, team building, and “learning on the job” which the office environment allows.
- 2.38** Since the end of lockdown, the situation has improved. There is still a good deal of working from home, particularly on Mondays and Fridays, which is generally welcomed; but there is an expectation that staff will be in the office in the middle of the week, at least on Tuesdays and Wednesdays. This allows a weekly meeting attended in person by most if not all staff, and more informal contact. This matters, both because more experienced staff can more easily mentor and advise those with less experience, and because the complaints and standards teams can keep more closely in touch with each other.

- 2.39 The increased popularity of remote working has caused many organisations to consider their requirements for office space. IPSO will no doubt do the same, as its lease on the current office comes to an end. **In doing so, I would encourage it to retain enough office space for all members of staff to be in the office at the same time, if only for a few days each week, to realise the benefits I have identified.**
- 2.40 Since the Pilling Report recommended the introduction of formalised training programmes for complaints officers, there have been improvements in training across the board, including induction training for new staff and regular “refresher” sessions on specific topics relevant to the work. Another Pilling recommendation, which has been implemented, is the adoption of Codes of Conduct for all those involved in IPSO – staff, Board and Committee members. There is also more attention being given than may have been the case in the past to workforce planning and the phasing of recruitment to create as good a balance of experience in the team as circumstances allow. An internal Equality, Diversity and Inclusion Strategy has been agreed, and is being implemented.
- 2.41 All of this is positive, and **at the time of my review I felt that the team was functioning well, and evidently proud of their work.** Charlotte Dewar has long experience in press regulation, is clearly respected within the organisation and beyond, and provides confident leadership. But, as she knows, staff management needs constant attention. A recent listening exercise (in itself welcome) uncovered areas of staff concern, regarding pay and other issues, which are being addressed. My main conclusion in this part of the report is that **management should continue to work to build and sustain an effective and well-motivated team. Doing this successfully is, in my view, mission critical.**
- 2.42 I deal below, at the relevant points in the report, with the work of the complaints, standards and communications teams. But I should note here that the organisation also depends greatly on the support provided by the Head of Systems and her small team. This covers a number of tasks which do not naturally fall to one of the other teams, including the initial logging of complaints into the system, maintaining statistics, data security, data protection and health and safety. But its main role is to provide and maintain the essential IT support on which the rest of the organisation depends, principally the complaints and standards databases. A new complaints database is close to completion. It is too early for me to express any view on it, save to say that it should offer a more flexible and powerful tool to support the complaints work and the identification of standards issues which arise from it. What I would say is that **I very much welcome the fact that the support team is seen as an integral part of the operation, rather than a stand-alone service, and would encourage future development in that direction.**

3

- 3.1** To help form a view of how well the complaints system is working, we:
- Interviewed seven complainants, randomly selected from IPSO’s recent caseload as described above, and two others who had approached us directly, all of whom had had experience of an investigated complaint.
 - Covered complaints-handling in our round of meetings with industry representatives.
 - Met the IPSO complaints handling team, and observed their work.
 - Attended three meetings of the Complaints Committee as observers.
 - Had access to the files on all the cases on which a substantive decision was taken during the period of the review, and a random selection of those rejected at the initial sift stage.
 - Reviewed written submissions (including some from complainants) received either through the web submission form or emailed to the dedicated review email address.
 - Took account of the satisfaction levels expressed by complainants in completed feedback forms.
- 3.2** At Annex D is a summary of the views expressed by the complainants we interviewed. In brief summary, most had found the IPSO staff helpful and professional, and felt that the decision-making process was fair, even if the outcome was not what they were seeking. Some had points of criticism, mainly about the information available to them about the process, the length of time it took and the remedies available. I address these points in greater detail below.
- 3.3** The feedback forms reveal a similar picture. On a five point scale, 80% of respondents rated the quality of service at 4 or 5, and only 3% at 1. On the question whether the respondent would recommend IPSO to someone in a similar situation, over the four quarters of 2022, the percentage answering “yes” ranged from 75% to 100%. (It should be noted that the response rate over that period was, at 21%–34%, not high, but one might expect that the seriously dissatisfied would be more likely than others to take the trouble to respond.)

- 3.4 The industry view was broadly positive, in the sense that most of those to whom we spoke considered that IPSO's staff had dealt with complaints involving their titles professionally, and that, with few exceptions, the decisions reached by the Complaints Committee were fair and reasonable. Some said that IPSO had brought a more consistent approach to complaints handling than its predecessor, and by doing so had influenced practice in the industry for the better. The main criticisms were voiced by several prominent national titles, and were to the effect that the process was too elaborate, often protracted, and occasionally indulgent of complaints which were intrinsically vexatious. These criticisms, which were not shared by others (including the smaller regional titles and the Scottish press), mainly related to the period during and in the immediate aftermath of the COVID lockdowns, when, by its own admission, IPSO went through a difficult period. In most cases, those voicing them were ready to acknowledge that things had improved in the last year or so.
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- ### Stage 1: Initial sift
- 3.5 The Regulations under which IPSO operates confine it to reviewing complaints which reveal a possible breach of the Editors' Code, are against entities regulated by IPSO, and are made (subject to exceptions) within specified time limits. To be reviewed, a complaint must also have been made by someone personally and directly affected by the alleged breach of the code; or by a representative group affected by the alleged breach where it is significant and there is substantial public interest in its being considered; or by a third party if it concerns a significant inaccuracy.
- 3.6 The combined effect of these restrictions on IPSO's remit is that the great majority of the complaints it receives (13,712 out of 14,335 in 2021) are outside its remit. (The very large numbers in some years are a result of the fact that an individual, highly controversial article will sometimes generate many thousands of complaints, as with the report of a railway accident in Scotland in 2020, which led to 15,000 complaints, or the recent article in The Sun by Jeremy Clarkson, on which IPSO received more than 25,000 complaints.)
- 3.7 The initial sift is designed to identify these "out of remit" cases and inform the complainant as quickly as possible. There are internal targets for completing such cases, e.g. 70% within 15 days where there is no possible breach of the Code, 80% within 10 days for large multiple complaints where there is no individual locus. These targets were met or exceeded in the last period (Q3 2022) for which figures are available.
- 3.8 These cases are generally straightforward, but are so numerous that they consume a significant proportion of staff time. The IPSO Board has been considering whether the process could be streamlined to free up more staff time for investigations of complaints which are, or may be, within its remit, and to identify emerging issues of concern. At the moment, even complaints from third parties which evidently raise no issue under the Code are considered and responded to in more detail than the complainant may in many cases have expected.
- 3.9 Cases such as the Clarkson case, which generate very large numbers of complaints from third parties, put a significant administrative burden on IPSO. As it happened, I was undertaking this review when the article was published. The IPSO staff handled the administrative processing of these complaints admirably, particularly given that most were received during the Christmas period, and it has since been decided to investigate two complaints by representative groups, which argue that they were directly affected by the article. But it should be possible to devise ways of simplifying the task of identifying such cases, perhaps by expecting complainants on the website to answer a question about whether they were personally affected by the article in question.

3.10 Although IPSO’s critics sometimes cite the small proportion of complaints which result in investigations as evidence of ineffectiveness, the limitations described above do not, in themselves, seem unreasonable, and correspond broadly to those operated, on a smaller scale, by IMPRESS. **My own observation of this part of the process was that it was done conscientiously by staff, and that, in particular, where there was any doubt about whether or not a complaint revealed a possible breach of the Code, the instinct was not to reject it at this initial stage. The process as followed may be over-elaborate, particularly in third party cases, and, provided its essential fairness is protected, I would encourage IPSO to continue to explore ways of simplifying it.**

Stage 2: Clarification (as necessary) and reference to publication for attempted resolution

3.11 Where a complaint is not rejected at the initial stage, the next step is often to clarify with the complainant the respects in which they are arguing there has been a breach of the Code. Some complainants are well versed in the Code, and able to cite, with argument, the clauses which they believe have been breached. But others are members of the public who happen to have been affected personally by press coverage, may be distressed either because of it or because it relates to a personal tragedy, and are ill-equipped to navigate the system. The IPSO website does offer guidance on framing complaints, and, when approached directly, staff are helpful; but the support offered at this stage could be improved, and in Chapter 6 below I make some suggestions.

3.12 From IPSO’s point of view, the consequence is that some of the complaints they receive, while they may appear to have substance, are unclear about which parts of the Code the complainant is relying on. Clarifying this is a delicate task for the complaints officer. On the one hand, it is clearly good practice to help complainants unfamiliar with the system negotiate their way through it; and clarity about

exactly what breaches are being complained of is a prerequisite of an effective process. On the other, staff must avoid any impression that they are coaching the complainant.

3.13 The next stage, in a case which appears to be within IPSO’s remit and involve a breach of the Code, is to notify the relevant publication, for it to consider the complaint under its internal complaints procedure and explore whether a satisfactory resolution of the matter can be agreed with the complainant. 28 days are allowed for this, after which, if there has been no satisfactory resolution, IPSO will itself undertake an investigation. This can happen earlier, if the publication requests an IPSO investigation, or if its internal process is exhausted before the expiry of the 28 day period.

3.14 The 28 day period is seen by some of IPSO’s critics as an aspect of the system which favours member publications as against complainants, and we heard argument that it can be used tactically to “wear complainants down”, with a remedy being offered towards the end of the period with no admission of fault. We found no direct evidence of this, and indeed the majority of the publishers we spoke to were more concerned to reduce delays. The 28 day period was also not an area of concern raised by the complainants whom we interviewed. There is, however, a certain lack of clarity about the circumstances in which the period can be shortened and an IPSO investigation launched before the expiry of the 28 days. The Regulations are clear that the resolution of the complaint brings IPSO’s involvement to an end, and that the publisher can request at any time that IPSO take over consideration of the complaint. But it’s less clear whether the complainant can shorten the period if they consider that there is little or no prospect of satisfactory resolution. The IPSO website advises complainants that *“this part of the process can last up to 28 days, but this can be shorter if you and the publication find that you are not making any progress”* (my underlining).

3.15 Reflecting on the same issue, the Pilling Report recommended that 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. In their response, IPSO did not accept this recommendation, commenting that, since the 28 days is a maximum, it was open to the publication or the complainant (again my underlining) to ask them to move to a formal investigation, curtailing the 28 day limit.

3.16 **Requiring that, before any IPSO investigation, there should be a serious attempt to resolve matters under the publication's internal complaints procedure seems to me to be no more than sensible.** The publishers whom I interviewed without exception saw effective complaints handling as an important aspect of customer relations, and in some cases dealt with many more cases internally than ever reach IPSO. IMPRESS adopt a similar approach, and – save in cases of urgency – expect complainants to take their complaint first to the publication, and to bring it to them as regulator only if it cannot be resolved within 21 days. **IPSO could, however, with benefit, be clearer about the circumstances in which the 28 day period can be reduced, and in particular the scope for complainants to shorten the process. On the face of it, there is an inconsistency between the advice on the website and the line taken by IPSO in its response to the Pilling Report.**

3.17 The emphasis which the complaints system rightly puts on the resolution of complaints rather than their investigation and formal adjudication has implications for IPSO's work on standards. Effective monitoring of standards depends on having sufficient information about breaches of the Code, both qualitatively and in relation to individual publications. This issue is discussed more fully in Chapter 4.

Stage 3: Investigation

3.18 About half of the complaints which reach stage 2 are resolved, either through the publication's internal process or as a result of IPSO's mediation. The remainder, rather more than 200 a year, form the core of IPSO's investigative caseload. These are progressed by caseworkers gathering facts about the complaint, so that a full account can be put to the Complaints Committee, with recommendations as appropriate. This will always involve first seeking the publication's considered response to the complaint, but often it will be necessary to seek further comments or information from the complainant. The caseworker will also be ready, in appropriate cases, to explore whether there might be a basis for a mediated resolution of the matter. Sometimes the publication will offer a remedy, either in acknowledgement that there has been some fault on their part, or as a gesture of good will, in which case this has to be put to the complainant.

3.19 This part of the process also requires delicate handling and good judgement by complaints officers. If they are over-directive of the process, they risk being unfair to one party or the other. But equally, if they are over-cautious, and simply relay the responses of one party to the other, the whole thing can become unduly protracted. The key judgement is over when sufficient information has been gathered to enable the case to be put to the Complaints Committee without unfairness to either complainant or publisher.

3.20 **From my conversations with the complaints team and study of a significant number of cases which were dealt with during this review, my sense is that the IPSO staff understand these challenges, and for the most part get the balance right,** often through the exercise of considerable patience. That was the clear majority view of the complainants and publishers whom we interviewed. Such criticism as we heard was, as noted above, from the representatives of several major national titles, who cited cases where, in their view, complaints had been passed to them which lacked clarity on which aspects of the Code were alleged to have been breached, or where the subsequent investigative process described above had led to protracted "churn" and nugatory work on their part.

Complaints Committee

- 3.21** If the process described above has not led to a resolution of the complaint, the complaints officer handling it will prepare a paper for the Complaints Committee setting out the facts of the case, the article to which it relates, the respective views of the complainant and the publication, and an analysis of the extent to which the article appears to involve a breach of specific provisions of the Editors' Code. Attached to this paper is the file of relevant documents, including exchanges of email correspondence with the complainant and the publication.
- 3.22** If the complaints team regards the case as relatively straightforward, in the sense that there is unlikely to be much, if any argument about the conclusion to be reached, they will include a recommendation to the Committee. The simpler cases are circulated to the Committee for decision through correspondence, on a weekly basis. Those that raise more complex issues that seem likely to require discussion are put on the agenda for the Committee's next meeting. In these cases, the complaints team's task is to summarise the issues and focus the Committee's attention on the questions to be decided. If the exchanges of correspondence on the weekly circulation of simpler cases uncover any difference of view or matters that would benefit from discussion, the case can then be put on the Committee's agenda. In all cases, the decisions reached are the Committee's rather than the complaints team's.
- 3.23** **In my observation over several months and three meetings of the Complaints Committee, the papers put to the Committee were of good quality, clearly drafted, and correctly identifying the issues for discussion, including the appropriate remedy where a breach of the Code has been found.** The tone was properly respectful of the Committee's role and independence, but ready to venture a view where it was helpful to do so. From our interviews with Committee members, it was clear that they themselves shared that view and felt well-served by the team.
- 3.24** I observed three of the Committee's meetings, in which 12 complaints were considered and determined. The Committee's membership is discussed at paragraphs 2.12 and 2.13 above. The members of the complaints team who were the authors of the papers under consideration attended the meetings, so that they could answer any factual questions, and be sufficiently familiar with the Committee's reasoning to follow up afterwards.
- 3.25** The discussions were frank and open. The papers are often detailed (arguably excessively so), but the Committee engaged with them carefully and systematically, by reference to the relevant Editors' Code provisions. I never felt that there was a division of view between the independent members and those with journalistic/editorial experience. In several cases, where, from their own experience, they judged that the boundaries had been broken, those from the industry were, if anything, more critical of the publications complained against than were their non-specialist colleagues. The Chair held back from offering any view of his own until others had had a chance to contribute, and summed up consistently with the balance of the discussion.
- 3.26** The Complaints Committee is not bound by precedent, as the courts are in common law jurisdictions. Each case is treated individually. But relevant previous cases are often included as part of the pack. There is also a good degree of institutional memory of previous decisions among the executive and indeed longer-serving Committee members. There is work going on to make it easier to retrieve precedent cases. **I would encourage this more systematic approach. Although the Committee should not be entirely precedent-driven, it should in my view do all it can to promote consistency in decision-making.**

- 3.27 One of the complainants whom I interviewed raised with me the related question (based on his own experience) of whether, if a newspaper publishes an article which, in all essentials, repeats shortcomings which have previously been found by IPSO to be breaches of the Code, it should be necessary to submit a fresh complaint. I do not wish to get into individual cases, but I imagine that, if a complaint were made in such a case, based on precedent, it would not be difficult for the Complaints Committee to decide it. Absent such a complaint, it would be open to IPSO to take the matter up with the publisher, drawing attention to the earlier decision.
- 3.28 I was not appointed to second guess or substitute my judgement for that of the Committee in individual cases. In the course of this review, I have had drawn to my attention cases which could or should have been decided differently, and IPSO themselves would acknowledge that they do not always get it right. **But in the, admittedly limited, sample of cases which I heard discussed by the Committee, there was no decision which, as an observer, I considered to be counter-intuitive or unreasonable.**
- 3.29 I will deal separately with the general question of how independent IPSO is of the industry which it regulates. But I should also note here that, **over the period of this review, in observing at work both the Complaints Committee and the team which supports it, I never had any sense of improper influence being exercised, nor that any individual case was considered and decided in other than an impartial fashion.**

Remedies

- 3.30 Where, following a complaint, the Committee finds that there has been a breach of one or more of the provisions of the Editors' Code, it will issue a correction or an adjudication outlining its findings, which may include a requirement for remedial action to be taken. The remedial action provided for in the Regulations is:
- "the publication of a correction and/or the text of the adjudication..... The nature, extent and placement of such corrections and adjudications will be determined by the Regulator acting proportionately and taking into account the nature of the regulated entity and its publications."*
- 3.31 In the cases I observed, where it had found a breach of the Code, the Complaints Committee gave a good deal of thought both to whether a formal adjudication was appropriate, and to what requirements, if any, it should place on the prominence of corrections or adjudications.
- 3.32 This issue of "due prominence" for the publication of corrections and adjudications has clearly exercised IPSO since its establishment. In December, it issued updated guidance to publishers both on the placement of corrections which they themselves make as required by Clause 1 (accuracy) of the Editors' Code, and on the factors which the IPSO Complaints Committee take into account when determining the extent and placement of remedial action when it upholds a complaint. The guidance includes case studies illustrating the approach the Committee has taken, and the value, for example, of clarifications and corrections columns as a standard feature of publications. **It is clearly written, and such feedback as I received suggested that it is regarded as useful by those who use it.**
- 3.33 Both the references to remedies in the IPSO Regulations and the guidance on due prominence implicitly assume a model in which a newspaper might have several editions a day, but each would be self-contained and singular, in the sense that the whole publication was acquired by the reader. In today's online environment, that is not the case, which greatly

complicates the task of ensuring due prominence for corrections and adjudications. I will return to this point in paragraphs 8.9 to 8.15 below.

- 3.34** There are two notable limitations in the sanctions provided for in the IPSO Regulations. The first is the absence of any financial sanction following an individual complaint investigation, even in cases where there has been a serious breach of the Code. The separate procedure for a standards investigation where there appears to have been serious and systemic breach of the Code does involve the possibility of fines in appropriate cases, but in more than eight years that procedure has yet to be invoked. I will discuss this issue, and the connection between the two types of investigations, more fully at paragraphs 4.21 to 4.29 and 7.16 to 7.19 below.
- 3.35** The second limitation is that the sanctions do not include a requirement to publish an apology to the complainant. This contrasts with the corresponding provision in the IMPRESS rules, which IMPRESS have used once in recent years, in a very serious case in which an unfounded allegation led to online abuse and threats.
- 3.36** Of the complainants we interviewed, some said that they would have welcomed an apology. One had been offered an apology by the publication during the 28 period but had been surprised that this was not something that IPSO could order, even when a breach of the Editors' Code had been found.
- 3.37** I can see arguments on both sides of this question. On the one hand, an apology which is mandated by the regulator rather than offered voluntarily is arguably not an apology at all. On the other, it is striking, in looking at these cases, how often the complainant seeks – and would be satisfied by – an apology more than anything else. Although they had pursued their complaint to the point of adjudication, the complainant mentioned above would still have welcomed a published apology, even one ordered by IPSO. Any change in the Regulations, on this as on anything else, would need to be agreed between IPSO and the Regulatory Funding Company.
- My conclusion is that this issue is substantial enough to be considered in the next review of the Regulations, and I recommend accordingly.**

Timeliness

- 3.38** I have noted above that broadly speaking, IPSO meets its targets for responding to complaints outside its remit, or which are rejected for other reasons at the initial stage, but that the time taken to conclude investigated complaints is an issue for some complainants and publishers. IPSO maintains quarterly records of the time taken to conclude investigations. Very few take more than a year, but more than a third take more than 6 months. For the most recent quarter (Q3 2022), 12% were concluded within 3 months of receipt; 49% between 3 and 6 months; 25% between 6 and 9 months; and the remaining 14% between 9 and 12 months. The first part of the period – the 28 days in which the publisher seeks to resolve the matter with the complainant under their internal complaints procedure – is largely outside IPSO's control. If the 28 days is excluded, the figures cited above become 14% within 3 months, 53% between 3 and 6 months, and the remaining 33% between 6 and 9 months.
- 3.39** The sheer complexity of some cases, and the tenacity with which some complainants and publishers sometimes hold to their positions, mean that it is unsurprising that some cases take longer than others. There is also, as in other regulatory fields, a balance to be struck between getting a timely outcome and getting the right decision. Where there is delay, it seems to be mostly a consequence of the sometimes iterative process that investigation follows, rather than of a conventional backlog accumulated as a result of limited staff resources. The other relevant factor is that, although the Complaints Committee clears recommendations put to it in correspondence with admirable speed, in a small number of cases, which require discussion in the Committee, some weeks will elapse before the case can be included in the agenda for one of the Committee's regular meetings.

3.40 The figures quoted above are considered by the IPSO Board at its meetings, and as the organisation recovers from the impact of COVID, there are signs that the times taken are reducing. It is, however, notable that there are no timeliness targets for investigations (as opposed to rejections at the initial stage), and the issue does not feature much in IPSO's public facing materials. The guidance for complainants on the website says only that IPSO is not able to guarantee how long the investigation stage will last, but they will do their best to make sure that the process moves quickly. Most organisations where timeliness of decision-taking is an issue include relevant data in their annual report, but the complaints section of the IPSO annual report is silent on the matter.

3.41 **It is clear from our interviews and other feedback from complainants that timeliness is an issue for some, especially where what appear to them to be long gaps are combined with short deadlines for their response. While IPSO does take timeliness seriously, they could, in my view, do more to explain the issue to their stakeholders and the interested public.** Even in my discussions with industry representatives, I found that it was not well understood. **I recommend the adoption of published targets for the time taken to conclude investigations, with summary figures included in the annual report, along with an explanation of the factors which affect the outcome.**

The complaints team

3.42 The process I have described here is heavily dependent on the quality and contribution of the small IPSO team of seven which handles complaints and supports the Complaints Committee. As I have remarked at several points, the work is interesting but challenging, and calls for good judgement, strong interpersonal skills, and the ability to present complex material clearly and dispassionately. The COVID pandemic and the resultant lockdowns in 2020 and 2021, which, as I have noted above, affected the IPSO staff as a whole, probably had the greatest impact on the complaints team. As one very experienced industry representative, well-disposed towards IPSO, put it to me, inexperienced staff without colleagues in the room to turn to are likely to lack the confidence to grip a case and steer it towards a conclusion while being fair to both complainant and publisher.

3.43 The situation as I observed it was much more positive. The team struck me as committed and enthusiastic. Some were more experienced than others, but that is inevitable, and the less experienced were evidently well supported by others. Training has been improved, both initial training and subject-specific seminars on a weekly basis, and was clearly well-regarded by the staff themselves. The recruitment of a head of complaints with relevant experience in another regulator appears to have had a good impact, as has the designation of two of the more experienced staff as senior complaints officers, with a specific remit to mentor and support more junior colleagues. One member of the team has recently left to move to another job, but the recruitment of a successor provides an opportunity to re-balance the team in terms of experience and longevity.

3.44 My conclusion is that **the complaints team is currently in good shape. The challenge for IPSO management (and they are well aware of this) is to ensure, through effective leadership and recruitment and succession planning, that it remains like that.**

Review

- 3.45** Where a complaint has been investigated and decided on by the Complaints Committee, it is open to the complainant or the regulated publisher, within 14 days of the decision, to ask for a review of the decision by the independent reviewer. The only ground for review is that the decision process was substantially flawed. The reviewer will then consider all the material before the Complaints Committee. If she considers that there was a flaw in the process, she will refer the case back to the Committee, with her reasoning, for them to reconsider it.
- 3.46** I met the current independent reviewer, Sarah Hamilton, a solicitor with wide relevant experience, appointed by the Appointments Panel, who has been in the role for almost a year. In that time she has considered around 20 cases and referred back to the Committee several in which she partially upheld the request for review. No request for review was fully upheld. Her consideration is done on the papers, with no provision for meeting the complainant. She operates entirely independently of IPSO, although she meets the Head of Complaints from time to time.
- 3.47** The Pilling Report included a recommendation that it should be possible to seek a review on the ground of substance as well as process, and drew attention to the equivalent arrangements made by the Advertising Standards Authority (“ASA”). These allow for a review on grounds limited to extra relevant evidence having become available or to an allegation of a substantial flaw – procedural or substantive – in the decision. The reviewer may invite the ASA Council to reconsider its decision. Only a handful of cases are referred back in this way.
- 3.48** In their response to the Pilling Report, IPSO said that they would include this recommendation in the review of the Regulations before the contracts with member publishers were renewed in 2019, but expressed concern that allowing review on the grounds of substance would mean that every complainant whose complaint was not upheld would want a review. The current version of the Regulations is unchanged, and the test for review remains that there should be a substantial flaw in the process.
- 3.49** My own view is that **the basic elements of the review system are right**. The Complaints Committee is well-equipped for its purpose. The reviewer should therefore be available as a long stop, to identify where something has gone wrong, and, where it has, not to substitute her own decision, but to refer the matter back to the Committee to consider again. But I agree with Pilling that the present grounds are remarkably narrow. Moreover, although IPSO does its best to explain the criterion, the reviewer confirmed that it was not well understood by some complainants. **I therefore recommend that the grounds on which a decision can be reviewed be given further consideration. A possible approach would be to import something of the spirit of judicial review as it has developed in English administrative law, including a ground of unreasonableness, or perhaps to consider using a test of manifest error (as is often used when reviewing a decision in an expert determination).**
- 3.50** The benefit of the test being one of unreasonableness is that it would be sufficiently narrow to be confined to a review of a decision where no rational decision maker (here the Complaints Committee) could have reached that decision. Similarly, a test of manifest error could be defined as one where the decision was plainly and obviously wrong (and therefore would not give rise to extensive arguments by either the complainant or the publisher).
- 3.51** **Whether such a change is adopted or not, I recommend that guidance be prepared for complainants explaining the limitations of review.** If the grounds were widened as suggested here, such guidance could make clear the limited nature of even the expanded grounds, thus discouraging the flood of requests for review which IPSO fears.



4.1 The handling of individual complaints is at the heart of IPSO's work, but to be the effective regulator to which it and the industry aspire it also needs to bear positively on press standards generally. Indeed, one of the stated objectives of IPSO is to uphold high standards of journalism. The framework within which standards are set, monitored and enforced comprises the Editors' Code and a range of means by which IPSO monitors compliance; seeks to influence outcomes for the better; and can investigate apparent serious and systematic breaches of the Code.

Editors' Code

4.2 As has been noted above, the Code is the responsibility of the Editors' Code Committee, which is independent of IPSO, although in practice there is a close working relationship between the two. The Committee's membership is, as noted above, heavily dominated by experienced editors, and comprises 10 industry representatives, three lay independent members, and the Chair and Chief Executive of IPSO. The Committee meets once or twice a year to consider proposals for Code amendments, and from time to time undertakes a full review of the Code, including public consultation. The most recent such review is currently underway.

4.3 The Code covers the main issues which have a bearing on press standards – accuracy, privacy, harassment, intrusion into grief or shock, the treatment of children, including in sex cases, hospitals, the reporting of crime, clandestine devices and subterfuge, victims of sexual assault, discrimination, financial journalism, confidential sources, and payments to criminals and witnesses in criminal trials. It is clearly expressed, to the point, and commendably brief. Although its origins lie in print newspapers, it has the virtue of being expressed in sufficiently general terms to be as relevant to the practice of journalism on today's online platforms. The Code clearly commands respect in the industry – almost all of those whom I interviewed were positive – and forms the basis for much training of journalists.

- 4.4 The Code is supplemented by a Codebook, also the responsibility of the Code Committee, which is described as “a handbook [for editors and potential complainants] that sets the Code in context and highlights best practice and key IPSO adjudications”. The Codebook is prepared in consultation with IPSO, but does not bind the regulator in individual cases. I shall comment below on the respective responsibilities of IPSO and the Code Committee, but, as regards the Codebook itself, such comment as I received during the course of the review was largely positive, and in my own view it helpfully expands on the Code without overcomplicating it or reducing its impact.
- 4.5 The one significant criticism of the Code – and by extension the Codebook – which was put to me is that its provisions on discrimination apply only to individuals and not to groups. Briefly, these are to the effect that, in relation to an individual’s race, colour, religion, sex, gender identity, sexual orientation, or to any physical or mental illness or disability, the press must avoid prejudicial or pejorative references, or giving details unless genuinely relevant to the story.
- 4.6 This is not a new issue. The argument put by those who favour widening the Code is that great harm can be done by prejudicial or pejorative references to groups of people. The Code Committee has considered proposals on these lines in the past, including at their most recent meeting, which I observed, but has rejected them, on the ground that – to quote the Codebook – such a change 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.” Since this is a review of IPSO and not the Code, I refrain from making any recommendation on this point, save to observe that it is illustrative of a tension between a desire to police offensive content and a desire to protect free expression of views (some of which are bound to give offence to some) which has always been there, but has probably been heightened in recent years.
- 4.7 The corresponding clause of the IMPRESS Code does not apply to groups either, but it has always included a separate section (Clause 4.3) to the effect that publishers must not incite hatred against any group on grounds of any of the protected characteristics. At the time of finalising my report IMPRESS had launched its updated Standards Code which changes that wording and now reads that “publishers must not *encourage* hatred or abuse against any group” (my emphasis) based on those characteristics. This formulation may be worth considering, although, like its predecessor, in practice it arguably may go no further than to discourage the criminal offence of incitement.

Monitoring of Standards

- 4.8 Clause 5.2.1 of the IPSO Regulations includes among the regulator’s functions:
- “the monitoring of compliance with the Editors’ Code, including through the provision by regulated entities of annual statements”.*
- 4.9 Annex A of the IPSO Regulations sets out the matters to be covered in annual statements, the most significant of which, for these purposes, are:
- the publisher’s approach to editorial standards;
 - complaints-handling processes;
 - training processes; and
 - record on compliance, including details of any complaints that have been upheld by IPSO’s Complaints Committee during the relevant period, and of how the publication has responded to upheld complaints.
- 4.10 The amount of detail required depends greatly on the size of the publication. The smallest titles, which generate few or no complaints, produce very brief annual statements, whereas the statement from a large media company, such as Associated Newspapers, runs to many pages.
- 4.11 While some publications report figures on the complaints they receive inhouse and deal with inhouse, publications are only required to report on complaints which engage the IPSO process.

- 4.12** The IPSO standards team use the information in the annual statements, supplemented by analysis of the cases dealt with by the Complaints Committee, to build a picture of compliance across the board, and to identify emerging themes and issues which are giving rise to complaints. The team considers each substantive case decided by the Complaints Committee, and assigns to it a theme. The themes correspond broadly to the clauses of the Editors' Code, but the system, which is held on a small database, is flexible enough to pick up and quantify, for example, the emergence of complaints related to the coverage of the COVID pandemic. This analysis of the changing pattern of complaints informs decisions about where fresh or revised guidance or training might be beneficial.
- 4.13** The IPSO website includes a quarterly analysis of themes from the complaints caseload. The most recent, for the third quarter of 2022, highlights the welfare of children, domestic abuse, inaccurate headlines, privacy and the reporting of coronavirus, as themes from that period, along with a brief account of relevant actions by IPSO in response. The reporting of the COVID pandemic has tested the media over the last three years, raising difficult issues about the reporting of such matters as the Government response and the interpretation of the statistics. IPSO has responded well, issuing guidance on relevant Code provisions and publishing a valuable summary report in November 2021.
- 4.14** Central to effective monitoring of compliance is the relationship between the two main IPSO teams. The risk is that the complaints and standards teams operate in different worlds, focussed on their day-to-day work, and do not make the necessary connections. IPSO seemed to me to be doing their best to guard against this risk. Being a small organisation clearly helps. On those days post-COVID when everyone is in the office, there are opportunities for informal conversations about emerging issues. So too does the inclusive style of senior management, with regular morning meetings of all staff.
- 4.15** The same issue of the connection between the worlds of complaints-handling and standards arises at a more senior level, as a result of the fact that complaints are dealt with by the separate Complaints Committee, whereas, broadly speaking, standards are the business of the main IPSO Board. To deal with this, IPSO established a Liaison Committee, chaired by the Chief Executive and including several members of the Board and the Complaints Committee, as well as members of the complaints and standards teams. This is not a formal IPSO Committee, but, meeting quarterly, it provides an opportunity to review trends in complaints and compliance and to discuss informally where further guidance might help and drafts of such guidance as they become available. In effect, it keeps the two sides of the regulatory activity in touch with each other, and serves to integrate the effort. It also gives the main Board members an insight into how complaints are being handled.
- 4.16** I attended the November meeting as an observer. The Committee discussed a full analysis of the complaints dealt with in the preceding quarter, and, among other things, endorsed the Executive's plan to revise guidance on the reporting of suicide in the coming year, in the light of some recent cases.
- 4.17** **I conclude that this aspect of IPSO's activities – the identification of trends in complaints and emerging compliance issues – is generally working well. The staff are operating as a team, and the Liaison Committee is a useful development, which is turning what could be a structural weakness – the separation of responsibility for complaints and standards – into something of a strength.**
- 4.18** The other, arguably more difficult, aspect of compliance monitoring is the monitoring of compliance by individual regulated publications. IPSO records all the complaints it receives by publication title, and in its annual report publishes a list of the 20 most complained-against titles, with the proviso that they also tend to be those with the largest circulations. It also includes in the annual report a table showing, for each of the regulated publishers, the number of complaints and the outcomes – breach, resolved, either through IPSO mediation or directly with the publisher, no breach, and in a few cases not pursued.

4.19 The standards team receives, in real time, the details of concluded cases, and is therefore aware of how many breaches have been found against individual publications. They are also alert to any unusual changes in the pattern of complaints against individual titles. But inevitably, in a system which puts a high value on complaints being satisfactorily resolved rather than going to adjudication, this isn't the whole story. Some cases which might well have involved breach of the Code are resolved during the 28 day period. Article 39 of the IPSO regulations requires publishers and complainants to notify IPSO within 14 days in such cases, so that they can consider the complaint to be closed. But publishers are understandably reluctant to acknowledge as breaches cases which they have resolved themselves, even if they have done so in recognition of the fact that something has gone wrong. Some publishers include in their Annual Statement information about the complaints they have resolved themselves, but there is no requirement to do so.

4.20 As noted above, this is probably inevitable in a system which places a high value on resolution. But it complicates, to put it no higher, IPSO's task of identifying problems in an individual publication which might call for intervention up to, or even including, a standards investigation. **My impression, from discussions with the standards team, is that in practice the combination of hard information about cases investigated by IPSO and trends in numbers of complaints provides enough information to identify emerging problems in individual publications. But the approach to this is less systematic than the approach to the identification of emerging themes, and I would encourage the team to develop something closer to a monitoring system in this area. This could involve "profiles" of individual publications, and criteria or thresholds for triggering a closer look at those complaints which have been resolved during the 28 day period.**

Standards Investigations

- 4.21 The Pilling Report in 2016 reviewed IPSO soon after its establishment, at a point when the fact that the new regulator could mount a standards investigation with potentially far-reaching consequences (including very severe financial penalties) had attracted a good deal of publicity. The Pilling Report included a detailed description of the procedure for setting up and conducting such investigations which I need not replicate here. Pilling reported that IPSO had put a great deal of effort into preparing to launch its first such investigation, and that, at that stage, the industry saw it as inevitable that one would be launched shortly, and each publication was very concerned that it should not be them under investigation. His only substantive conclusion was that it would be a serious mistake to launch a standards investigation on relatively flimsy grounds. It ought to be exceptional.
- 4.22 The Pilling Report refrained from making any comment on the process for standards investigations, because at that stage none had taken place. Eight years later I find myself in much the same position. The fact that the IPSO Board has never considered that a standards investigation was called for, as with much else in this area, divides opinion. IPSO's critics offer it as evidence that the system is ineffective and lacks independence from the industry. They point, in particular, to the fact that the threshold for launching an investigation is for the Board reasonably to believe "*that there may have been serious and systematic breaches of the Editors' Code*", whereas the original intention was for a lower threshold of "*serious or systematic*" breaches (my underlining in both cases). The industry tends more to the view that it demonstrates how much press standards have improved since the Leveson Report.
- 4.23 The case which has attracted most attention and public comment, where IPSO has actively considered launching a standards investigation, is that of the Jewish Chronicle ("**JC**"). The JC is a small weekly publication (circulation about 20,000) serving the Jewish community in the UK. Between 2018 and 2021, it attracted a significant number of complaints which were upheld by IPSO, mostly on grounds of inaccuracy, and was the object of several successful libel actions. There were also concerns about the

publication's complaints handling processes, including delays in responding to complainants and to IPSO itself.

4.24 The IPSO standards team monitored these trends, and engaged with the JC over a period. It was agreed that IPSO would provide training for editorial staff focussed on compliance with the Editors' Code and complaints handling. This was successfully delivered in July and October 2021. In December 2021, following a submission to the IPSO Chair by a group which included a number of complainants, the IPSO Board considered the case for mounting a standards investigation. They concluded that it would not be proportionate to do so at that time because insufficient time had passed to judge the success of the training. Instead, they would conduct a six month review to assess whether the training had been embedded in the JC's editorial practices.

4.25 At its meeting in June 2022, the Board received a report on the intervening six months. There had been a marked reduction on previous periods in the number of complaints about accuracy, and no reported libel cases. A change of editor appeared to have brought greater focus on compliance with the Editors' Code. The Board did, however, still have significant concerns about the publication's ability to handle complaints in an effective and timely manner. It therefore determined that an extended period of review for a further six months, was required. To assess whether the publication continued to improve its complaints handling practice and maintained the progress made in editorial standards.

4.26 At its Board Meeting in February 2023, the IPSO Board received a further report, and concluded that sufficient improvements had occurred in both complaints handling and editorial standards to allow the cessation of active monitoring of standards.

4.27 For IPSO's critics, the JC case was proof that the "nuclear" option of a standards investigation was one which IPSO were never likely to use. The purpose of this review is to look at the system in the round, and not to take a view on individual decisions reached by IPSO, so I will not do so in this case, beyond observing that it cannot have been an easy decision.

4.28 However, from the system standpoint, the interesting aspect of the episode is the light it sheds on IPSO's monitoring of and engagement with publications. They might not have pressed the nuclear button of launching a standards investigation, but as early as 2018 (and possibly earlier) IPSO were engaged with the JC, and their efforts were focussed on improving standards, principally through the offer of training. That kind of supportive, but challenging, engagement to improve standards is, in my view, exactly what an effective regulator should be doing. But it does undoubtedly reduce the likelihood of a standards investigation being an appropriate response, unless the malpractice is egregious and comes out of the blue, or IPSO conclude that their engagement is getting nowhere and a stronger response is needed – neither of which was the case with the JC.

4.29 I will return to this issue in Chapter 7 below.

Guidance

4.30 Paragraph 5.5 of the IPSO Regulations includes among IPSO's functions:

"providing guidance to regulated entities on matters concerning the Editors' Code, including public interest considerations. Such guidance shall be confidential and non-binding and shall not restrict the freedom to publish".

4.31 IPSO has, from early in its life, produced guidance on how the Code applies to particular issues. Its website makes clear that this guidance does not replace or supersede the Code, but is designed to support editors and journalists reporting on these issues. It does not limit or restrict editorial decision-making, but may inform it. Although the Regulations envisage confidential guidance, which IPSO does issue by way of pre-publication advice to individual publications, in practice they have generally chosen to publish the guidance they have issued on aspects of the Code. I think this is the right course to have taken. The guidance is of general public interest, and will often be helpful to potential complainants.

- 4.32 Extant guidance covers suicide, transgender issues, deaths and inquests, the reporting of major incidents, sexual offences, social media, court reporting and Islam. As noted above, there is separate guidance on what constitutes “due prominence” for corrections and adjudications. The website also provides links to advice from external organisations, again with the proviso that such guidance is separate from the Editors’ Code and journalists are not obliged to follow it.
- 4.33 I encountered mixed opinions about the public guidance among the industry representatives I interviewed. The majority were positive, and regarded the guidance as generally useful, with that on the reporting of suicide particularly well regarded. For some smaller publications, without the internal resources to invest in preparing such material, it is clearly invaluable. As noted below, it also increasingly features in journalists’ training, including that provided by the National Council for the Training of Journalists.
- 4.34 Among the larger newspaper groups, I found some scepticism, both about the value of guidance, and about the treatment of contentious topics, notably the reporting of sex and gender issues and of Islam. Although it was by no means a universal view, some clearly felt that, within their organisations, they had the experience and expertise to be self-sufficient in this area; that there were dangers in appearing to amplify or go beyond the Code; and that IPSO’s priority should be to devote resources to complaints handling.
- 4.35 Much of this reaction was clearly impacted by experience of IPSO’s efforts in recent years to develop guidance on two of the most contentious issues which news organisations have had to navigate: coverage of sex and gender, and in particular stories involving transgender people; and reporting on Muslims, Islam, and Islamophobia. In both cases, IPSO engaged with representative groups, and attempted to take account of their perspectives in drawing up the guidance. In the view of a few of those in the industry from whom I heard, some of these groups are less representative than they purport to be, and, at least for a while, IPSO may have been over-influenced by them. It should be added (and is acknowledged) that IPSO also consulted widely with editors in drawing up the guidance as eventually issued.
- 4.36 I should emphasise that the views quoted above were by no means universally held. Others were ready to praise IPSO for tackling the most sensitive topics as they did, and regarded the resulting guidance as timely and helpful. IPSO themselves acknowledge that they have learned from recent experience. The terms of the debate on transgender issues are changing rapidly, and they have recently issued for public comment revised guidance on sex and gender, following a process of consultation with a wide variety of interests.
- 4.37 This is difficult territory for a regulator, and indeed for journalists reporting on matters which deeply divide opinion in society at large. It is not just that the topics themselves are controversial. They are being debated in an atmosphere in which many are readier than they would have been in the past to argue that material they find offensive should simply not be published. As regulator, IPSO knows that, although it will disappoint some, including some whose views it should take into account, it cannot be prescriptive about this. Its guidance aims to put the relevant provisions of the Editors’ Code in context and highlight how they have been interpreted by the Complaints Committee in considering real complaints. To go further would threaten press freedom.
- 4.38 **My own view is that, provided they respect that balance – and my conversations and observation of IPSO meetings over the period of this review give me confidence that they will – IPSO are right to be in the guidance business, and to be ready to tackle the most sensitive issues. Provided it is grounded in the Editors’ Code, preparing and issuing guidance of this kind for editors is an essential part of the regulator’s role.**
- 4.39 There was one more specific point which I took from a meeting with the publisher of several Scottish titles, who remarked that the guidance was sometimes drafted in terms which assumed an English and Welsh audience, and took no account, in particular, of the existence of the separate Scottish legal system. The Coroners’ Court, for example, which features in many press complaints south of the border and in the guidance on deaths and inquests, does not exist in Scotland. **I recommend that IPSO re-examine its guidance from this standpoint, and amend or expand it as necessary.**

Training/pre-publication advice

- 4.40** IPSO's engagement with regulated titles, as part of its effort to improve standards, extends to an offer of training, and to give informal advice about the interpretation of the Editors' Code where an editor is in doubt about whether publication might risk a breach. The training, which focusses on issues arising under the Code, and the IPSO complaints-handling process, is also offered to university schools of journalism. The amount of training is obviously limited by IPSO staff resources, but since June 2022, courses have been delivered to six member publications and three universities, with 360 attending. **Such feedback as we had from publishers which had taken advantage of the training was broadly positive.** Likewise, the use of the informal **pre-publication advice facility** is optional, but such feedback as we had from those who had used it was to the effect that it was **useful and sufficiently readily accessible to take account of the tight deadlines to which they are often working.**
- 4.41** IPSO also has a productive relationship with the National Council for the Training of Journalists, a charity which provides and accredits training for journalists, and fosters continuous professional development in the industry. Notable IPSO adjudications and the guidance described above feature in a number of NCTJ courses, and the two have worked together on an e-learning course to help journalists understand the Editors' Code and the system of regulation which underpins their work.
- 4.42 All of this activity,** limited as it inevitably is by the staff resources IPSO is able to devote to it, **seems to me to be worthwhile, and to extend the organisation's reach into the industry, impact positively on standards, and build its reputation as a regulator.**

Privacy Notices

- 4.43** Paragraph 5 of the IPSO Regulations includes among IPSO's functions:
- "5.6. At the discretion of the Regulator, notifying and advising Regulated Entities about their activities in cases where an individual has raised concerns regarding undue press intrusion. Such notification and advice shall be confidential and non-binding, and shall not restrict freedom to publish."*
- 4.44** These notifications are known as privacy notices, and are principally a means by which IPSO can advise the press when someone has requested that their or their family's privacy should be respected. A typical example would be where a family tragedy has struck in circumstances which could attract (or may already have attracted) press attention. In some cases, the person is already in the public eye, but in most they will be ordinary members of the public, unaccustomed to press scrutiny. Since cases of this kind can arise at short notice at any time of day or night, and sometimes involve people who feel they are being harassed by the press, IPSO maintain a 24/7 emergency phoneline. Staff, who cover the line on a rota basis, are able to give advice to callers on handling press interest; to assess whether the case warrants the issue of a Privacy Notice; and if it does to arrange for one to issue quickly. 48 such notices were issued in 2022, just short of one a week. Having read a significant number of them, the notices are well judged and clearly expressed.
- 4.45** As the Regulations make clear, Privacy Notices are advisory and not binding on the press, but they are generally respected. In part this is simply a matter of responsible editorial practice, but it also reflects the fact that the Editors' Code emphasises entitlement to respect for private and family life (Clause 2 – privacy) and includes a provision that journalists must not persist in questioning, telephoning, pursuing or photographing individuals once asked to desist (Clause 3 – harassment).

- 4.46 Without exception, the editors to whom I spoke took the Privacy Notice system seriously, and, while keen to emphasise that they made their own judgements in individual cases, were disposed to follow the advice given. Although the IPSO Regulations inevitably refer to “Regulated Entities”, the Notices are also received and regarded as a valuable source of advice by some publications which are not IPSO-regulated.
- 4.47 The one reservation expressed by a few of my interviewees was that there appeared to be a trend towards Notices being used in a systematic way by the representatives of celebrities, who have the means to make their wishes known to the press without recourse to IPSO. Celebrities are, of course, as entitled to the protections of the Editors’ Code as anyone else, but the IPSO team are alert, for example, to the need to ensure that the system isn’t used to protect exclusive stories. On the numbers, I am advised by IPSO that there is no evidence of a trend towards greater use by celebrities, and that the great majority of the notices relate to previously unknown members of the public.
- 4.48 I conclude that this is an element of IPSO’s work on press standards which is working well.

Whistle-blowing hotline

- 4.49 Since its inception, IPSO has provided a whistle-blowing hotline, available to journalists working for member publications who have concerns that they have been asked to act contrary to the Editors’ Code. The hotline is available 24/7, and there is also an option to report concerns by completing and submitting an online form. Either of these options can be exercised anonymously. The idea behind the scheme is that the whistle-blower’s identity will be protected, but the information provided can be used by IPSO to look into possible breaches of the Code.
- 4.50 For the first few years, the service was staffed by IPSO staff, but very few calls were received. Since it seemed possible that potential callers were inhibited by phoning IPSO direct, the service was then outsourced to a specialist external provider.
- 4.51 Despite this change, **the hotline still receives very few calls, and IPSO could not cite any case in which a call had led to follow-up investigation of potential breaches of the Code.** This does not mean that the hotline is pointless. Its existence provides a means by which such concerns can safely be raised, and may act as a disincentive to bad behaviour. Save in the most extreme circumstances, the likelihood of an employee actually being asked to breach the Code may be low. But the limited extent to which the hotline is used does raise a question about how widely its existence is known. The website offers guidance on what the hotline is and how to use it. **But IPSO should nevertheless review whether more could be done to raise awareness of the hotline among journalists.**



- 5.1 Clause 5.4 of the Scheme Membership Agreement (the contract with regulated publishers) allows, but does not require, IPSO to establish and maintain an Arbitration Service “to allow an individual who seeks to make a claim against a Regulated Entity to refer the claim to arbitration as an alternative to commencing court proceedings”. There is no obligation on Regulated Entities to participate.
- 5.2 IPSO introduced such a scheme, initially as a pilot as a basis for consultation, in 2015. Its objective, under the Scheme Rules, is “to provide a quick, cost-effective, fair and impartial procedure for resolving Relevant Claims against the press”. Among the aims of the Scheme is to take into account inequality between the parties. Arbitration cannot be pursued simultaneously with a complaint to IPSO covering the same subject matter.
- 5.3 Following the pilot, the scheme was introduced properly in 2016, initially on a voluntary basis. Then, in 2018, a scheme which is compulsory, in the sense that, once publications have signed up for it, they are obliged to use the Arbitration Service when the complainant wishes to do so, was introduced. This scheme now covers all of the main national printed titles. The original, wholly voluntary scheme, under which, if the complainant requests arbitration, the publisher can agree, but is not obliged to do so, continues alongside it. One of the biggest magazine publishers, with a large number of titles, has subscribed to the voluntary scheme.
- 5.4 In each case, the process followed is the same. The claimant first completes an inquiry form outlining briefly the nature of their claim, including the publication concerned and the article or behaviour about which they are complaining. IPSO then assesses the claim, and takes a view on whether it is covered by the scheme. If it is, the claimant is sent a fuller claim form to complete, together with supporting documents. This material is first referred to the publication, which has 14 days to respond. During this “referral” stage, which lasts up to 28 days, there is an opportunity for the claimant and the publisher to resolve the matter to their mutual satisfaction. Otherwise, the claim is transferred to the Centre for Effective Dispute Resolution (“CEDR”), a specialist

company which manages the arbitration scheme on IPSO's behalf. They will appoint a barrister, from a list of barristers practising in this field, to act as arbitrator. There is a fee of £50 payable by the complainant at this stage.

- 5.5** The arbitrator then examines the claim, and makes a preliminary ruling on whether it is suitable for the scheme, and if it is, identifies the core issues to be resolved. After a further period of 21 days in which the parties can decide how best to proceed in the light of the preliminary ruling, the case can move to a final ruling, which is legally binding. At this point, a further £50 fee is payable by the claimant; but if the claim is successful, the full £100 paid in fees will be ordered to be returned by the publication.
- 5.6** This **scheme seems to me to be well-designed for its purpose**. It is relatively simple for the claimant, and could be accessed without legal advice. By the standards of legal proceedings, it is relatively quick, and removes the risk of County Court or High Court issue and hearing fees and potential costs exposure. The fees are likely to be affordable by most claimants, and are recoverable in the event of a successful claim.
- 5.7** Unfortunately, **take-up has been disappointingly low**. In the three years after the compulsory scheme was introduced (2019–2021), there was a significant number of enquiries, but very few progressed. Four were resolved before reaching the arbitrator, and one was withdrawn. Another four got as far as the arbitrator, but were either struck out or deemed unsuitable by the arbitrator at the preliminary stage, or in one case not pursued by the claimant after an adverse preliminary ruling. The number of enquiries was actually lower in 2022, and several are still under consideration or waiting for a complaint to be decided.
- 5.8** At the time of the Pilling Report, the arbitration scheme was still being piloted, and at that early stage, it was too early to reach any conclusions about its effectiveness. The Pilling Report did, however, find that those from the industry who were taking part in the pilot considered that, from their point of view, few if any cases would be appropriate for arbitration. This was either because, although cheaper than going to court, it would still involve them in significant cost,
- or because such cases as did currently reach the courts were too complex in character to be suitable. The Report also noted that the fees for claimants set for the pilot – £300 plus VAT at commencement and a further £2,500 plus VAT should the claimant wish to proceed to final resolution – might turn out to be too high and have to be reconsidered.
- 5.9** The low take-up of the arbitration service since the scheme was fully introduced cannot be explained by reluctance on the part of the industry, since, under the compulsory scheme, the claimant can insist on arbitration. Moreover, the fee has now been set at a much lower level than was piloted, sufficiently low, one would have thought, for it not to act as a disincentive. The more likely explanation for low take-up is that, although the scheme is sign-posted in the IPSO website, its existence is not widely known among potential complainants or those who advise them. There may also be an extent to which, with clients who can afford it, legal advisers prefer the option of court proceedings.
- 5.10** **All of this suggests that, while underlying demand for the scheme may well be limited, IPSO should do more to market it. One option, which they are considering and which I would encourage them to pursue, is to approach the Civil Procedure Rule Committee and Media and Communications List User Group about the possibility of judicial guidance, court guides and/or practice directions highlighting the availability of the arbitration service.** For example, IPSO could seek a reference in the next edition of King's Bench Guide in the chapter on the Media & Communications List. The judiciary have an interest in encouraging alternative dispute resolution processes, and in the early stages of civil claims of this kind, could be guided to enquire of legal representatives whether IPSO arbitration has been considered. **In its refresh of the website, IPSO should also update the materials there on the arbitration scheme.** The current website includes a list of barristers able to act as arbitrators, more than half of whom are from a set which no longer exists, as a result of which the web links do not work. This is a small point, but it suggests that this aspect of IPSO's work receives less attention than it deserves.

6

- 6.1** My terms of reference include consideration of the quality, uptake and impact of IPSO's external communications.
- 6.2** The circumstances in which IPSO was created put a premium on raising the new organisation's profile and communicating effectively the services it provides, its values and achievements. The Pilling Report recommended continued engagement with interest groups representing those affected by failures to comply with the Editors' Code, and efforts to increase public understanding, including on the limits of its powers. In practice IPSO's outreach through external communications has gone wider than this, though it is still a work in progress.
- 6.3** There are three main target audiences: in no particular order, the publishers (particularly those regulated by IPSO); the general public (particularly as consumers of news and potential or actual complainants); and the wide variety of other bodies which take an interest in press regulation.
- 6.4** Among the regulated publishers, the priority has been to build credibility as a fair and effective regulator. I deal with this in more detail in Chapter 7, but for the most part I judge IPSO to have been successful in this, through a combination of consistent (if not invariably welcome) decision-taking on complaints, relevant guidance and training, and, at least in recent years, significant efforts by senior staff to engage with member publications.

- 6.5 One section of the industry audience which I would highlight is publications which are not currently regulated by IPSO, but might consider applying for membership, including some significant national titles. The Pilling Report remarked that it would be much simpler for potential complainants if IPSO's coverage was closer to 100%. That remains as true now as it was then. IPSO is well aware of this, and maintain contacts within the industry beyond their own membership. In the last three years, they have gained 21 new members. **But my sense is that they may have reached the point where it would be sensible to give this greater priority, within their overall communications strategy, and to focus, in particular, on the significant national titles which have hitherto chosen not to subscribe.**
- 6.6 As regards the public audience, there is, in the background, the huge issue of public confidence. I deal with this substantively in Chapter 7, but it should feature centrally in any communications strategy.
- 6.7 Communicating with the public as complainants raises more immediate practical issues. As noted in paragraph 3.11 above, a persistent theme in our interviews with complainants, particularly those unfamiliar with the system, was that they would have welcomed more information and advice on how to frame their complaint, and what to expect of the process. Examples given included:
- How to frame a complaint in a form in which it can be handled by the team.
 - An outline of the various stages of the process, who does what, and the typical timeline.
 - An explanation of the different outcomes available, for example a mediated outcome/finding of breach or no breach.
 - An explanation of the remedies that the Complaints Committee can and cannot grant.
- 6.8 Although the IPSO website does include a good deal of relevant information on this, and staff are accessible and helpful when contacted direct, the material is not as well sign-posted as it might be. The Codebook published by the Editors' Code Committee is a good source of information about the interpretation of the Code, accessible by complainants, but it is mainly directed at editors and journalists. I can therefore see a case for bringing together relevant information for complainants in one readily accessible document.
- 6.9 **I recommend that the refresh of the IPSO website which is currently under way pay specific attention to means of improving guidance and support for potential complainants, and that IPSO consider, in particular, the option of a handbook for complainants.**
- 6.10 The third target audience is the wide variety of bodies and individuals outside the news industry with an interest in press regulation and standards, in Parliament and Government, the Third Sector, and indeed among some of IPSO's long-standing critics. Over the period of this review, I have been impressed by the range and frequency of the senior team's outreach to such stakeholders, which ranges from the Chief Executive's membership of the Department of Culture, Media and Sport's Media Literacy Task Force Steering Board to meetings with charities supporting the bereaved, and other groups representing people who are affected by press coverage. The small size of the team obviously constrains how much can realistically be done, but my impression is that, **among these relatively informed audiences, IPSO's profile is gradually rising.** There is, however, clearly more to do, and **I would encourage them to maintain and build on this progress.**
- 6.11 The IPSO Board has recently adopted a communications strategy, drawn up by the Head of Communications, including improvements in the "infrastructure" for communications, e.g. the website, mapping the various audiences, and setting out a programme of work over the next two years. I have seen a number of such strategies in the past, and the proof is usually in the delivery, but **this strikes me as a professional job, which should help to focus and direct IPSO's comms work over the coming period.**

- 6.12 Beyond that, I have only two observations, based on this review. The first is the obvious one that press regulation remains a contentious topic politically. The political prospect is by no means clear. IPSO's approach to projecting itself and its work needs to be both flexible and well-judged. Lord Faulks' willingness to contribute to public debate on media matters, including in the House of Lords, should help with this, and has already contributed to the raising of the IPSO profile to which I have referred.
- 6.13 My second observation is that, although annual reports are never the most avidly read documents, for the interested public they are the main source of consistent information about the organisation's performance. In the course of this report, I have identified several issues which are barely covered, if at all, in the annual report, including performance on the timeliness of complaints handling and at least summary information on feedback from complainants, on both of which the IPSO Board receives regular reports. The current format of the report is attractive and accessible, and the complaints case studies give a vivid sense of the reality of IPSO's work; but it is less a document of record than I would expect. **I would encourage IPSO, in their redesign of the communications infrastructure, to take the opportunity to review the coverage of the annual report.**

An independent, credible, well-managed regulator?



7.1 My terms of reference require me to consider “how and to what extent IPSO has established itself as an independent, credible and well-managed organisation”. Ten years after the publication of the Leveson Report, that report, and the events which led to it, still cast a long shadow over UK press regulation. The earlier Pilling Report concluded that:

“..it is an uphill task for IPSO to prove that it deserves to be trusted as [an] 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.”

7.2 The lines of the public debate have not changed much since then. I found, as I expected to find, that the sincerely held view of a number of commentators remains that, given the circumstances of its establishment, the source of its funding and the part the industry plays in its affairs, IPSO cannot be either independent or indeed recognisable as a regulator.

Independent?

7.3 On the matter of independence, without, I hope, ducking the question – I would observe that independence is, like sovereignty in the modern world, a relative rather than an absolute concept. No regulator can be absolutely independent of those whom it regulates. There has to be a working relationship. The questions to be addressed are whether the structures around IPSO are such as to create a sufficiently arm’s length relationship between it and the industry, and whether the ethos on both sides is one that respects the regulator’s independent role and ensures that regulatory decisions are impartial and free from improper influence. Where – as Leveson assumed would be the case and as seems inevitable on the scale at which IPSO is operating – the regulator is funded by the regulated, these questions become even more relevant.

7.4 My attempt to answer them is based on the foregoing chapters of this report. In summary, my conclusions are that:

7.4.1 The decisive say which the industry has in defining the scheme and setting the regulations, taken together with its ownership of the Editors' Code, are significant constraints on IPSO's independence. The second of these is the most significant respect in which the governance of IPSO does not comply with Leveson's recommendations.

7.4.2 In practice, however, the governance arrangements succeed, to a significant extent, in creating an arm's length relationship for operational purposes. Relationships between the main players are conducted in a professional and mutually respectful way. The appointments process seems to me to have been successful in identifying independent-minded people to serve on the Board and Complaints Committee.

7.4.3 Having observed IPSO at close quarters for several months, its ethos, among both staff and Board and Complaints Committee members, is one which puts great weight on independent investigation and decision-taking. **I detected no sign of improper influence by the industry on complaints decisions, or that decisions were taken in other than an impartial way.**

7.4.4 Within the constraints of the governance structure, IPSO seemed to me to be operating independently.

Credible?

7.5. On credibility, my main findings are:

7.5.1 IPSO has built credibility within the industry.

The view I heard most often in meetings with publishers and editors was that decision-making was more consistent and considered than under the PCC, and that publications had enough confidence in the system to be ready to accept adverse findings even when they disagreed with them.

7.5.2 Complainant views, as expressed on feedback forms and in our interviews, **although perhaps inevitably more mixed, are, on balance, positive.**

7.5.3 The work IPSO has done in recent years to develop guidance on the Editors' Code, including in some sensitive areas, and on training and other forms of outreach to the industry, takes it well beyond the handling of complaints. **The characterisation of it by some critics as no more than a complaints handling organisation, and not really a regulator, is wide of the mark.**

Well-managed?

7.6 Although, like many organisations, it had a difficult passage during the COVID pandemic, and still needs to pay close attention to staff matters, I have found that **IPSO is well led and managed** (see Chapter 2).

Impact on public confidence

- 7.7 These are all substantial achievements, but they do not in themselves create public confidence. IPSO's public profile is still, to a significant extent, defined by its history and the limitations imposed by the arrangements made at the outset. **Although the Leveson Report was of its time, and much has changed since, it defined a model of press regulation against which the IPSO model is bound to be judged.** Moreover, the political context could easily change, and press standards again become a contentious issue.
- 7.8 In this penultimate section of the report, I therefore consider whether there are changes which could be made to the scheme, if the industry and IPSO were willing, to consolidate what has been achieved and make it easier to win the public argument. I do so with some hesitation, not to make firm recommendations but more in the spirit of encouraging a debate which I hope may seem timely.

Ownership of the Editors' Code

- 7.9 The one significant respect in which IPSO could be argued to be undertaking less than the full range of functions one would expect of a regulator is its degree of "ownership" of the standards which it applies. Leveson recommended that the standards code "*must ultimately be the responsibility of, and adopted by, the [regulator's] Board, advised by a Code Committee which may comprise both independent members of the Board and serving editors.*" As described in paragraphs 2.25 to 2.31 above, IPSO has significant influence on the Editors' Code, through its representation on the Code Committee, its ability to suggest changes drawing on experience of handling complaints, and the fact that amendments to the Code must be agreed by the IPSO Board. There is, in practice, a close partnership between IPSO and the Code Committee. But the Committee is not an IPSO Committee, and although the Code is adopted and approved by IPSO, it is not an IPSO Code.
- 7.10 The question to my mind is not whether an entirely different Code Committee should be established. The existing Committee seems well composed for its purpose, and the strong representation of serving editors, along with a number of influential independent members, seems to me essential. The question is more whether the Committee should be within the IPSO structure and clearly advisory to the IPSO Board.
- 7.11 The Pilling Report addressed this issue, and considered whether the independence and effectiveness of IPSO would be significantly improved if it assumed responsibility for the Code. Pilling saw a strong case for this in terms of independence, but found little support for it among those whom he interviewed. The view within the industry was that there was precedent elsewhere in society for separating standards and enforcement, and that the Code's effectiveness depended on its being seen as principally the responsibility of editors. Without necessarily accepting these arguments, Pilling recommended, on balance, that things be left as they were, largely on the ground that it was still early days and the present arrangements appeared not to be working badly in practice.
- 7.12 I find myself in a similar position. Although, like Pilling, I see an obvious case in terms of both substance and presentation for IPSO to have final responsibility for the terms of the Code, I found no signs that the industry view has changed. The industry accepts IPSO regulation of practice without question, but is reassured by the fact that the standards by which practice is judged are ultimately within its control and set by a process in which editors play the major part. Also, save for the arguments discussed in paragraphs 4.5 to 4.7 above about its treatment of discrimination against groups, I heard little criticism of the Code itself. Within the industry, it is clearly respected and well-regarded.
- 7.13 The current arrangement therefore has the virtue that it delivers a Code which is widely accepted, and which is significantly influenced by IPSO. The question is whether, notwithstanding these strengths, it nevertheless inhibits IPSO from being as fully effective an independent regulator as it (and the industry) aspire for it to be.

- 7.14 On this issue, there is no single model of regulation. In the legal profession, following the Clementi Report, both the main professional regulators have responsibility for setting standards, and it is seen as an important aspect of their role as regulators. On the other hand, the Advertising Standards Authority (ASA), in some ways the closest comparator to the press regulators, has a model very similar to IPSO's, with standards set by the Committee of Advertising Practice. IMPRESS follows the Leveson recommendation, and has its own Code of Practice, drawn up by an advisory committee with mixed membership but a majority of independents.
- 7.15 The argument for change is that, if IPSO were responsible for the Code, it would strengthen its authority as a source of advice and guidance on standards, and give it a firmer public platform as an advocate of high press standards. Since this is probably the most significant of the Leveson recommendations not to be followed when IPSO was established, it might also make it easier to win the public argument about whether it is truly an independent regulator.
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- ### Standards Investigations and sanctions
- 7.16 The fact that, after more than eight years, there has yet to be a standards investigation or any form of financial penalty imposed on a publisher probably registers more with the public than all the good work IPSO does day by day. This is not to say that a standards investigation should have been launched simply for the sake of having one. IPSO has been absolutely right not to be tempted down that road.
- 7.17 I speculated in paragraphs 4.21 to 4.29 above that, while welcome, IPSO's growing ability to identify and engage with problems in member publications at a relatively early stage, as exemplified by the case of the Jewish Chronicle, meant that the so-called nuclear option of a standards investigation was increasingly unlikely to be used. **If that judgement is correct, it means that the prospect of fines in the worst cases, of which the industry made much when IPSO was launched, is really quite remote.**
- 7.18 For individual breaches, the sanctions are confined to a requirement to publish a correction and/or the text of the IPSO adjudication, in each case with due prominence. In the section of this report that follows, on future developments, I highlight the fact that, for online content, the "reach" of even these sanctions is becoming more problematic.
- 7.19 Part of the problem is that, conceptually, there is nothing between the investigation by IPSO of a single complaint, however minor, and a full-scale standards investigation. **One option worth considering might be the introduction of the concept of a serious breach of the Code, which, if established, carried the possibility of more severe penalties, including fines in appropriate cases.** I have already highlighted the case for allowing IPSO to require published apologies in such cases.
- 7.20 Both of the options I have identified here – **making IPSO responsible for the Code of Practice, advised by the Code Committee, and expanding the sanctions for the most serious individual breaches** – go to the heart of the scheme under which it currently operates, and would require changes to the Regulations, which would take time and require the support of the industry. If there was an appetite for change, the forthcoming contract review would provide an opportunity to discuss it.
- 7.21 Such changes would also bring IPSO closer to the Leveson model. When I met the Press Recognition Panel, they were at pains to remind me that the criteria for recognition under the Royal Charter, based on the Leveson recommendations, were "all or nothing", in the sense that, for a regulator to be recognised, all of the criteria had to be met. That is certainly true in relation to recognition, but the mainstream press seems no more interested in seeking recognition than it was in 2014. My point is that, while greater compliance with Leveson would not bring recognition, even if it was sought, it might nevertheless make it easier to build public confidence and win the public argument about IPSO's range and effectiveness. Making the changes described above would mean that IPSO would be, for all practical purposes, compliant with Leveson.



- 8.1 My terms of reference require me to consider how well IPSO has adapted to changes in its strategic context, and what it should do to prepare itself for the future.

The changing news landscape and its implications for IPSO

- 8.2 Even in the eight years or so since IPSO was established, there have been massive changes in the manner in which news and magazine content is produced, delivered and consumed. The move away from print and towards digital first or digital only delivery has accelerated. More content is delivered through online platforms, including social media and “news aggregators”, such as Google News, which provide access to stories originating in mainstream news publications. Some mainstream publishers have moved beyond written content into podcasts, video content and news-focused documentaries. The modern newsroom is a technological hub in which content is created and formatted at the desk. In many, the online content is changing by the hour, 24/7, overtaking the concept of a single, or even a few, daily editions. In addition, the public now consume news and information through both regulated and unregulated publishers.
- 8.3 The business model of even the most traditional, longest-established titles has changed radically. Faced with declining advertising revenues, as advertisers have moved to the big online platforms, the more successful have introduced paid content, either voluntary or behind a paywall, and typically rely on a mix of such subscriptions and remaining advertising revenue. Although the online news aggregators have been criticised for building businesses on the back of free content provided by traditional news media, they help to generate income for the titles whose content they select, by increasing access to paywalls and to advertisements embedded in the content.

- 8.4** This increasingly tech-driven business model is designed to enable the survival of mainstream news publications, and some succeed in flourishing under it. But across the board it has called for rigorous cost control, and the industry employs many fewer journalists than in the past.
- 8.5** The changes the model has brought have reinforced, and been reinforced by, changes in public preferences in accessing news. Successive Ofcom News Consumption surveys have shown a steady decline in the percentage of people accessing newspapers, particularly print newspapers, and particularly among younger age-groups. Asked in 2022 to identify from a list of news platforms which of them they used, 87% of those aged 16–24 replied “any online”, 79% social media, 53% television, 30% newspapers (of which only 10% was print), and 25% radio. (It should be noted that, given the nature of the question, even among those who reported accessing newspapers, for many it may not be their main source of news). As one moves up through the age ranges, older people rely less on social media, and more on newspapers, but most of all on broadcast media.
- 8.6** Neither of these trends shows any sign of slowing. Both are, in their nature, progressive rather than static. On the one hand, in this as in other walks of life, technological advance is set to have far-reaching impacts on how business is done, and indeed how people live their lives, which even those much more expert than myself find hard to predict. The most obvious is artificial intelligence (“AI”), which is already being used in limited ways in the news industry, and through search algorithms in news aggregators, but clearly already has the capability to generate content. On the other hand, as the population ages, when it comes to accessing news, the preferences of what is now the younger generation noted above are likely to become more dominant.
- 8.7** What does all this mean for IPSO? A preliminary point is that the aspect of the process which IPSO regulates, the actual content, is probably less affected by technological change than most. As I have noted above, the Editors’ Code has the virtue that it focusses largely on the content of articles and the behaviour of journalists, and sets out principles of very general application. Although it is not completely uncontested territory these days, in principle factual inaccuracy means the same whether it occurs on the printed page or in any online vehicle. So too does intrusion into private life, grief or shock. Judgements of whether these principles have been breached in any individual case are likely to remain at the core of IPSO’s work.
- 8.8** There are, however, several specific areas and challenges to which I would draw attention. None will, I suspect, come as a surprise to IPSO staff, who have been giving a good deal of thought to these matters themselves.

Remedies

- 8.9** The first is that, as I observed in paragraph 3.33 above, the way in which online news is now delivered has implications for the remedies which IPSO can require of publishers when a breach of the Code is found. These remedies – the publication of a correction and/or the terms of an IPSO adjudication – are relatively easy to apply when the publication is a printed newspaper. The only substantive issue which arises is what constitutes “due prominence” for published corrections and adjudications. As noted above, IPSO has issued helpful guidance on this, including identifying the kinds of cases in which a front page correction would be necessary to meet the due prominence requirement, and drawing attention to the benefits of having a regular “corrections column”. But both of these examples highlight how much the guidance assumes a hard copy newspaper.

8.10 The online world presents different challenges.

- If the content of the publication is changing by the hour, there can be an issue about where, and for how long, an article breaching the Code has been accessible.
- If an article has been accessible in front of the pay wall, a correction behind it will not be a satisfactory outcome.
- If the publisher has chosen not to take down an article in breach of the Code, it will be accessible including through news aggregation sites, for much longer than it takes a print newspaper to hit the recycling bin, putting a premium on any correction being equally accessible for as long.

8.11 Corrections to headlines can also prove less effective, in particular where news aggregators will have primarily picked up on the headline on their platforms. In a digital world which places a high premium on brevity, for example confining a tweet to a short summary or reshare/retweet, an inaccurate headline has a much farther digital reach than a traditional print headline would have had. The remedies which IPSO can require of publishers have never been failsafe, if only because many of those who read the original article are unlikely to read the correction or adjudication, in some cases many months later. Even so, it is hard to resist the conclusion that **the move to digital has diminished the “reach” of IPSO sanctions.**

8.12 IPSO staff are well aware of this issue, and are already grappling with it. We observed several cases in which the Complaints Committee navigated a way through consideration of what would constitute due prominence for a correction or adjudication in respect of an online article. The current guidance to editors on due prominence deals only with print newspapers, and notes that further guidance on online publications will follow. **It was clear from my meetings with editors and publishers, and with complainants, that such guidance is needed and would be welcomed. I recommend that its preparation and publication be pursued as a matter of priority.**

8.13 There are two related issues arising from this. One is that, as noted above, in a medium where content is changing by the hour, the location and duration of an online article, and how widely it has been viewed, will sometimes be relevant to IPSO’s consideration of a complaint. In some cases, it will be in a publisher’s interest to demonstrate that an article in breach of the Code has been removed from their site at the earliest opportunity. In others, the fact that an article has gone viral on social media may well not have been within the publisher’s control, but is nevertheless relevant to an assessment of how widely it has been read. Publishers are not required by IPSO to keep records of this kind, and several made the point to me that in a fast-moving industry it would be neither realistic nor affordable to do so. I accept that, but I nevertheless think that **it would be worth IPSO initiating a discussion with the industry about what information of this kind they can reasonably expect to be able to seek from publishers in investigating such complaints.**

8.14 Second, the fact that, unlike recycled print newspapers, online articles can survive for many years and be found through search engines has caused some to argue that IPSO should be able to require the publisher of an article found to be in breach of the Code to remove it from their site. This would require a change in the IPSO Regulations. It would help meet the concern expressed above about the reduced “reach” of IPSO sanctions, but is open to the objection (which was put to me by a couple of publishers) that their online holdings are an archive of public record and, perhaps more importantly, a concern that requiring the removal of an article would have an impact on press freedom. Also, to the extent that such a power was used to remove published references to the complainant (which will often be the case), it would be achieving the same outcome as the right to erasure of personal data under the UK GDPR (the “right to be forgotten”) achieves in removing content from search engines, which could be a source of confusion.

8.15 For these reasons, and since, as I understand it, IPSO themselves would not favour such a change, I make no recommendation on this point. But it does highlight the risk that the remedies available to them will increasingly be seen as having more limited effect than in the past, and may strengthen the argument for a wider range of sanctions.

User comments and moderation

- 8.16** Publications with an online presence often offer readers the option of commenting on articles online. IPSO has handled complaints about such user comments, and indeed found against publications where a user generated comment was in breach of the Code. The topic of user comments – or below the line comments as some titles refer to them – is clearly an issue for both large and small titles. The IPSO decisions imply a degree of responsibility on the part of the publication for monitoring content, and timely removal of comments where they appear to breach the Code. Several of the editors we interviewed were concerned about the resource implications of this, and some were, in any event, taking a more sparing approach towards encouraging user comments on reputational grounds, or disabling them altogether. Others, with greater resources, had applied quite sophisticated monitoring systems using AI, with human moderation where concerns had been flagged, although even they clearly found this a difficult issue.
- 8.17** We detected some uncertainty among publishers about what is now expected of them on user comments, and the circumstances in which they might be held to be responsible for breaches of the Code. **I recommend that IPSO discuss experience of this issue with publishers, and consider issuing guidance on best practice and experience of applying the Code to such cases thus far.**

Media convergence and relations with other regulators

- 8.18** The common factor of online delivery has led to a greater degree of convergence among news providers. Newspapers and broadcasters have for many years coexisted as providers of news, but the two media were distinct. Increasingly both are delivering similar content online, and in doing so are having to coexist with, and to some extent be business-reliant on, big tech platforms which operate globally, until recently with little or no regulation. Growing awareness of online harms, and of the openness of social media to “fake news”, has led to increasing interest internationally in steps to bring a measure of content regulation. The current US Supreme Court cases on the extent of the big online platforms’ editorial responsibilities and their liability for the effects of harmful content offer an example.
- 8.19** In the UK, the Online Safety Bill, now before Parliament, is one result of this. If enacted, it will place duties on online platforms to remove illegal content and take proportionate measures to protect children from legal but harmful content, and give Ofcom powers to oversee and regulate compliance.
- 8.20** The Bill has been amended to exclude altogether content provided by “recognised news publishers”, and by placing a duty on platforms to protect journalistic content. Ofcom will therefore not play any part in the regulation of newspaper members of IPSO, and to that extent the boundaries are clear. But the fact that – subject to the passage of the Bill – Ofcom will assume such a role in online content regulation is in itself a very significant development. As observed above, this is not a static picture. Mainstream news publishers, regulated by IPSO, are already venturing into podcasts and video documentaries. Even in the relatively short term, it isn’t difficult to imagine more multi-media content delivery, and even greater convergence among the various providers. Where such products are the result of collaboration between IPSO-regulated publishers and other providers, there may well be an issue about where regulatory responsibility lies.

- 8.21** One other relevant point is that, although recognised news publishers are now outside the scope of the Online Safety Bill, the position of magazines with little or no news content is less clear. For historic reasons, magazines make up a substantial proportion of the IPSO membership, although they generate very few complaints. If they became subject to Ofcom regulation in relation to their measures to exclude harmful content, it would create a boundary between the regulators where there had been none before.
- 8.22** Likewise, the Information Commissioner’s Office (“**ICO**”) has an increasingly important role in relation to publishers’ handling of personal data, including complaints about problems with access to such data and difficulty in correcting it. In both these cases (Ofcom and the ICO), the division of regulatory responsibilities with IPSO is reasonably clear, and any issues over boundaries would no doubt be manageable with common sense and goodwill. But the direction of travel is inexorably towards a more integrated landscape, and, although there are already contacts at senior level, **I would encourage IPSO to establish deeper and more routine relationships with both statutory regulators.**
- 8.23** A further reason for a more integrated approach is the fact that, however clear the boundaries may be for practitioners, for the uninformed member of the public the current and emerging regulatory landscape is bound to be confusing. The ICO website, in its section on data protection and journalism, addresses this by including clear guidance on the roles of IPSO, IMPRESS and Ofcom, and the kinds of complaints which should be made to each, with links to the other regulators’ websites. Under the heading “Where else can I go for help?” the IPSO website has a summary table with website links, but it is less informative and does not include ICO or indeed IMPRESS. **In the refresh of the IPSO website which is now underway, I would encourage them, drawing on the ICO approach, to outline the regulatory landscape to give greater clarity to potential complainants.** Doing so might help to reduce the very large number of misdirected complaints which IPSO rejects each year at the initial stage.
- 8.24** Finally, reference has been made to the growing capability of artificial intelligence. AI is already in use in the news industry, in the form of the increasingly sophisticated algorithms which curate or aggregate news content and, within websites, offer content tailored to the interests of the reader. But recent publicity about applications such as ChatGPT, which can generate original responses to questions and other text drawing on huge quantities of information, have stirred mainstream interest in AI as a generator of news content. This seemed a long way from the experience or expectations of most of the editors and publishers we interviewed. But it already exists in less mainstream news media. We learned of one online provider which uses an AI editing facility to rewrite stories automatically, and – albeit with fact-checking by a human editor – to produce articles from scratch. There is also at least one fully AI-generated “news” website, with no human intervention and invented by-lines.
- 8.25** These developments, and other similar expansions of AI’s scope in areas previously the preserve of human agency, raise regulatory issues which regulators in other fields are beginning to address, chiefly around the risks associated with AI-driven systems, and how these can be mitigated by effective standard-setting and regulation. The traditional press publications which are regulated by IPSO may be the last to be touched by these developments, at least in their most advanced form, but it would be surprising if they were untouched by them. Also, their selling point, in an increasingly diverse news market, is the fact that their standards, including standards of accuracy, are set by the Editors’ Code, and regulated by IPSO. Indeed, IMPRESS has, at the time of finalising this report, launched its new Standards Code and included a change to its accuracy requirements – making specific reference to AI generated content. All of this suggests to me that, **between them, IPSO, the Editors’ Code Committee and the industry would do well to develop industry standards on the use of AI. IPSO should position themselves to contribute to that debate.**

8.26 Again, IPSO is well aware of the issue. In a small organisation, it is difficult to keep fully abreast of these developments, but I would encourage them to do so. **In the course of this review, I learned that there is in existence an informal group of regulators which meets regularly to share information and perceptions of the regulatory issues raised by AI. If they are not already in touch with this group, I would encourage IPSO to engage with it.**

8.27 Alongside these technology-driven changes in how news is generated and consumed, and partly stimulated by them, there have been broader changes in society which affect the context for IPSO's work. In a manner that would have been inconceivable a decade or so ago, what constitutes fact and truth is contested territory. "Fake news" proliferates. Based on deep divisions in world view, there is a greater readiness to argue that certain kinds of content should not be published, whether accurate or not, and to complain when it is. In considering such complaints IPSO and the press have a shared interest in protecting press freedom, but also in maintaining and emphasising the boundary between comment and factual reporting. IPSO is already having to navigate these waters, as are the publications it regulates. As with the technological changes described above, the safest assumption is that these trends will continue and are progressive rather than static.

IPSO's use of technology

8.28 IPSO is predominantly a people business, and rightly so. The judgements required in considering complaints and the interpersonal skills which IPSO staff deploy at the interface between complainants and publishers are quintessentially human. But the complaints process is also a business process, already supported by a case working database. The tech revolution at work in the news industry may well offer IPSO opportunities to streamline its processes. The most obvious are probably at the front end of the complaints process, in sifting out "out of remit" complaints, an area already under examination, and filtering complaints into appropriate workstreams. **I would encourage IPSO to consider what further use it can make of technology internally.**

Future Direction

8.29 My remit was not to set a new strategy for IPSO. They have been working on one themselves, and have told me that they will wish to review it in the light of this report. For the future, I would only offer a few pointers, based on impressions formed in the course of this review.

8.30 The first is that IPSO's main achievement in the first eight years of its existence has been to establish its position as a trusted regulator within an industry which is under pressure and increasingly aware that its main selling points are reliability and high standards of journalism. In my meetings with publishers and editors, a frequently expressed view was that the assurance provided by a credible regulator was vital to the industry in making that case. There is therefore a degree of mutual dependence, which may not always have been there in the past. **Arguably the benefit for the industry of having a credible, evidently independent regulator is the best guarantor of IPSO's independence.**

8.31 Winning the public argument and public confidence are, however, still very much works in progress. The Pilling Report's comment about the uphill nature of the task, given the history, is as apposite as ever. This suggests that, while not neglecting the day job of handling complaints fairly and impartially, **a principal focus for the coming period should be on raising public awareness and building IPSO's profile as a trusted champion of high editorial and journalistic standards.** This is not new territory for them, but even in this report I have identified a number of respects in which they could be more proactively transparent and informative about their work.

- 8.32 Secondly, the changes in the regulatory landscape described in paragraphs 8.19 to 8.23 make the case for a closer working relationship with other media regulators, notably Ofcom. In my meetings with the industry, I detected a little hesitation about the idea of getting closer to statutory regulators. But the fact is that there is an emerging media regulatory community, with significant common interests, which go beyond the clarification of boundaries. Notwithstanding the differences in philosophy and in the scale on which the two organisations operate, it would be no bad idea if such an effort included IMPRESS, if they were willing.
- 8.33 Third, I have been struck by just how fluid and subject to change IPSO's operating environment is. I have dwelt on technological and social changes, but the political prospect is also not wholly clear. In developing their new strategy, IPSO have scanned the scene, and their risk register identifies failure to adapt to changes in the industry as a strategic risk to be managed. But **they might consider building horizon-scanning more routinely into their management at Board level.** Although the organisation's small scale and other preoccupations limit the scope for doing much, the need to keep abreast, in particular, of leading edge technological developments affecting the industry, such as AI, also has implications for the capability mix in the team.



Governance

- 9.1 I encourage IPSO and the Appointments Panel to use each exercise to replace industry members of the IPSO Board as an opportunity to import very recent industry experience, particularly of digital/online news media (paragraph 2.11).

Funding

- 9.2 The current five year funding settlement and the intention to renew it for a further five years in 2025 give IPSO a firm basis for planning; but I would encourage IPSO and the Regulatory Funding Company to put the commitment to quinquennial funding beyond doubt by reconsidering the recommendation in the Pilling Report for amendments to both bodies' Articles of Association (paragraphs 2.22 and 2.23).
- 9.3 I would encourage IPSO to be more transparent about funding in public documents such as its Annual Report (paragraph 2.24).

Management

- 9.4 IPSO the organisation struck me as well managed and led. Like many others, it went through a difficult period during the COVID lockdowns, which highlighted the importance of staff being together for at least a few days each week. Plans for a new office should take this into account. Management should continue to work to build an effective and well-motivated team (paragraphs 2.36 to 2.42).

Complaints

- 9.5** The initial sift to identify “out of remit” complaints is, I observed, done conscientiously. The process as followed may be over-elaborate, particularly in third party cases. Provided its essential fairness is protected, I would encourage IPSO to continue to explore ways of simplifying it (paragraph 3.10).
- 9.6** IPSO could, with benefit, be clearer about the circumstances in which the 28 day period can be reduced, and in particular the scope for complainants to shorten the process. On the face of it, there is an inconsistency between the advice on the website and the line taken by IPSO in its response to the Pilling Report (paragraph 3.16).
- 9.7** The investigative stage calls for delicate handling and good judgement. The complaints officers show a good understanding of these challenges, and for the most part get the balance right (paragraph 3.20).
- 9.8** The papers put to the Complaints Committee are of good quality, clearly drafted, and correctly identifying the issues for discussion (paragraph 3.23).
- 9.9** Although the Complaints Committee should not be entirely precedent-driven, it should do all it can to promote consistency in decision-making through the systematic use of relevant precedents (paragraph 3.26).
- 9.10** There is a case for adding to the remedies available to IPSO for breach of the Editors’ Code a requirement to publish an apology. The issue is substantial enough to be considered in the next review of the Regulations (paragraph 3.37).
- 9.11** It is clear from our interviews and other feedback from complainants that timeliness of decision-taking is an issue for some. IPSO takes this seriously, but could do more to explain the issue to its stakeholders and the interested public. I recommend the adoption of published targets for the time taken to conclude investigations, with summary figures included in the annual report, along with an explanation of the factors which affect the outcome (paragraph 3.41).

- 9.12** There should be further consideration of the grounds on which a complaints decision can be reviewed. A possible approach would be to import something of the spirit of judicial review as it has developed in English administrative law, including a ground of unreasonableness, or perhaps to consider using a test of manifest error. Whether such a change is made or not, there should be guidance for complainants on the limitations of review (paragraphs 3.49 to 3.51).

Standards

- 9.13** IPSO’s efforts to identify trends in complaints and emerging compliance issues are generally working well. The standards and complaints staff are operating as a team, and the Liaison Committee is a useful development (paragraph 4.17).
- 9.14** I would encourage the team to adopt a similarly systematic approach to identifying emerging problems in individual publications. This could involve “profiles” of individual publications, and criteria or thresholds for triggering a closer look at those complaints which have been resolved during the 28 day reference period (paragraph 4.20).
- 9.15** IPSO is right to be in the guidance business, and to be ready to tackle the most sensitive issues. Provided it is grounded in the Editors’ Code, preparing and issuing guidance of this kind for editors is an essential part of the regulator’s role (paragraph 4.38).
- 9.16** IPSO should re-examine its guidance to take account of differences in the Scottish context and amend or expand it as necessary (paragraph 4.39).

Standards Investigations

- 9.17** Although the case of the Jewish Chronicle can be argued either way, the fact that it did not lead to a standards investigation, and IPSO's success, over a period, in improving the publication's standards through guidance and training, suggest that the likelihood of such an investigation being mounted in future is remote. This is not to imply that IPSO should have mounted an investigation for the sake of having one. They should not (paragraphs 4.28, 7.16 and 7.17).

Privacy notices

- 9.18** The system of privacy notices is working well (paragraph 4.48).

Whistle-blowing hotline

- 9.19** The hotline receives very few calls, and IPSO were unable to point to any case in which a call had led to investigation of potential breaches of the Code. IPSO should review whether more could be done to raise awareness among journalists (paragraph 4.51).

Arbitration Service

- 9.20** The service is now available and well-designed for its purpose, but take-up has been disappointingly low. While underlying demand may well be limited, IPSO should do more to market it. One option, which they are considering and which I would encourage them to pursue, is to approach the Civil Procedure Rule Committee and Media and Communications List User Group about the possibility of judicial guidance, court guides and/or practice directions highlighting the availability of the service (paragraph 5.10).
- 9.21** In its refresh of its website, IPSO should update the materials there on the arbitration service (paragraph 5.10).

Communications

- 9.22** The refresh of the IPSO website should also pay specific attention to means of improving guidance and support for potential complainants. The option of a handbook for complainants might also be considered (paragraph 6.9).
- 9.23** The IPSO Annual Report is attractively presented and accessible, but less a document of record than interested observers might expect. It might include, in particular, more information about complainants' feedback, timeliness of decision-taking and funding. The planned review of communications infrastructure is an opportunity for a reset (paragraph 6.13).

Independence

- 9.24** The decisive say which the industry has in defining the scheme and setting the regulations, taken together with its ownership of the Editors' Code, are significant constraints on IPSO's independence. The second of these is the most significant respect in which the governance of IPSO does not comply with Leveson's recommendations (paragraph 7.4).
- 9.25** In practice, however, the governance arrangements succeed, to a significant extent, in creating an arm's length relationship for operational purposes (paragraph 7.4).
- 9.26** I detected no sign of improper influence by the industry on complaints decisions, or that decisions were taken in other than an impartial way (paragraphs 3.29 and 7.4).
- 9.27** Within the constraints of the governance structure, IPSO seemed to me to be operating independently (paragraph 7.4).

Public confidence

- 9.28** Despite the progress made in the last eight years, particularly in gaining acceptance in the industry it regulates, winning public confidence in IPSO's independence and effectiveness remains an uphill task. If the industry and IPSO were ready to address this by making changes in the regulatory scheme, the possibilities would include:
- 9.28.1** Making IPSO responsible for editorial standards, advised by the Editors' Code Committee, composed largely as at present.
 - 9.28.2** Expanding the sanctions available for individual breaches of the Code, to include fines in more serious cases. This could include introducing the concept of a serious breach of the Code, which, if established, carried the possibility of more severe sanctions (paragraphs 7.19 and 7.20).
- 9.32** To address the deficit in public understanding of the changing regulatory landscape, IPSO should include in its refreshed website fuller information about the other complaints-handling bodies and what they do, with web links (paragraph 8.23).
- 9.33** IPSO, the Editors' Code Committee and the industry would do well to develop industry standards on the use of artificial intelligence (AI). IPSO should position themselves to contribute to that debate, and engage with other regulators in doing so (paragraph 8.25 and 8.26).
- 9.34** IPSO should consider what further use it could make of technology internally (paragraph 8.28).
- 9.35** A principal focus for IPSO in the coming period should be on raising public awareness and building their profile as a trusted champion of high editorial and journalistic standards (paragraph 8.31).
- 9.36** IPSO might consider building horizon-scanning more routinely into their management at Board level (paragraph 8.33).

The Future

- 9.29** The move to digital, online delivery of news has not altered IPSO's fundamental role in considering complaints, but it has reduced the "reach" of its sanctions for breaches of the Editors' Code, and complicated the question of what constitutes due prominence for the placement of a correction of the text of an adjudication. Publishers and editors would welcome guidance on this. IPSO plan to issue such guidance, and should give priority to doing so (paragraphs 8.11 and 8.12).
- 9.30** IPSO should discuss with publishers the issues which arise in dealing with complaints about online comments by readers, and consider issuing guidance on best practice and experience of applying the Code in such cases (paragraph 8.17).
- 9.31** The landscape of media regulation is evolving and converging. I would encourage IPSO to develop deeper and more routine relations with Ofcom and the Information Commissioner's Office (paragraph 8.22).

1. The External Review will report on how effectively IPSO is fulfilling its role as regulator of the UK newspaper and magazine industries. It will examine whether IPSO has been faithful to its publicly stated principles and values and consider how IPSO regulation has adapted to changes in its external environment.
2. Looking forward, it will consider what IPSO should do to prepare itself for a future that may look very different and what resources it may need to achieve its objectives, making recommendations where appropriate.
3. The review will consider the following issues:

Independence and governance:

4. How and to what extent IPSO has established itself as an independent, credible, and well-managed organisation?
5. This may include consideration of:
 - a. Governance arrangements, including the appointments and functioning of the Appointment Panel, Board and Complaints Committee.
 - b. The operation of the funding mechanism, including how funding is agreed and received.
 - c. Relationships with stakeholders, including regulated publishers, the Regulatory Funding Company, and Government.
 - d. The breadth of IPSO's membership and the extent to which it reflects the diversity of the UK newspaper, magazine, and digital news businesses.
 - e. The continuing impact of the post Leveson legacy including the Press Recognition Panel and Section 40 of the Crime and Courts Act.

Effectiveness:

6. How effectively is IPSO achieving its stated objectives and meeting the needs of those who use its services?
7. This may include consideration of:
 - a. The accessibility of IPSO's functions to the public, the quality of its customer service and support to the public, particularly those who are vulnerable or need adjustments to enable them to engage with its services.
 - b. The timeliness and quality of its systems for assessing and responding to complaints, the judgements reached on investigated and non investigated complaints, the appropriateness of the remedies required, and the effectiveness of the independent review function; and the available evidence as to the view of complainants on the relevance of IPSO's remit and the extent to which it meets their needs.
 - c. The quality and impact of its work on editorial standards, including the effectiveness of its standards monitoring and compliance activities; its ability to identify and intervene to address standards failures, and its preparedness to conduct a standards investigation.
 - d. The quality, uptake and impact of its privacy notice and pre-publication advice services.
 - e. The quality, uptake and impact of its arbitration services.
 - f. The quality, uptake and impact of its external communications about its activities.

The future:

8. How well has IPSO adapted to change in its strategic context and what should it do to prepare itself for the future?
9. This may include consideration of:
 - a. The quality and speed of IPSO's response to the short and long term challenges posed by the Covid pandemic.
 - b. Changes to IPSO's regulation since it was last independently reviewed by Sir Joseph Pilling, including the introduction of global digital publisher status.
 - c. Challenges IPSO is likely to face in the future and how well it is equipped to deal with them, including the increasing role of social media, as regulated by Ofcom, and changes to the financial model of the UK press.

Annex B

List of Interviewees

Oral evidence:

1. Lord Faulks
Chair, IPSO
2. Charlotte Dewar
Chief Executive, IPSO
3. Robert Morrison
IPSO
4. Jane Debois
IPSO
5. John Davidson
IPSO
6. Tonia Milton
IPSO
7. Alice Gould
IPSO
8. Emily Houlston-Jones
IPSO
9. Nathalie Johnson
IPSO
10. Molly Richards
IPSO
11. Martha Rowe
IPSO
12. Sarah Hamilton
IPSO Independent Complaints Reviewer
13. Tristan Davies
IPSO complaints committee member
14. Helyn Mensah
IPSO complaints committee member
15. Martin Trepte
IPSO board member
16. Shrenik Davda
IPSO board member
17. Jonathan Grun
Editors' Code Committee
18. Lord Triesman
Chair, Appointments Panel
19. David Newell
Regulatory Funding Company
20. Pia Sarma
The Times
21. Ian Brunskill
The Times
22. Robert Winnett
The Telegraph
23. Ben Clissitt
The Telegraph
24. Peter Wright
Associated Newspapers
25. Robyn Kelly
The Mail on Sunday
26. Alison Phillips
The Daily Mirror/Reach
27. Jess McAree
The Sun
28. Richard Burton
The Jewish Chronicle
29. Matt Rogerson
The Guardian
30. Gill Phillips
The Guardian
31. John McLellan
The Scottish Newspaper Society
32. Steven Henry
Scottish Daily Mail
33. Catherine Salmond
The Herald
34. Alan Young
The Scotsman
35. Frank O'Donnell
DC Thomson
36. Joe Churcher
DC Thomson
37. Graham Huband
DC Thomson
38. Magnus Llewellyn
The Times (Scotland)
39. Adrian Rutherford
The Belfast Telegraph
40. Eoin Brannigan
The Belfast Telegraph
41. Martin Breen
The Belfast Telegraph
42. Tom Turner
Mediahuis
43. Rosie Nixon
Hello!
44. Holly Nesbitt-Larking
Hello!

45. Fraser Nelson
The Spectator
46. Andrew Harrod
Barnsley Chronicle
47. Sebastian Cuttill
The Professional Publishers Association
48. Joanne Butcher
National Council for the Training of Journalists
49. Matt Cooke
Google News
50. Tom Morrison-Bell
Google News
51. Carly Kind
Ada Lovelace Institute
52. Susie Uppal
Press Recognition Panel
53. Kathryn Cearns
Press Recognition Panel
54. Paul Wragg
University of Leeds
55. Jonathan Portes
King's College London
56. Bruce Phillips
57. Sandra Klemm
58. David Morris MP
59. Paul Critchley
Radcliffe School
60. Linda Jones
61. Miqdaad Versi
Centre for Media Monitoring
62. Paul Keoghan
Risk Management Authority
63. Margaret Smith
Risk Management Authority
64. David C H Ross
65. Adam Baxter
Ofcom
66. Ali-Abbas Ali
Ofcom
67. Tom Hardy,
Extinction Rebellion Media Engagement
68. Ed Procter and Richard Ayre,
IMPRESS
69. Richard Burton
The Jewish Chronicle
70. Jonathan Portes
King's College London
71. Thomas Turner
Mediahuis
72. Jonathan Grun and Neil Benson
The Editor's Code Committee
73. Nicki Schroeder
Reach PLC
74. Wynne Jones
Big Gee's Blog
75. Chris Jezewski
Polish Media Issues
76. Mark Fletcher
77. Archie Unwin
78. Allison Conlon
79. Alecia Brown
80. Elizabeth Hudson
81. Brian McKeown
82. Maureen Fitzgerald
83. Alan Anderson
84. Martin Lowe

Board members

- Lord Faulks
Chair of IPSO and barrister
- Matt Brown
Director of news and external relations for Transport for London
- Shrenik Davda
Longstanding career in emerging markets banking
- Charles Garside
Former editor and journalist
- Eddie Gray
Former senior manager in pharmaceuticals and biotechnology
- Sarah Lee
Solicitor
- Brendan McGinty
Former editor and journalist, currently running a communications consulting company
- Ian MacGregor
Chair of the Society of Editors and Emeritus Editor of The Telegraph
- Michaela McAleer
Chief Executive, Pharmaceutical Society, Northern Ireland, former Acting Deputy Ombudsman at the Northern Ireland Public Services Ombudsman
- Barry McIlheney
Former CEO of the Professional Publishers Association
- Kavita Reddi
Co-Founder of Voxta, an AI voice bot start-up
- Martin Trepte
Former editor and journalist

Complaints Committee

- Lord Faulks
Chair of IPSO and barrister
- Andrew Pettie
Consultant, contributing editor and writer
- Nazir Afzal OBE
Former Chief Crown Prosecutor for the North West of England
- Andy Brennan QPM
Former Deputy Director in the National Crime Agency and senior police officer in the West Yorkshire Police
- David Hutton
Chair of the IPSO Readers' Panel, former head teacher
- Alastair Machray
Former editor and now runs a media consulting business
- Helyn Mensah
Barrister
- Asmita Naik
Independent consultant on international development and human rights and magistrate
- Mark Payton
Former editor and journalist
- Allan Rennie
Honorary Professor of Journalism at the University of Stirling and Non-Executive Director of NHS Forth Valley, former editor
- Miranda Winram
Former Head of Strategy and Insight and Board Member of Forest Enterprise

Appointments Panel

- Lord Triesman
Chair of the Appointments Panel and Labour Peer
- Geraldine Allinson OBE
Director for Iliffe Media Group Ltd
- Chris Evans
Editor of the Telegraph
- Lord Faulks
Chair of IPSO and barrister
- Victor Olowe
Governance consultant
- Catherine Steele
Group Director of Vodafone's Corporate Communications

Editors' Code Committee

- Neil Benson
Chair of the Editor's Code Committee
- Jonathan Grun
Secretary of the Editor's Code Committee
- Ian Carter
Editorial Director at the KM Group
- Sarah de Gay
Former solicitor and visiting professor
- Charlotte Dewar
CEO of IPSO
- Christine Elliott
Executive coach and mentor with the ExGo Group
- Chris Evans
Editor of the Telegraph
- Lord Faulks
Chair of IPSO and barrister
- Anna Jeys
Audience and content director with Reach Birmingham
- Gary Jones
Editor of the Daily Express
- Frank O'Donnell
Editor-in-Chief of the Press & Journal
- Tina Sany-Davies
Chief Compliance Officer and Group Deputy General Counsel at Bauer Media
- Gary Shipton
Editorial director at JPIMedia
- Kate Stone
Founder of Novalia, a Cambridge-based technology company
- Ben Taylor
Editor of the Sunday Times
- Ted Verity
Editor of the Daily Mail

Regulatory Funding Company

- Peter Wright
RFC Chair and Editor Emeritus, DMG Media
- Lord Black of Brentwood
Deputy Chair, Telegraph Media
- Chris Duncan
Chief Executive, Bauer Media UK
- Jeremy Clifford
Editor in Chief, JPi Media
- Dominic Fitzpatrick
Managing Director, Irish News
- Victoria Hewitt
Director of Operations, The Barnsley Chronicle
- Andy Williams
Chief Revenue Officer, DC Thomson Publishing
- Simon Fuller
Chief Financial Officer (Nationals Division), Reach Plc
- Angus McBride
General Counsel, News UK

Annex D

Summary of Complainant Meetings and Process

1. In the course of the review, we met seven complainants who had recently been through the IPSO process. I was also approached by two separate complainants whom I interviewed. This Annex sets out the process relating to and views of the seven complainants we spoke to. The views of the two complainants who approached me and were interviewed separately and of complainants who made written submissions have been taken into account in drafting my report.

Process

2. In order to obtain consent for complainants' data to be shared with us, IPSO emailed complainants to obtain their consent. The sample was selected based on the following criteria:
 - a. Complainants who had their investigated complaints concluded in the three month window preceding the request to provide consent to be contacted regarding their complaint.
 - b. The sample did not include unidentified complainants and any summary complaints (i.e. cases where IPSO had received a large volume of complaints on a point of general fact).
 - c. Three complainants were also excluded from the sample given concerns regarding vulnerabilities.
3. IPSO contacted 23 complainants to request their consent for me to contact them to arrange a virtual meeting. The complainants were given seven days in which to provide their consent. 10 complainants responded providing their consent for their contact information to be passed to me to arrange a meeting to discuss their experience of the IPSO process.
4. Of the 10 complainants, two never responded to our invitation, one arranged a meeting but then did not attend; but we did manage to speak to the remaining seven.

Profile of the seven complainants

5. In terms of the profiles of the complainants we spoke to:
 - a. The seven complainants were a mixture of individuals who had never made a complaint to IPSO before, organisations and an individual with experience of being in the public eye (but had never made a complaint before).
 - b. The publications, against whom complaints had been made, ranged from national titles to smaller local newspapers. The underlying complaints related to various sections of the Editor's Code.
 - c. There was also a range of outcomes – from no breach, finding of a breach (resulting in the publication of a correction or an adjudication) to IPSO-mediated outcomes.

Summary of interviews with complainants

Delay:

- a. A common issue raised by complainants was that the process is long. One complainant (an organisation) commented that the process was “shockingly long”. While complainants said this did not deter them from continuing with the complaint, a couple of complainants did say that they felt it could deter others. One complainant said that they felt worn down by the time they got to the end of the process. Not every complainant felt that the process was too long but this did tend to correlate with the length of time actually taken to reach a resolution.
- b. Another comment was that engaging in the process was quite time consuming for individuals or even organisations with more resources. They commented that the timeframes in which they were expected to respond were quite short (sometimes seven days). This comment may seem at odds with the view that the process takes a very long time, but the experience seemed to be of long gaps waiting for a response followed by a relatively short deadline to provide information.

Process:

- a. With one exception, complainants had found the IPSO staff professional, helpful and timely in their responses. The one complainant who was less positive felt that the staff could have been more helpful in guiding them through the complaints process.
- b. One complainant said that they felt that slightly more comprehensible English could be used sometimes but the others did not have any issues with the language used and did not find the process overly legalistic.
- c. One complainant said he had asked for his name not be shared with the publication but that this was done anyway. (Since IPSO will not pursue anonymous complaints, this suggests that he hadn't taken on board the warning they give to that effect.)

Outcomes and remedies:

- a. One complainant was critical of the outcome of their complaint and felt that IPSO had favoured the journalists, as opposed to them as a complainant. However, as noted above generally complainants found IPSO staff to be helpful, quick to respond to queries and in turn they also found the Complaints Committee to be impartial. While several complainants remained unhappy with the outcome of their complaint most complainants thought the process was fair, even if their desired outcome was not achieved. Those that had complaints relating to opinion pieces were unclear about the distinction between opinion pieces and reporting, and why the two were treated differently. While the division was clear in some circumstances, one complainant felt that too much of a distinction was drawn between the two when it came to complaints regarding accuracy.
- b. Two of the complainants we spoke said that they thought IPSO should potentially have recourse to experts in certain fields, if that was needed to consider the accuracy of an article. They raised the point that where the accuracy of the article relates to an area that is very technical, it can be more difficult for the complaints handlers and Complaints Committee to assess the complaint.
- c. In terms of the remedies available to IPSO, the complainants interviewed were not interested in the award of fines or penalties. However, they did seem concerned with ensuring that remedies were taken seriously by the publication. One complainant noted that they had been offered an apology by the publication during the 28 day referral stage, but had insisted that the case be taken to the Complaints Committee, which had found in their favour. They would have liked an apology, and had been disappointed that this was not a remedy the Committee could require at that stage.

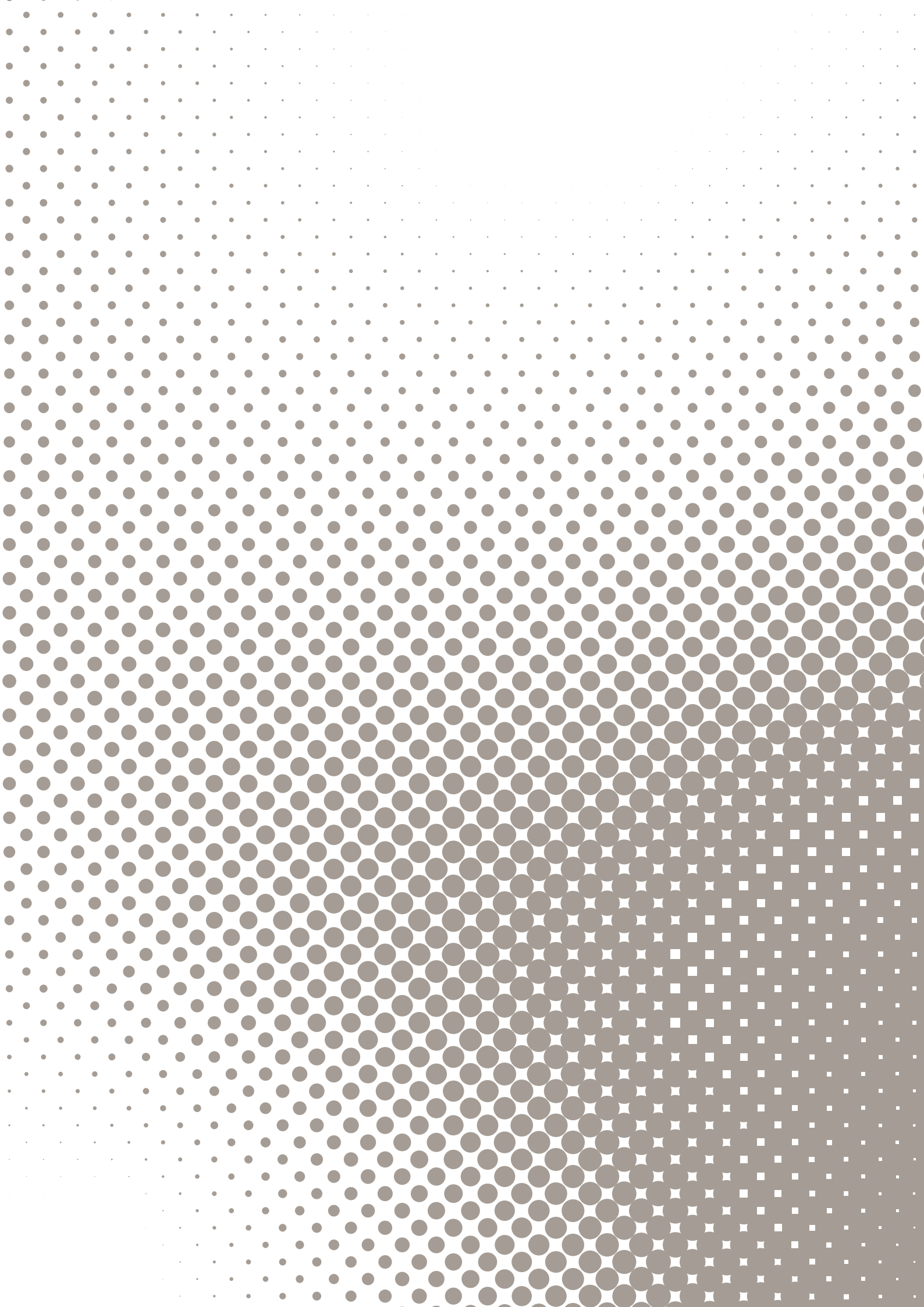
- d. In terms of online publications and the remedies applicable to online articles:
 - i. One complainant noted that the correction was published at the bottom of the online article. They noted that given readers are less likely to read to the bottom of an article, they felt the remedy was not as impactful given someone may not read to the bottom of the article.
 - ii. Another complainant noted that the apology which was given was printed on a separate page and was not linked to the online article (which was not taken down).
- e. Finally, one complainant was not happy that the decision had been published on the IPSO website, which they felt drew more attention to the issue that they had complained about in the first place. However, this really seemed to be down to the complainant not really understanding that a decision would be published, as opposed to any failing on IPSO's part.

Appeal process:

- a. One complainant (part of an organisation that regularly makes complaints) felt that there should be a more substantive appeals process. The complainant felt that in exceptional circumstances where the decision was fundamentally wrong, there should be a route of appeal.

Guidance available:

- a. Another point that was raised by a few of the complainants who had had no experience of making a complaint was that while there was helpful guidance about specific topics on the website, which was aimed at the public, they felt that there could have been a better guidebook or pamphlet available which would explain issues like [1] how to frame a complaint in a way that could be understood by the complaints handler, [2] the different stages of the process, [3] the different decision making bodies in IPSO (from complaints handlers who deal with the complaints to the Complaints Committee) and [4] the different options available (mediated settlement/adjudication) and what remedies are available at the Complaints Committee stage.





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