

BRITAIN'S CHANGING MEDIA ACCOUNTABILITY SYSTEMS: THE ESTABLISHMENT AND ACTIVITIES OF THE INDEPENDENT PRESS STANDARDS ORGANISATION (IPSO)*

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I. *Preface*

On 8 September 2014, the Independent Press Standards Organisation (IPSO)¹ replaced the Press Complaints Commission (PCC) as Britain's preeminent media accountability system for the print media. After attracting the world's attention for some twenty-three years and eight months as a representative model for domestic self-regulation of the press everywhere, the PCC simply ceased to exist, and a fragmented system, unsupported by some major newspaper publishers, was created in its place.

This was clearly a case of history repeating itself. I say that because, back in January 1991, the PCC had itself appeared on the scene under similar circumstances. The PCC was established as a new self-regulatory body for the handling of complaints of malpractice against newspaper and magazine publishers, replacing the Press Council in accordance with various recommendations made by the first Calcutt Committee² in June 1990. Over the years, the PCC came to be promoted as a user-friendly dispute resolution and mediation service that was "Fast, free and fair", only to be disbanded after the Leveson Inquiry of 2011-2012 identified a number of serious deficiencies in the particular model of self-regulation it provided.

In this paper, I discuss the background to the establishment of IPSO two years ago and some aspects of its current functions as it continues to evolve and gain prominence as Britain's leading media accountability system for the newspaper and magazine publishing industry.

* This article is an updated translation of one published in (2016) 15(1) *Hitotsubashi Hōgaku (The Hitotsubashi Journal of Law and International Studies)* 19. That work was intended to serve as a concise supplement to my book *Hōdō higaisha no hōteki-rinriteki kyūsairon: gohō-kyohō no Igrisu-Ōsutoraria no taiō o chūshin to shite* [Legal and Extra-Legal Remedies for Harm Caused by Media Reporting, Focusing on the British and Australian Approaches to the Problem of False Reporting] (Tōkyō: Yūhikaku, 2010), in which I stressed the importance of extra-legal remedies, as provided by media accountability systems such as Britain's Press Complaints Commission (PCC) and Ofcom, as an alternative to litigation. The concept of media accountability systems and the history and activities of the PCC were discussed in detail in chapters 8 and 9 of that work respectively, and the choice and arrangement of material in this article reflect the contents of those.

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¹ The IPSO website can be found at www.ipso.co.uk. The information contained in this article is sourced primarily from that website on account of the relative paucity of reliable information published elsewhere to date.

² Home Office, *Report of the Committee on Privacy and Related Matters* (Report of the Calcutt Committee) (Cm 1102) (London: HMSO, 1990).

II. *Reasons for the Establishment of IPSO: The Press Complaints Committee and Leveson Inquiry*

On 29 November 2012, the Inquiry into the Culture, Practices and Ethics of the Press (Leveson Inquiry), which had been set up in response to widespread public concern about unlawful conduct, such as phone hacking, and other unethical behaviour by some sections of the media, released its 1,987-page Report³ and 46-page Executive Summary.⁴ The contents were well received by victims of press abuse, but the politicians who were expected to legislate forthwith in accordance with Lord Justice Leveson's recommendations would spend several months wrangling over their response.

In his Executive Summary, Lord Justice Leveson outlined the PCC's shortcomings as follows⁵:

I unhesitatingly agree with the Prime Minister, the Deputy Prime Minister and the Leader of the Opposition, who all believe that the PCC has failed and that a new body is required. Mr Cameron described it as "*ineffective and lacking in rigour*", whilst Mr Miliband called it a "*toothless poodle*". The Commission itself unanimously and realistically agreed in March 2012 to enter a transitional phase in preparation for its own abolition and replacement.

The fundamental problem is that the PCC, despite having held itself out as a regulator, and thereby raising expectations, is not actually a regulator at all. In reality, it is a complaints handling body. Scarcely any less profound are the numerous structural deficiencies which have hamstrung the organisation. It lacks independence. The Editors' Code Committee which sets the rules is wholly made up of serving editors and is separate from the PCC. Its members are appointed by the Press Standards Board of Finance ("PressBoF"), itself entirely made up of senior industry figures, which also controls the PCC's finances and the appointment of the PCC Chair. Financially, the PCC has been run on a tight budget and without the resources to do all that is needed.

Voluntary membership and the concentration of power in relatively few hands has resulted in less than universal coverage. Whatever the reasons and whether or not justified, the departure of Northern & Shell was a major blow to the purpose and credibility of the PCC. ... Furthermore, in reality, its powers are inadequate, especially regarding the right to conduct an effective investigation: the PCC is at the mercy of what it is told by those against whom complaint was made.

In any event, such powers as the PCC has appear to have been under-utilised. Further, even when complaints are upheld, the remedies at its disposal are woefully inadequate and

³ The Right Honourable Lord Justice Leveson, *An Inquiry into the Culture, Practices and Ethics of the Press: Report, Volumes I-IV* (HC 780) (London: The Stationery Office, November 2012).

⁴ For more information about the Leveson Inquiry in Japanese, see Ginko Kobayashi, "*Ei Rebeson iinkai hōkokusho no gaiyō*" in 741 *Shinbun Kenkyū* 60 (April 2013); Ginko Kobayashi, "*Dokuritsu kisei-kantoku kikan setchi ni yoyatō ga kihon gōi: sakiyuki wa futōmei*" in 741 *Shinbun Kenkyū* 64 (April 2013); Yasuhiko Tajima, "*Igirisu no puresu kisei no dōkō: Nihon no kadai ni mo kakawatte*" in 741 *Shinbun Kenkyū* 56 (April 2013).

⁵ *Executive Summary*, [41]-[46]. Some punctuation has been added to aid comprehension. I have taken the liberty of quoting directly at length here rather than paraphrasing so that Japanese readers can compare the original text with my Japanese translation in the previous version of this article.

enforceable only by persuasion. ... I do not consider that the power to issue adverse adjudications holds quite the fear that the editors suggest (save, perhaps, only to their pride). I have already referred to the lack of disciplinary action against journalists following criticism by the PCC, but neither is there any comeback or criticism of the editors who are ultimately responsible for what is published.

In practice, the PCC has proved itself to be aligned with the interests of the press... When it did investigate major issues, it sought to head off or minimise criticism of the press. ... [I]ts attempts to investigate phone hacking allegations, which provided support for the *News of the World*, lacked any credibility: save for inviting answers to questions, no serious investigation was undertaken at all. ...

The PCC has not monitored press compliance with the Code and the statistics which it has published lack transparency. Even what the organisation was able to do well – namely, complaints handling and anti-harassment work – was restricted by a lack of profile and a reluctance to deal with matters that were the subject of civil litigation. That latterly high profile complainants almost invariably turned to the courts instead of using the PCC speaks volumes.

In response to Lord Justice Leveson's recommendations for the creation of a "genuinely independent and effective system of self-regulation",⁶ the Press Recognition Panel (PRP)⁷ was established on 3 November 2014 under the *Royal Charter on Self-Regulation of the Press*. The somewhat unusual choice of Royal Charter as mechanism in preference to an ordinary Act of Parliament was intended to ensure that the PRP remained totally independent and free of external influence.

The PRP's main role is to consider applications from press regulators seeking to be recognised as effective. In order to be recognised, an applicant must satisfy twenty-nine Recognition Criteria listed in Schedule 3 of the Royal Charter. The Recognition Criteria are intended to confirm that the applicant is independent, able to protect the public from unlawful activities carried out by the press, and able to provide prompt and proper redress where such activities are shown to have taken place. The PRP will periodically review and report on the activities of an approved regulator to ensure that it continues to meet the Recognition Criteria. Where a regulator no longer meets those criteria, the PRP Board can withdraw recognition.

As an independent body overseeing the activities of press regulators, the PRP has no control over regulators or media organisations and cannot require that they apply for recognition by the PRP. Applying for recognition is voluntary, but a publisher who is not a member of an approved regulator may be placed at a disadvantage in litigation in comparison with one who is. Under section 34 of the *Crime and Courts Act 2013*, a publisher who is not a member of an approved regulator faces the threat of exemplary damages in defamation and invasion of privacy cases. In the future, when section 40 enters into force, a publisher who chooses not to be a member of an approved regulator will also have to pay the legal costs of both parties to the litigation regardless of which party wins. Another difference is that where a publisher who is a member of an approved regulator is sued by a complainant rather than taken to arbitration,⁸ the claimant will bear the legal costs of both parties regardless of the outcome

⁶ *Executive Summary*, [51].

⁷ The PRP website can be found at www.pressrecognitionpanel.org.uk.

⁸ In July 2016, IPSO launched a one-year pilot arbitration scheme for legal claims against the press, to be run by the

of the litigation.

The financial incentive to seek recognition is thus substantial. In spite of this, IPSO has stated that it does not intend to seek recognition from the PRP. In fact, it was not until 25 October 2016 that the first press regulator, IMPRESS (The Independent Monitor for the Press), was approved by the PRP Board.⁹ Not surprisingly, IMPRESS promotes itself as “the first truly independent press regulator in the UK” and “the only press regulator to meet Lord Justice Leveson’s recommendations”, and has been officially endorsed by the National Union of Journalists (NUJ). Nevertheless, its membership remains small and is dominated by minor publications.

III. *The Activities of IPSO*

1. Introduction

IPSO was established as a community interest company (CIC),¹⁰ and enters into a Scheme Membership Agreement with each of the newspaper, magazine, and electronic news publishers seeking membership. It emphasises the fact that the member publishers have chosen to bind themselves contractually by voluntarily entering into an agreement under which they bear a legally enforceable obligation to comply with the rulings of a self-regulatory body.¹¹ It also recognises that “the resolution of complaints is only part of the work of a regulator” since “regulation requires monitoring, appraisal and sanction”.¹²

In sharp contrast to the PCC, IPSO is endeavouring to become a strict regulator that is both independent of the press and proactive in investigating serious breaches of ethics and applying sanctions. On its inauguration, the Chairman stated:

IPSO aims to help rebuild public trust in the press through independent, fair and transparent regulation. Its role as an independent regulator is to provide support and redress for victims of press abuse. To raise standards is to protect the public from abuse. The Board and I believe that the freedom of the press can best be maintained by supporting and enhancing standards through an independent regulator. To achieve that aim, we are committed to establishing and demonstrating our independence.

Centre for Effective Dispute Resolution (CEDR) as a separate service from IPSO’s regulatory complaints handling service. IPSO expects the use of arbitration will “provide a cost-effective, straightforward and quick method of solving legal disputes between claimants and participating members of the press”. Participation is voluntary, and both parties agree to binding arbitration by specialist barristers, under which the arbitrator may require, where appropriate, the provision of remedies and/or the payment of costs by one party to the other. The kinds of legal claims envisaged are those relating to defamation, misuse of private information, breach of confidence, malicious falsehood, harassment, and data protection.

⁹ The IMPRESS website can be found at www.impress.press.

¹⁰ For an explanation of this concept in Japanese, see *Shakaiteki kigyō ni tsuite no hōjin seido oyobi shien no arikata ni kansuru kaigai genchi chōsa hōkokusho (Naikakufu seisaku tōkatsukan (keizai shakai shisutemu tantō) itaku chōsa)* (March 2011), 2-13.

¹¹ See, for example, Sir Alan Moses, “Whither IPSO (IPSO and the Future of Press Regulation)” (Speech at London School of Economics, 12 March 2015) and Sir Alan Moses, “Speech to the Media Law Resource Center Conference” (29 September 2015).

¹² *Id.*

Where standards have been breached, we will apply sanctions and seek redress. Where we see patterns of poor behaviour, we will pursue change. Democracy depends on a free but fair press. Through independent regulation, IPSO will make an important contribution to that vital objective.¹³

The Press Release continued:

Subscribing publications will be expected to deal fairly and swiftly with complaints from their readers, with IPSO available to support members of the public who feel that their concerns are not being addressed properly. IPSO will monitor the complaints handling procedures of its subscribing publications with expectations of clarity, efficiency, fairness and transparency.

In its first year of operations, IPSO regulated some 3,108 publications (1,503 printed and 1,605 online publications) published by a total of 85 separate entities.¹⁴ Nevertheless, some major quality papers – including *The Financial Times*, *The Guardian*, *The Independent*, and *The Observer* – chose to handle complaints in-house rather than seek membership.

In explaining the reasons for *The Financial Times* not joining, its editor, Lionel Barber, cited the fact that “more than three-quarters of [its] readers are now outside the UK” and its “main competitors are global news organisations, each of which applies its own system of independent regulation” (i.e. internal media accountability system) rather than submitting to a domestic system of self-regulation.¹⁵ Similarly, *The Guardian* argued that in an era of global news transmission, “it is increasingly clear that press regulation within national boundaries is no longer feasible”, and that lingering concerns about IPSO’s lack of independence justified the adoption of a wait-and-see approach for the time being.¹⁶

2. The Editors’ Code of Practice

Compliance with the *Editors’ Code of Practice*, which is the cornerstone of the IPSO system of self-regulation, is enshrined in the Scheme Membership Agreement between IPSO and newspaper, magazine, and electronic news publishers. The editors and journalists of the major newspapers which have not joined IPSO have also chosen to comply with it.

The provisions of the Code have the support of the industry as they are drafted by the Editors’ Code of Practice Committee,¹⁷ comprising representatives of newspaper and magazine publishers, and adopted by IPSO. The fact that compliance with the Code has been made a condition of employment in the contracts of most editors and journalists adds powerful binding force to the system of self-regulation.

The Code has been revised more than thirty times since 1991, with the latest revisions,

¹³ *IPSO Press Release*, 8 September 2014.

¹⁴ Sir Alan Moses, “Speech to the Media Law Resource Center Conference” (29 September 2015); *IPSO Annual Report 2015*, 12.

¹⁵ “Financial Times Opts Out of IPSO Regulator in Favour of Its Own System”, *Press Gazette* (17 April 2014).

¹⁶ Roy Greenslade, “Why The Guardian’s Decision Not to Sign Up to Ipsy Makes Sense”, *The Guardian* (4 September 2014); “Editorial: The Guardian View on the New Press Regulator, Ipsy”, *The Guardian* (4 September 2014).

¹⁷ The Editors’ Code of Practice Committee’s website can be found at www.editorscode.org.uk.

made in light of Lord Justice Leveson's recommendations, entering into force on 1 January 2016. The Preamble of the Code now provides as follows:

The Code – including this preamble and the public interest exceptions below – sets the framework for the highest professional standards that members of the press subscribing to the Independent Press Standards Organisation have undertaken to maintain. It is the cornerstone of the system of voluntary self-regulation to which they have made a binding contractual commitment. It balances both the rights of the individual and the public's right to know.

To achieve that balance, it is essential that an agreed Code be honoured not only to the letter, but in the full spirit. It should be interpreted neither so narrowly as to compromise its commitment to respect the rights of the individual, nor so broadly that it infringes the fundamental right to freedom of expression – such as to inform, to be partisan, to challenge, shock, be satirical and to entertain – or prevents publication in the public interest.

It is the responsibility of editors and publishers to apply the Code to editorial material in both printed and online versions of their publications. They should take care to ensure it is observed rigorously by all editorial staff and external contributors, including non-journalists.

Editors must maintain in-house procedures to resolve complaints swiftly and, where required to do so, co-operate with IPSO. A publication subject to an adverse adjudication must publish it in full and with due prominence, as required by IPSO.

The main body of the Code comprises sixteen clauses under the following headings:

- ① Accuracy
- ② Privacy
- ③ Harassment
- ④ Intrusion into grief or shock
- ⑤ Reporting suicide
- ⑥ Children
- ⑦ Children in sex cases
- ⑧ Hospitals
- ⑨ Reporting of crime
- ⑩ Clandestine devices and subterfuge
- ⑪ Victims of sexual assault
- ⑫ Discrimination
- ⑬ Financial journalism
- ⑭ Confidential sources
- ⑮ Witness payments in criminal trials
- ⑯ Payment to criminals

In 2016, IPSO began providing the Code in a mobile phone-friendly format¹⁸ so journalists can easily access the contents at any time.

¹⁸ www.editorscode.org.uk/mini-code

3. Revision of the Code by the Editors' Code Committee

The Editors' Code Committee reviews, and revises where necessary, the contents of the Code each year taking into consideration any comments received from IPSO, editors, members of the public, Parliament, and others. The proposed revisions enter into force once adopted by IPSO. In this way, the Code continues to evolve in response to changes in industry practices and technology, reader concerns, and such.

The Committee formerly comprised thirteen editors representing the newspaper and magazine publishing industry. The PCC Chairman and Director also attended its meetings as observers. However, the composition of the Committee has since been reformed to include independent lay members as recommended by Lord Justice Leveson. The Committee now comprises ten editors, including the Chairman, and five independent lay members, including the IPSO Chairman and Chief Executive. The current Chairman is editor of the *Daily Mail*, Paul Dacre.

In 2005, *The Editors' Codebook*, written by the Committee, was published jointly by five trade associations – namely, the Newspaper Publishers Association, Newspaper Society, Periodical Publishers Association, Scottish Daily Newspaper Society, and Scottish Newspaper Publishers Association. The Codebook was intended “to show, through PCC adjudications, how it worked in practice”,¹⁹ and is updated periodically.

The latest edition was published online on 8 September 2014 to coincide with the inauguration of IPSO, and can be accessed from the Committee's homepage. This time it was published by the four trade associations that fund press self-regulation in Britain – namely, the Newspaper Publishers Association (representing national newspapers), Newspaper Society (representing regional newspapers), Professional Publishers Association (representing magazine publishers), and Scottish Newspaper Society.

As IPSO is not bound by the adjudications of its predecessor, *The Editors' Codebook* will continue to be updated in light of its own latest policy developments.

4. Submitting Complaints to IPSO

A person wishing to submit a complaint regarding an article or the conduct of a journalist believed to constitute a breach of the *Editors' Code of Practice* should contact the relevant editor or IPSO as soon as possible. If necessary, IPSO will advise the contact details of the editor. A complainant who has failed to receive a response from an editor, or is otherwise dissatisfied with the response received, may consult IPSO at any time.

Complaints of “significant inaccuracy on a general point of fact” under clause 1 of the Code (“Accuracy”) may be brought by any concerned individual or organisation. Where the inaccuracy relates to a specific individual or organisation, however, IPSO will consider the position of the party directly affected and only take the complaint forward if it is satisfied that it is appropriate to do so.

Complaints unrelated to accuracy or relating to an inaccuracy other than one on a general point of fact may only be brought by someone directly affected by the article or journalistic conduct in question or that person's authorised representative. IPSO may also deal with

¹⁹ Press Complaints Commission, *Annual Review 2005*, 17.

complaints brought by representative groups where the alleged breach of the Code is significant and there is a public interest in doing so.

In principle, IPSO only considers complaints brought within four months of publication. Where the article remains accessible on the publication's website, that limit may be extended to twelve months from date of initial publication, provided it is considered fair to do so in the circumstances. Complaints regarding articles published more than twelve months previously are not entertained, regardless of medium.

Complainants are required to complete the IPSO complaints form and submit it online, by e-mail, or by post. In doing so, they should explain how they believe the article in question breaches the Code and attach a copy of the article and any other relevant correspondence and documentation which might assist IPSO in assessing the complaint. The article must be submitted in its entirety, if available, and the name of the publication and date of publication specified. Where the complaint is submitted via the online complaints form or e-mail, the article may be sent as an attachment or URL.

5. Complaints Procedure

The IPSO procedure for dealing with complaints is divided into the following six stages:

① Initial assessment

IPSO assesses whether a complaint falls within its remit and whether it constitutes a possible breach of the *Editors' Code of Practice*. When IPSO is unable to deal with the complaint, the complainant is informed of the reason in writing and may request a review of the decision within seven days.

② Referral to the publication

If, in relation to a possible breach of the Code, the complainant has not previously exhausted the publication's own internal complaints procedure, IPSO will refer the complaint to the editor for direct resolution with the complainant. Where, however, such complaints procedure has already been exhausted or the complaint is not resolved within twenty-eight days, IPSO will take over the matter. It may also elect to do so earlier where necessary, and the complainant is welcome to seek informal guidance from IPSO at any time.

③ Investigation

If the complaint is not resolved with the publication, the Complaints Committee will write to the editor seeking its response to the complaint and any specific questions the Committee may have. The Committee may also ask the complainant to clarify aspects of the complaint or provide additional information to assist its investigation.

The complainant is furnished with a copy of the publication's response and given the opportunity to comment on the contents. At this stage, the Committee will also strive to mediate a satisfactory outcome for the complainant, where appropriate.

In order to conclude the investigation as swiftly as possible, the Committee requires that both the publication and complainant comply with strict deadlines for correspondence. An unreasonable delay in correspondence may be taken into account in determining the outcome of the complaint.

④ Adjudication by the Complaints Committee

If the complaint remains unresolved, the Complaints Committee will determine, solely on the basis of evidence viewed by both the complainant and editor, whether there was a breach of the Code or not. Such adjudication will, in principle, be published in full on the IPSO website, but exceptions are made in cases involving invasion of privacy. Sensitive information identifying a complainant may also be removed on request.

⑤ Remedies

If the Complaints Committee determines that a breach of the Code has occurred, it can require the publication of the adjudication and/or a correction. The nature, extent, and placement of such adjudications and corrections are decided by the Committee.

⑥ Review of the process

A complainant who is dissatisfied with the above process may request a review by the Complaints Reviewer, who is a member of the IPSO Board. Such request must be made in writing within fourteen days of the decision to the Complaints Officer who handled the complaint. IPSO will then decide whether to refer the complaint to the Reviewer or not.

Upon receiving a referral, the Reviewer will review the process by which the decision was made and inform the Complaints Committee within fourteen days whether he/she considers that the process was substantially flawed or not. Where the process is deemed by the Reviewer to have been substantially flawed, the Complaints Committee will review the decision, taking into account the Reviewer's findings, and issue its final findings.

6. Remedies

The principal remedies provided by IPSO to complainants are informal resolution and the publication of a formal adjudication. IPSO has the authority to criticise a publication which has breached the Code and require its editor to publish the adjudication in that publication. Unlike the PCC, it can also fine publishers up to £1,000,000 in cases of particularly serious and systemic breach. However, it cannot award damages to complainants or grant injunctions.

As stated above, the Preamble to the Code provides:

A publication subject to an adverse adjudication must publish it in full and with due prominence, as required by IPSO.

The prospect of having to publish an adjudication upholding the complainant's claim and criticising the publication may strike fear in an editor's heart²⁰ and provide a strong incentive to resolve the matter at an earlier stage. Such an adjudication conveys to readers the message that the editor in fact broke the rules of the regulator and has been punished for it, and may also be regarded as problematic within the firm. Moreover, in a competitive industry, an adjudication criticising a particular publication may become a weapon in the hands of its competitors. Rival publishers relish the opportunity to imply the superiority of their own publications by carrying articles reporting such adverse adjudications issued against others.

In 2016, the "Queen Backs Brexit" case,²¹ in which the Complaints Committee upheld a

²⁰ In the quote above, Lord Justice Leveson expressed some doubts about the veracity of this claim.

²¹ Decision of the Complaints Committee 01584-16 *Buckingham Palace v. The Sun* (20 April 2016).

complaint from Buckingham Palace and ordered the *The Sun* to publish its adjudication, attracted international attention. The case involved a “significantly misleading” headline not supported by text which “suggested a fundamental breach of the Queen’s constitutional obligations” and “represented a failure to take care not to publish inaccurate, misleading or distorted information in breach of Clause 1(i)”.

Clause 1 also provides for the publication of corrections and apologies and the giving of fair opportunities to reply where appropriate:

- (ii) A significant inaccuracy, misleading statement or distortion must be corrected, promptly and with due prominence, and – where appropriate – an apology published. In cases involving IPSO, due prominence should be as required by the regulator.
- (iii) A fair opportunity to reply to significant inaccuracies should be given, when reasonably called for.

A fair opportunity to reply may serve as an effective remedy, but it is important to remember that the mere possibility of being granted an opportunity to reply is not the same as possessing an actual right of reply.

7. Personnel

The IPSO Board comprises seven independent lay members (including the IPSO Chairman) and five industry representatives. The industry representatives are experts in the area of press standards who have recently served in senior positions in newspaper and magazine publishing, but are not currently serving as editors of publications regulated by IPSO. The proportion of lay members is intentionally greater than that of industry representatives in order to stress IPSO’s independence from the media.

The IPSO Complaints Committee also comprises seven independent lay members (including the IPSO Chairman) and five industry representatives, but with the exception of the Chairman, the constituent members of the Board and Complaints Committee are different. The Chairman serves as Chairman of both the Board and Complaints Committee.

The current Chairman is Sir Alan Moses, a former Lord Justice of the Court of Appeal.

The IPSO Chairman, board members, and members of the Editors’ Code Committee are appointed by the Appointments Panel. The Panel consists of six members, including the Chairman, but is headed by a member other than the Chairman.

In the interests of transparency, the minutes of all Board and Complaints Committee meetings are published on the IPSO website. Similarly, the professional and public interests held by Board and Complaints Committee members are disclosed in a Register of Interests outlining their remunerated employment, other directorships, public appointments, charity trusteeships, remuneration from newspapers and magazines within the last five years, and other relevant matters.²²

The IPSO Executive consists of approximately twenty personnel, including the Chief Executive Officer. Of those, seven have direct contact with complainants as Complaints Officers.

²² www.ipsoco.uk/aboutipso/register.html

8. Complaints Statistics for 2015

The first *Annual Report* published by IPSO very sensibly provides statistics for the 2015 calendar year rather than its first year of operation (8 September 2014 to 7 September 2015).

In 2015, IPSO's Complaints Officers handled 12,278 complaints and written enquiries.²³ Of these, 512 complaints were investigated as falling within IPSO's remit and constituting a possible breach of the Code. Some 269 were resolved between the complainant and the publication, of which 64 were mediated by IPSO to an agreed resolution and 205 were resolved directly with the publication. Of the remaining 243 complaints, 60 were upheld by the Complaints Committee and 183 were found upon investigation not to constitute a breach. The 60 upheld complaints resulted in the publication of adjudications in 23 cases, the publication of corrections in 10 cases, other action as offered by the publications in 26 cases, and no sanction in 1 case.

9. Funding

IPSO's operations are funded exclusively from contributions made by the newspaper and magazine publishing industry (in other words, the publishers who have joined IPSO) through the Regulatory Funding Company (RFC).²⁴ While information about the RFC remains sparse, this system is believed to function effectively to ensure IPSO's independence by avoiding the need for it to negotiate directly with publishers about its budget.

IV. *Some Final Remarks*

Two years after the establishment of IPSO, it is still difficult, in some respects, to compare IPSO meaningfully with the system of self-regulation previously provided by the PCC on the basis of a single annual report, the contents of the IPSO website, and other limited publicly-available information, but that will surely change with the forthcoming publication of the *Annual Report 2016* and the results of an independent review of its work and effectiveness commissioned by IPSO and carried out by Sir Joseph Pilling in 2016. Nevertheless, it is clear that IPSO has improved both the transparency of its organisation and procedures and its response to the various needs of complainants and is striving to become a strict regulator that will investigate serious breaches of ethics proactively and apply sanctions. These improvements are most welcome.

As noted by the Chairman, "IPSO provides the only realistic means by which members of the public can complain and seek redress from most of the printed and online press."²⁵ However, it can also be said that the new system of self-regulation has been weakened by the fact that several high-profile publications have declined to join IPSO for the time being and IPSO itself, unlike IMPRESS, has failed to apply to the PRP for recognition. PRP certification would surely enhance IPSO's credibility among the general public and leave it less open to

²³ *IPSO Annual Report 2015*, 22.

²⁴ The RFC's website can be found at www.regulatoryfunding.co.uk.

²⁵ *IPSO Annual Report 2015*, 4.

attack.

As IPSO settles into its third year of operations, I look forward to observing its continued development from afar and hope that those major publications which are not members do eventually choose to join and make a more positive contribution to the improvement of press ethics in the United Kingdom.