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NUJ briefing for the Lords debate: Press Regulation - where are we now?

The National Union of Journalists (NUJ) is the voice for journalism and for journalists in the UK and Ireland. It was founded in 1907 and has more than 30,000 members. The NUJ represents members working across the media – as staff, casuals and freelancers at home and abroad. NUJ members work in broadcasting, newspapers, news agencies, magazines, books, public relations, photography and new media.

The NUJ has strong views on the issue of press regulation believing it underpins the free and responsible media that is vital to democracy. It is perhaps more vital than ever, at this time in our history, that voters get accurate and comprehensive media coverage of political issues both home and abroad.

The NUJ has been highly critical of the Independent Press Standards Organisation (IPSO) because as a body it fails to implement Leveson's key recommendations and for that reason the union's national executive has rejected the establishment of IPSO.

Key criticism of IPSO: As a body it is not independent from the industry, their ethics code itself is weak and the whistle-blowing hotline is not fit for purpose and despite Lord Justice Leveson's recommendation, there is not a conscience clause for journalists.

Since IPSO was first established they have made a similar number of complaints findings when compared to the Press Complaints Commission (PCC). There is no evidence of any improvement in standards and the union has no evidence of whether the new whistle-blowing hotline is of any value to media workers.

The union has condemned the newspaper publishers for seeking to set up a regulator that is not compliant with Leveson's recommendations and keeps regulatory control entirely in the hands of publishers. The union believes that IPSO, as controlled by the publishers, is not fit for purpose because it only accepts limited third party complaints, it prevents journalists from being involved in the code committee and has avoided setting up an arbitration panel offering cheap and easy redress to the public.

Essentially IPSO is the PCC with slightly stronger teeth in the form of fines for systemic bad behaviour, but its remit is still limited on investigatory and monitoring powers and there are limited opportunities for complainants to refuse to accept offers of remedial action.

As a new press regulator IPSO fails in a number of areas as follows:

- It lacks the necessary independence from the industry to be considered a responsible regulator as identified by Leveson
- It is not prepared to accept the need for a review body to report to the public and parliament on its satisfactory operation. The publishers have consistently

refused to accept any oversight of their regulatory processes even those would not interfere with their freedom to publish

- It will take only limited third party complaints relying, as did the PCC, on obliging those directly affected to make complaints, something they are often not willing to do simply because of the nature of the complaint
- Publishers are determined to retain tight control of a body that should be independent
- It is not willing to set up an arbitration panel despite this providing cheap and easy civil redress to both newspapers and complainants.

The NUJ supported many of the proposals for a new regulator outlined in the Leveson report, including:

- The new regulator should be an independent self-regulatory body governed by an independent board
- The new regulator would not have the power to prevent publication, although it might offer pre-publication advice
- The code of practice should be owned by the board
- Publishers who joined the new regulator would have to put in place appropriate grievance processes and complaints handling mechanisms
- The new regulator should be able to take complaints from all comers, free of charge; they would not be limited merely to those identifiable in the story
- The new regulator should be able to direct a variety of remedial actions for breaches of standards including the publication of corrections and apologies and, if necessary the imposition of sanctions including fines of up to £1m
- Journalists should be able to complain to the new regulator if they felt pressured to cover stories in breach of the code
- There should be a whistle-blowers hotline for newspaper employees
- An independent self-regulatory body should be able to examine issues on its own initiative and have sufficient powers to carry out investigations both into suspected serious or systemic breaches of the code and failures to comply with directions of the Board
- It should run an arbitration scheme that would allow for a fair, quick and inexpensive handling of civil suits that might otherwise go expensively to court
- The regulatory process must have a system to allow frivolous or vexatious claims to be struck out at an early stage
- A new system of regulation should not be considered sufficiently effective if it does not cover all significant news publishers.

Essentially IPSO makes few serious changes from the PCC. The editor's code of practice has been revised and the new code came into effect in January 2016. The changes to the editor's code will not make any difference to the culture, practices or ethics of the press.

The union is highly critical of how IPSO has dealt with complaints against the press and we continue to call for a self-regulatory body that is independent of politicians, editors and publishers.