**

*ADVICE, INFORMATION. RESEARCH & TRAINING ON MEDIA ETHICS*

*‘Press freedom is a responsibility*

*exercised by journalists*

*on behalf of the public’*

***POST-LEVESON PRESS REGULATION***

*Submission to the House of Lords*

*Communication Select Committee*

Compiled by Mike Jempson & Tom Rowland

*January 2015*

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*(Research by Tom Rowland)*

**The MediaWise Trust**

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1. **The MediaWise Trust**
   1. The MediaWise Trust **<www.mediawise.org.uk>**is a registered charity providing advice, information, research and training on issues related to journalism ethics, media policy and practice. Its primary purpose has been to assist those considering complaints about by inaccurate, intrusive or unduly sensational journalism by print, broadcast or online media in the UK.
   2. The Trust also conducts research and training for media professionals and the voluntary sector, and has achieved an international reputation for its training programmes around journalism ethics and media coverage of problematic issues. We have worked in more than 45 countries with the BBC World Service Trust, the British Council, the European Commission, the International Federation of Journalists, the International Organisations for Migration, the Media Diversity Institute, the Organisation for Security & Co-operation in Europe, and numerous UN agencies notably UNDP, UNHCR, UNICEF and the WHO.
   3. The Trust was originally known as PressWise when it was set up in 1993 by 'victims of media abuse', following the Special Parliamentary Hearings[[1]](#footnote-1) on Clive Soley’s[[2]](#footnote-2) Freedom and Responsibility of the Press Bill in 1992. The Bill had proposed the establishment of an Independent Press Authority to defend press freedom and adjudicate on complaints.
   4. In March 1993, following the defeat of his Bill, Clive Soley invited the national newspapers and agencies to meet with some 70 individuals families and organisations whose lives had been affected by inaccurate or intrusive press coverage in the Grand Committee Room at Westminster. The purpose of the meeting was to allow a frank exchange of views between the two groups. Not one member of the press attended.
   5. Those present then discussed what would have made a difference to them at the time of their problems with the media. They identified three key issue: - being able to talk to someone who understood their feelings of anxiety, fear and helplessness - knowing someone who could instantly take action on their behalf (most knew nothing of the Press Council or the Press Complaints Commission, none could afford lawyers, and all were afraid of contacting the editors of the offending publications) - a fervent wish that it would not happen to anyone else.
   6. Following consultations with sympathetic journalists, politicians and media lawyers a not-for-profit company, PressWise Ltd, was registered and began to offer free advice and support to people affected by inaccurate, intrusive or otherwise unethical behaviour by the print and broadcast media. It was managed by a team of five: David Joyce, Desiree Ntolo, Diane Simpson and Linda Townley (nee Joyce), all ‘survivors’ of media abuse’, and journalist Mike Jempson who had worked on the Soley hearings.
   7. One indication of the reluctance with which newspapers face criticism is that Jempson’s public advocacy on behalf of those harmed by unethical journalism earned him few friends in the industry and his earnings as a journalist had reduced by two thirds by the time he was appointed Executive Director in 1996
   8. Throughout its existence the Trust has been funded through charitable donations, project funding and earnings from training programmes. Lack of core funding in recent years means the Director now works for the Trust on a largely voluntary basis, while teaching Journalism at the University of the West of England (UWE). He is also Vice-chair of the NUJ Ethics Council and along service member of the Campaign for Press and Broadcasting Freedom.
   9. Having achieved charitable status in 1999, PressWise changed its name to MediaWise in 2005. Its work had broadened to include training for journalists and voluntary sector organisations and projects around some of the issues which appeared to give rise to the most frequent complaints, including coverage of asylum seekers and refugees, children and young people, suicide, ethnic minorities, Gypsies, Travellers and Roma, mental health, suicide, etc..
   10. The Trust has lobbied for changes in codes of practice and regulatory procedures making numerous submissions over the years to parliamentary Select Committees, consultations on changes in the law as it affects journalism, as well as to OfCom and its predecessors, the Press Complaints Commission and the Leveson Inquiry.[[3]](#footnote-3)
   11. Trust staff recently provided the UK lead for UWE on a 14-nation European research project into media accountability and transparency systems.[[4]](#footnote-4)
   12. The Trust’s international work with journalists' organisations and UN agencies has led to the production of influential handbooks and guidelines, some endorsed by the IFJ and the NUJ:

* IFJ guidelines on reporting children;
* *The Media and Children’s Rights: A resource for journalists by journalists* (produced for UNICEF and now in its 3rd edition and available in at least 12 languages)
* *Reporting Children in Crisis: Guidance for media professionals* produced for Reuters’ AlertNet.
* WHO Europe Code for health correspondents & communicators
* Reporting suicidal behaviour (produced in collaboration with 23 suicide prevention/mental health agencies and disseminated by the NUJ & IFJ
* Reporting asylum and refugee issues (produced with exiled journalists, the UNHCR, the NUJ and IFJ)
  1. The current Honorary President of the Trust is Aidan White (formerly General Secretary, International Federation of Journalists, now Director of the Ethical Journalism Network <[ethicaljournalismnetwork.org/](http://ethicaljournalismnetwork.org/)>. He succeeded Sir Louis Blom Cooper (last Chair of the Press Council). The current Board of Trustees includes:
* Bob Borzello (former journalist & publisher)
* David Baines (Newcastle University lecturer & journalist)
* Mohammed Elsharif (NHS communications officer)
* Forward Maisokwadzo (Charity worker & former journalist)
* Dr Christien van den Anker (Human rights professor, UWE)
* (Dr Lee Salter (Senior lecturer, University of Sussex)

**2. Our work with complainants**

2.1 MediaWise provides a free, confidential and professional advice service for those who believe they have grounds for complaints against newspapers, magazines, online publications, radio and television broadcasts.

2.2 As a genuinely independent advocacy service, the Trust sees its role as complementary to that of the regulators. We provide a service primarily to complainants who are unpractised in the ways of the print and broadcast media. Our function is to assist them to appreciate how a story may have come to be published, to identify the errors in the published copy, to analyse the way in which information has been collected, and to advise them on the best procedures to adopt in order to gain a reasonable hearing from the regulators.

2.3 MediaWise does not seek out complainants. This is a point of principle, but it is also a protective measure against gratuitous accusations by some editors that we deliberately set out to encourage complaints. It has always been essential to the integrity of our work that people come to us voluntarily and authorise any action we take on their behalf.

2.4 Nowadays most complainants are referred to us by a third party – Citizens’ Advice Bureaux, voluntary sector organisations with whom we have worked, and occasionally from MPs, solicitors and jour- nalists. There tends to be an increase when there has been publicity about our work in the media, but we have been eclipsed from the media spot light in recent years by the arrival the Hacked Off cam- paign and the Media Standards Trust, although neither provides the services we offer.

2.5 On numerous occasions we have had cause to quote a *Guardian* editorial from November 1996 which resonates to this day, especially if the word ‘Press’ is substituted for the term ‘Parliament’. It describes exactly the case for an truly independent system of press regulation. *'At the moment the people see only a body which claims unique privileges to itself without any of the concomitant responsibilities...prepared to change...but only when it suits them. They see a body scornful of whether or not its proceedings command public confidence. It cannot go on like this.'*  It went on to quote Lord Nolan on the Standards in Public Life: *'the public needs to see that breaches of rules are investigated as fairly, and dealt with as firmly by Parliament, as would be the case with others through the legal process’.*

2.6MediaWise has also echoed the sentiments expressed by Onora O’Neill’s in her 2002 Reith Lecture: *‘we are now perilously close to a world in which media conglomerates act as if they too had unrestricted rights of free expression, and therefore a licence to subject positions for which they don't care to caricature and derision, misrepresentation or silence. If they had those unconditional rights they would have rights to undermine individuals' abilities to judge for themselves and to place their trust well, indeed rights to undermine democracy.’[[5]](#footnote-5)*

2.7Most complainants who come to us admit to feeling frightened and alone when intrusive stories have been published about them, even more so when they are inaccurate. Most are scared to approach the publications that have traduced them, and feel more assured when there is an intermediary who can, in the first instance, act for them or advise them how to proceed. Few can afford solicitors, and fewer still have any idea of what courses of action may be open to them. We estimate that some 50% of those who approach us discover that they do not have a valid ‘case’ however upsetting the offending item may have appeared to them.

2.8 Although many are upset few want to punish the publishers or restrict the freedom of the press. They want swift and equitable corrections and apologies, and in a few cases some compensation for the damage caused. The effort and distress of having to make a complaint can cause people to require time off work, and thus pay, or incur expenses in gathering evidence to prove their case.

2.9 People have lost families, relationships, jobs and even homes because of inaccurate press coverage, and many have expressed suicidal thoughts. One of our clients did kill himself when the PCC found in favour of a newspaper which had claimed he had run away from their photographer when this was not physically possible (he had two broken knee caps and used crutches) - for the PCC this was not a ‘significant inaccuracy’ in the terms of the Editors’ Code.

2.9 Over the years we have gathered ideas from complainants which have formed the basis of our proposals for reform of the regulatory system, its procedures, and preferred outcomes. It is their stories and preferences that have informed our submissions to numerous inquiries and consultations over the years. Had they been listened to earlier on perhaps there would have been no need of the

Leveson inquiry since we had produced plentiful evidence of

unethical behaviour and potentially criminal activity by journalists or their publishers - behaviour which editors then denied and the PCC chose to ignore for years.

2.10 It is our intention to continue to provide our services to individual and collective complainants, funding permitting, and were have established what we hope will be positive working relationships, as critical friends, with both the Independent Press Standards Organisation(IPSO) and the Independent Monitor for the Press (IMPRESS). We have links with the Guardian, Independent and Financial Times internal complaints systems. And we enjoy cordial relationships with the Media Standards Trust, Hacked Off and the Media Reform Group.

**3. Press accountability and transparency**

3.1 In our 2004 review of the PCC’s effectiveness[[6]](#footnote-6) we considered best practice in self-regulation using the then National Consumer

Council’s guidelines. In summary these are:

i. the scheme must command public confidence;

ii. there must be string external involvement with relevant stakeholders in its design and operation;

iii. its operational control should be separate form industry institutions;

iv. consumer, public interest and other independent repre-

sentatives should make up 75% of governing bodies;

v. it should have a clear and intelligible set of measurable standards;

vi. its rule should identify intended outcomes;

vii. it must have clear, accessible, well-publicised complaints procedures;

viii. there should be adequate, meaningful and commercially significant sanctions;

ix. compliance must be monitored (eg. through research)

x. performance indicators should be published to measure its effectiveness ;

xi. there must be addressee of public accountability (eg annual reports)

xii. it must be well publicised with maximum education and information for consumer and traders.

3.2 Measured against these criteria, ket alone those set out in the Leveson Report, to is clear that we still have some way to before press self-regulation will pass muster.

3.3 In our second formal submission to Lord Justice Leveson[[7]](#footnote-7) we suggested that whatever the eventual shape of the new regulatory regime one important consequence of the Inquiry should be to ensure that all publications:

* establish a regular spot within the news pages for a ‘Corrections & Apologies‘ column;
* indicate on the front page or contents page where inside readers can find adjudications about the publication;
* give equivalent prominence to corrections where the original headline and article were substantial;
* reach written agreement with successful complainants about the wording of corrections and/or apologies, or offer a right of reply;
* properly tag all cuttings and electronic records of articles where corrections have had to be made or apologies published, and;
* offer compensation should the publication repeat the same breach.
* If media self-regulation is to be transparent and equitable, there needs to be a single system, open to all, especially when there is a serious risk of unnecessary suffering or harm being done to innocent people by the online publication of words or images making it instantly accessible across the globe. A single system would ultimately beneficial for the general public and media professionals alike. They would then all know where they stood in an increasingly crowded and confusing media marketplace.

3.4 There is evidence that publications are establishing a regular spot where readers can find evidence of corrections, but we have yet to discover how many of these other ‘standards’ have been met.

3.5 From the time the ‘hacking scandal’ broke and throughout the Leveson inquiry a 14 nation EU-funded research study of media accountability and transparency was examining self regulatory systems and interviewed almost 2,000 journalists to obtain details of their attitudes.[[8]](#footnote-8) In general journalist favoured far greater

accountability and transparency about their work and their

employers. They considered their primary responsibility was to their individual consciences flowed by their sources and their audiences ahead of her riots and any regulators. Nonetheless they acknow- ledged that the internet now provides an opportunity for a closer relationship with readers, and saw little reason why publications should not promote their editorial policies, staff names, complaint procedures etc online.

3.6 In January 2006 MediaWise presented to the All-Party Social Responsibility Group a set of 10 proposals for a system of

accountability and transparency which would improve public trust in journalism and strengthen confidence among journalists that they are recognised as important stakeholders in the democratic process. In our view these would make welcome additions to self- regulation and could be incorporated into the social responsibility audit of every media company.

* An in-house but independent Reader’s Editor on every publication above an agreed circulation/ratings threshold;
* A regular Corrections Column which might include an occasional review of the company’s own journalism.
* A commitment to give suitable prominence to upheld complaints.
* Agreed minimum competences with which all journalists must comply within two years of joining the company.
* A conscience clause in journalists’ contracts.
* Equitable wage rates for staff and freelances, and an end to arbitrary systems for determining freelance payments.
* Commitment to transparency and a career structure within the industry.
* Mid-career skills updating and specialist in-service training to keep journalists up-to-speed on legislation and social developments.
* A commitment to diversity throughout the workforce, and especially in newsrooms.
* Tough action on discrimination and bullying in the work place.In our view this would vastly improve the standing and standards of journalism, and provide the basis for a genuine ‘compact of trust’ between journalists and the public. A more transparent approach to management aims and policies might also make for improved industrial relations. In an era of global media control, pay and conditions should be equable across borders, and if social responsibility audits do not include such commitments they are little more than window dressing. A company’s ethic should extend across all its activities, and not just where it is convenient or expedient.

3.6 In addition it should by now be standard practice for publications to indicate clearly:

* the use and identification of digitally manipulated images;
* when and how payment has been made to individuals or organisations in the gathering of information and images.

3.7 We believe that journalism is a vital part of the process of open democracy – so the corporations that own and control media outlets have a very special social responsibility. Journalists are the eyes and ears of civil society and the means by which the many different voices of the public are able to express themselves to those who develop and manage our social, cultural political and physical environment.The primary audience of the journalist is the general public – not least because their employers expect then to help

attract audiences. To that extent journalists could be seen as

popular advocates – alerting political, industrial, commercial and cultural decision-makers to the responses of the public to what is happening around them, and to them, and to what is being done on their behalf. That requires a level of trust which has been destroyed in recent years by the arrogance of newspaper owners and

managers for whom profit rather than the public good is has been the primary motive.

3.8 However it is also clear that media convergence, in terms of both ownership of outlets and platforms, makes separate regulators for print and broadcast media increasingly untenable in the longer- term. Journalistic staff are now expected to operate across all

platforms, often simultaneously, yet currently different regulatory regimes apply to print and broadcast output and production, while blogging, for example and perhaps quite properly, is virtually free of any such constraint.

3.9 We reject the notion that convergence strengthens the argument for the lifting of all forms of regulation. Quite the reverse. Tech nological convergence, increased concentration of cross-media ownership, and multi-skilling among media professional across delivery platforms makes stronger the case for common standards of conduct and regulation to apply to the print, broadcast and on line media. Regulation is after all, for the benefit of the public rather than the convenience of an industry and its investors.

3.10 The ownership of outlets and platforms gives media companies

extraordinary influence over public discourse and culture. They are accountable only to those with a vested interest in their commercial success. Few of their readers/users, and even many of their

employees, have much idea who the ultimate owners are, what their financial interests are, or the extent to which their other

business or political interests shape media content.

3.11 Online versions of national newspapers already ‘broadcast’ video footage on the web free of the impartiality requirements of main stream broadcasters regulated by Ofcom, and even refer to this as a television service (as in TelegraphTV, for example). It may be the task of the Competition Commission, the Department of Business, Innovation and Skills, and Ofcom, to check that individual

companies do not have control of an inordinate share of the

market, but it is not unreasonable to expect media regulators of the future to alert readers and users to any potential or perceived

conflicts of interest between news purveyors and their other

business interests.

3.12 Members of the public cannot beexpected to take it on trust that notions of editorial freedom and independence still separate news content from public relations and advertising, and the vested

interests of stockholders. Product placement is not merely an issue for broadcasters - it dominates the thinking of web design and

access to web content.

3.13 If media self-regulation is to be transparent and equitable, there needs to be a single system, open to all, especially when there is a serious risk of unnecessary suffering or harm being done to

innocent people by the online publication of words or images making them instantly accessible around the world. A single system would ultimately beneficial for the general public and media

professionals alike. They would then all know where they stood in an increasingly crowded and confusing media marketplace. From this perspective IPSO remains firmly embedded in the ‘old days’, and may prove unsuitable as the news media platform develop and conventional newsprint concerts to tablet delivery.

3.14 Nonetheless, for the time being we are pleased that under the new systems all publications are expected to have their own in-house procedures for dealing with complaints in the first instance. This was the general practice in the 1990s, but with the arrival of the Internet many dropped their ombudsman or ‘Readers’ editors’ as circulations fell and advertising revenue began to dry up. Even then the practice described by former Mirror executive Neil Bentley was not uncommon. “I am an old hand at this game,” he told the

Special Parliamentary Hearings[[9]](#footnote-9) on Clive Soley’s[[10]](#footnote-10) Freedom and

Responsibility of the Press Bill in 1992. “When a newspaper gets a complaint you can telling 30 seconds flat whether or not it is any good. If it is going to stick it goes on a long circuitous route. It is called “kick it into about until you lose it’”.

3.15 The PCC was not averse to this technique, using it to the very end notably in the case of the first and only complaint lodged by The MediaWise Trust about inaccurate and libellous articles in the *Sun day Telegraph* and *Daily Mai*l claiming that we and other media

reform groups and academics were part of am EU funded con-

spiracy to initiate state control of the press. It took seven months for the PCC to ‘resolve’ this component allowing the papers to

‘correct’ the libel but to leave on record their ridiculous claims about a pan-European conspiracy.

3.16 Happily our recent research (see Section 5 below) suggests that, for the moment at least, one of the most complained about pub- lishing group has taken to heart the need to speed up the

correction of complaints with the minimum fuss.

3.17 Quite apart from any punitive action against persistently offending editors, a sliding scale of financial sanctions, related to the severity of the breach, might help to convince the public that self-regulation is a serious business. Proprietors would be unlikely to tolerate

lackadaisical reporting or editing if it had an impact on profits. We have yet to see when and how IPSO will impose its much vaunted £1m fines but significant fines set against sales figures or

advertising revenue - would provide publishers with a stronger case for protection against the threat of litigation from successful

complainants even if IPSO is not ’Royal Charter recognised’.

3.18 Breaches of the Editors‘ Code should be dealt with like any other violation of professional standards or human rights – with appro-

priate sanctions including compensation for the victim. Although the new regulators may claim their services are free, obtaining

evidence to support a complaint (which may include purchasing court transcripts) can be costly in comparison to a person’s means. The time and worry involved also comes with a potential price tag - for time off work, for example. It is entirely unreasonable that

innocent victims of unwarranted and/or inaccurate media coverage should be expected to cover the cost of putting right the failings of material published with commercial intent. After all advertisers

expect to be compensated when errors appear in their copy, or publishers fail to honour their contractual obligations in other ways.

3.19 It is disingenuous to claim that publishers do not rely upon lawyers

in countering complaints. Complainants should not be denied the option of seeking and paying for advice, where necessary, and should have the right to reasonable reimbursement if they are

successful. There should be a cap upon the upper limit to reduce the likelihood of people complaining simply to win compensation.

3.20 The efficacy of the new system will be enhanced if were to have genuine sanctions rather than the convenient fiction that peer

pressure maintains standards. Consistent breaches should be dealt with severely. Members of the Editors’ Code Committee whose newspapers have been found to be in breach should beamed to stand down. This would at least convey a sense that the industry understand why the old system was regarded with contempt by its many critics.

3.21 We have yet to discover whether IPSO will be willing to commission independent research into public attitudes towards media products and standards, into problematic areas of coverage (for example of minorities) of indeed potential risks to press freedom - such as

police misuse of the Regulation of Investigatory Powers Act 2000 to obtain access to journalists sources. One of the disappointments of much academic research in the field of journalism is that it fails to ‘hit the mark’. It is often seen by practitioners as being too abstruse and too far removed from the rough and tumble of the real world of the newsroom to be of much practical benefit, but the regulator could help by being precise in its requires for research into journalistic ethics.

3.22 Among the many issues that would merit research would be the coverage and management of coverage of disasters, including the impact on the news-gatherers; the representation of specific social groups, particularly young people, the elderly, and ethic and sexual minorities groups; and ‘chequebook journalism’ of the kind used when seeking out ‘human interest’ features.

3.23 All of this remains largely speculative, however, since there is not yet a functioning ‘regulator’ that is truly ‘Leveson compliant’. The new recognition Panel established under the Royal Charter is not yet in operation. It is not clear when and how the Independent Monitor for the Press (IMPRESS) will get underway, and which

publications will join it. all w have to go on is the practical evidence thus far, which is why we have conducted the short piece of

research that follows. Unfortunately we were unable obtain

statistics from publications that have not joined IPSO.

**4. IPSO & IMPRESS - The proof of the pudding…**

4.1 Having set out to clear up the mess created by phone hacking and other unlawful or unethical activities, the Leveson Inquiry has left readers with a more disparate and confusing system of ‘regulation’ and complaint handling than ever before.

4.2 News UK, Express newspapers and Northern & Shell, DMG Media, Trinity Mirror. the Periodical Publishers Association and most of the regional newspapers have signed five year contracts to fund and be regulated by IPSO, which a forensic study by the Media Standards Trust[[11]](#footnote-11) suggests is far from ‘Leveson compliant’. IPSO retains the crucial weakness of the PCC as to credibility in that it is funded by the very companies it seeks to regulate. It is further weakened by the absence of three important newspaper groups with perhaps the best reputations for abiding by the editors’ Code of Practice and correcting errors swiftly.

4.3 *The Guardian, Observer, Independent, i, Evening Standard,* and *Financial Times* will go it alone for the time being with heir own in- house Readers’ Editors. They have at least established a reputation over many years for considering complaints, admitting and correcting errors and commenting in their own columns on matters related to journalism ethics.

4.4 Meanwhile the Press Recognition Panel[[12]](#footnote-12) set up under the terms of a Royal Charter proposed by all three political parties and Hacked Off is not yet fully up and running, and currently has no regulators to recognise.

4.4 One possible candidate is IMPRESS set up using crowd-funding by former director of English PEN Jonathan Heawood with the support of Sir Harold Evans and numerous literary figures. It has yet to decide whether to seek recognition under the terms of the Royal Charter but it is determined to be Leveson compliant. If it does so its members will benefit form protection against punitive costs in any legal actions. Members of IMPRESS must also have their own transparent in-house complaints system but an arbitration service will be available to resolve disputes. It is unclear yet how many and which type of which print and online publications will sign up to IMPRESS, but their initial targets are smaller independent publications.

4.5 The great irony is that all will adjudicate complaints against the Editors’ Code of Practice, a hybrid that began life in the closing days on the Press Council under its last Chair Sir Louis Blom Cooper. It was an extended version of the NUJ Code of Conduct and was then adopted by the Press Board of Finance to be policed by the Press Complaints Commission. In recent years the Code Committee has been chaired by *Daily Mail* editor Paul Dacre. He remains its chair as part of IPSO, another example of the arrogance much of the industry displayed in their response to the Leveson Inquiry and its report. The *Daily Mail* titles are among those which received most complaints of Code breaches under the PCC. To leave Dacre in charge of the Code Committee inspires little confidence that much has changed or will change.

4.6 Although IPSO claims that five of its Board members represent the newspaper and magazine industry, thus characterising the other seven as ‘independent’ a cursory examination reveals that not to be quite the case. Seven of its Board members - Kevin Hand , Anne Lapping, Martyn Lewis, CBE, Charles McGhee, William Newman, Keith Perch, Charles Wilson - have been closely associated with the media and an eighth, Richard Hill, MBE, owns a media consultancy and is on an Ofcom advisory panel and held a similar position with the BBC. Charles McGhee is former member of the PCC, and Charles Wilson served on the PCC’s Charter Complaints panel.

**4**.7 A similar situation exists on the IPSO Complaints Panel, where again the claim is that it is dominated by those with no media connections. In fact seven of it members - Richard Best, Lara Fielden, Janette Harkess, Gill Hudson, David Jessel, Elisabeth Ribbans, Peter Wright all have professional associations with the media. To the outsider this does not look quite as ‘independent’ as it claims, especially in the clubby world of the media.

4.8 Newspapers are quick to criticise politicians for being out of touch with the public, but they have shown themselves to be similarly l lacking in sensitivity by appointing Bill Newman, former Ombuds man at Murdoch’s *Sun*, to the Board of IPSO. In addition to defending his paper’s disgracefully inaccurate coverage of the Hills borough disaster, it was Newman who responded to our evidence that *The Sun*’s infamous ‘Swan Bake’ front page was false with ‘We stand by our story’. It took another six months for his paper to publish a correction, on page 41 of a Saturday edition. And it was he who caused European editors to guffaw at meeting of the International Press Institute in Vienna that any decision about Page 3 would be made on editorial rather than marketing grounds.

4.9 It had taken almost two years from publications of Lord Justice Leveson’s Inquiry Report[[13]](#footnote-13) for the industry to come up with a functioning Independent Press Standards Organisation (IPSO) to replace the discredited PCC.

4.10 The timing harks back to January 1992 when Lord MacGregor, the first Chairman of the Press Complaints Commission, told the *UK Press Gazette*: *“Give newspapers more time to put their houses in order. If we could have two years in which editors have got accustomed to following the Code of Practice then we shall have an entirely new situation in the Press. It’s a hard test for a very short time because we are in a world where it takes time to change attitudes. But if we can have two years, attitudes will have changed. Self-regulation will become instinctual.”*

4.11 He was batting off criticism from a Conservative government which had just appointed lawyer Sir David Calcutt to review the efficacy of press self-regulation. In the 23 years since we have had similar pleas for time and patience from his successors at the PCC, Lord Wakeham, Sir Christopher Meyer, Baroness Buscombe, and Lord Hunt, but with little improvement to show for it as the evidence to the Leveson Inquiry, and the4 fall out form the phone-hacking scandal demonstrates.

4.12 As an indication of just how ‘instinctual’ self-regulation has become, IPSO began life with the same company number [02538908] as the PCC, the same office and much of the same staff. It continues to be funded by a Regulatory Funding Company (RFC) entirely controlled by the publishing industry mutes its predecessor the Press Standards Board of Finance, but at least it is a new company with a different registered address.

4.13 At least IPSO’s chair Sir Alan Moses, and its Director Matt Tee have shown themselves to be more aware that the industry that perception is all, and have been at pains to assert their independence from the funders. However the chair of the RFC, Paul Vickers, has already begun to fire shots across their bows, criticising their decision to quit the “frankly quite nice” PCC offices and demanding to know why, after three months, they have yet to set up a whistle blowers hotline for journalists.[[14]](#footnote-14) This is rich coming from an industry that has, for generations, rejected the notion that its staff should have a “Conscience Clause’ in their contracts of employment.

4.14 On taking charge of IPSO, its Chair, former judge Sir Alan Moses, sought to establish his independence of the press barons by criticising them for being thin-skinned, and demanding a bigger budget than they had allowed the PCC. He appears to have won the first round and is seeking to modify the procedures initially agreed.

4.15 These are other grounds for optimism. IPSO has indicated a will-

ingness to insist where and how corrections and adjudications should published. While this doe not yet achieve what Lord Younger had proposed 50 years ago that correction should appear in the same place with the same prominence as the offending article, but it is a step in the right direction.

4.16 IPSO is also looking for opportunities to conduct its own ‘standards investigations’ in order to be able to recommend to editors how better to cover problematic issues. This opens the door for minori ties who feel they are generally misrepresented or treated unfairly to seek more accurate representation. In the past the industry has been reluctant to admit that some social groups have unfairly become convenient scapegoats for society’s ills.

4.17 Unfortunately IPSO has yet to declare clearly and unambiguously on its website who its members are. Without that information the public will remain further confused about whom to approach with complaints.

**5. IPSO V PCC: how do they compare?**

5.1 In seeking to compare the performance of IPSO as against that of the PCC we looked into the story so far. How well did the IPSO system perform in November and December 2014 compared to the PCC in November and December 2013?

* + **Average time for *Daily Mail* to print corrections fells to 2.5 weeks in 2014 under IPSO compared to over 12 weeks in 2013 under PCC.**
  + **2014 all conceded complaints amended in print; in 2013 online amendments only for 66%**
  + **But small print in a dull slab on page 2 is the new form of burial for glaring errors.**

5.2 Each month newspapers agree that some of the complaints made against them are justified and they offer some form of redress - printed corrections, online amendments, letters of apology, bunches of flowers, donations to charity or, in extreme cases, all five of these.

5.3 Tracking these conceded complaints is the most effective method of measuring how the post-Leveson complaints handling procedures are working. Justice delayed is indeed justice denied in these instances; if they are overly slow in offering redress in the cases where they agree things went wrong the outlook is bleak for the much larger number of complainants where there is a dispute.

5.4 Under the old PCC regime Associated Newspapers titles regularly generated the highest number of conceded breaches of the Editors’ Code, 46% in 2013 out of a total of 461.

5.5 Given that Daily Mail editor Paul Dacre remains Chair of the Editors’ Code Committee under the IPSO system, as he did in the days of the PCC, we felt it appropriate to focus on how the *Mail* titles have fared. To gauge how the new system under IPSO is performing compared to the old PCC we measured the time it took to resolve conceded complaints to Associated Newspaper titles during the final two months of 2014, compared to the final two months of 2013 under the PCC.

5.6 Those papers that sign up to IPSO must have an in-house complaints handling mechanism to which complaints are supposed to go in the first instance. Only if this does not result in an outcome satisfactory to the complainant do IPSO processes come into effect.

5.7 We found that during November and December 2014 the average time taken by *The Daily Mail*  and *The Mail on Sunday* to print a correction or clarification of a conceded breach of the IPSO Editors’s Code was 2.5 weeks, compared to around 12 weeks during the same period in 2013 for corrections to appear under the PCC.

5.8 In both cases we were measuring the number of days between the appearance of the original offending article and the printing of a correction or announcement of a resolution, the more usual out- come under the PCC.

5.9 On this basis it would seem that the new system instituted under IPSO has in this one respect made for improvement. It is still too early to form a definitive conclusion as to its effectiveness, although it behoves member publications to offer swift and satisfactory remedies, especially in the early days of the new system to both encourage confidence and as an indication of a determination to improve inputs performance.

5.10 Last year the rate was around 10 conceded breaches per month for *The Daily Mail* group, or one every three days. This year, under the IPSO system, the comparable rate of conceded breaches that appeared as corrections in the new *Daily Mail* Clarifications and Corrections column during the two month period was almost identical. That number was 18 in 2014 under IPSO for the two month period compared to 20 in 2013 under the PCC.

5.11 Further, under the PCC system 66% of the corrections were only published online, with most of these appended to the original piece in the data silo but nothing appearing in print.

5.12 This year, in contrast, all of the 18 conceded complaints have at least appeared in the print edition as corrections and appropriate amendments have also been made to the data silo.

5.13 If one includes the legacy complaints which started off life under the PCC regime but which have since been dealt with by IPSO then the time taken increases to 5 weeks but it still seems a very credible improvement in the time taken to publish a correction of an admitted breach.

5.14 However since the creating of the IPSO, data is much less trans- parent than was the case with the PCC. There is currently no requirement upon member publications to inform IPSO about the number of complaints received and how they have been dealt with. This is a serious shortcoming in the new procedures. And we cannot yet know how many serious or unresolved cases remain awaiting resolution or adjudication by Associated Newspaper or IPSO.

5.15 Of greater concern *The Daily Mail* has found a way to discretely bury the corrections in a slab of boilerplate, small print text, at the bottom of the second page of the newspaper.

5.16 It can claim that it is publishing in a prominent position on an early page but the reality is that this is noting like the due prominence to the original article that Leveson envisaged; in reality the correction is tucked away where it will go largely unnoticed while in extreme cases the offending splash stories are quietly withdrawn from the newspaper’s online database.

5.17 IPSO claims that it has the power to insist on where and how its adjudications should be published. Although in one case concerning the *Daily Mirror* it has asserted this authority, we have yet to see how effectively IPSo will be able to use these powers in the longer term.

5.18 In one case, serious errors in a story about the European Court of Human Rights written for *The Daily Mail* by the Lord Chancellor Chris Grayling, were not corrected quickly, nor were the corrections given due prominence when they did appear piecemeal over a six week period.

5.19 To make for more appropriate comparisons, we focused on significant Code breaches of the Editors’ Code, and excluded more routine corrections of mistaken identity for example.

5.20 On the basis of this review it would seem that the new system instituted under IPSO has, in this one respect, made for an improvement. However it is still too early to form a definitive conclusion as to its effectiveness.

5.21 The IPSO system retains the crucial weaknesses that members of the public are expected to approach newspaper groups themselves and engage in a negotiation with a potentially hostile, well funded and experienced adversary without initial support or advice. And the odds are inevitably that the biggest battalions come out on top in such ‘David v Goliath’ confrontations.

5.22 Also the system has no independent oversight advising IPSO or complainants as to how appropriate or prominent the apologies/ corrections newspapers offer complainants really are. Without such oversight and a requirement that newspapers supply IPSO with regular summaries of the numbers of complaints received and resolved, it seems likely that the new process will be subject to the same organisational drift into ineffectiveness that has scuppered its predecessors.

5.23 SURVEY DATA:

**DECEMBER 2014**

*Key : click on the underlined text to see the correction and the original articles*

No. 1: [**Foreigners in council houses**](http://www.dailymail.co.uk/home/article-2889536/Clarifications-corrections.html)

*Daily Mail*

Code Clause Breach: 1

Date of Correction: 29/12/14

[Date of Publication: 17/12/14](http://tinyurl.com/neplb53)

Delay: 2 weeks

Notes: Intro + headline of major story hugely misleading: it reads as though one in 10 council houses are occupied by foreign nationals, which is not what the statistics say. Not amended at time of publication of the correction and no mention of the correction on the database.

N.o 2: [**Castle Howard**](http://www.dailymail.co.uk/home/article-2885797/Clarifications-corrections.html)

*Daily Mail*

Code Clause Breach: 1

Date of Correction: 24/12/14

Date of Publication 13/12/14

Delay : 2 weeks

Note: Major error. Article deleted from database

No. 3: [**Nursing Shortage**](http://www.dailymail.co.uk/home/article-2884477/Clarifications-corrections.html)

*Daily Mail*

Code Clause Breach: 1

Date of Correction: 23/12/14

[Date of Publication](http://www.dailymail.co.uk/news/article-2876774/Nurses-NHS-wards-foreign-Influx-6-000-recruited-abroad-leads-fears-lack-English-language-skills-jobs-properly.html) 17/12/14

Delay : 1 week

Note: *Guardian* carried similar correction [(see here)](http://www.theguardian.com/society/2014/dec/17/nhs-nurse-shortage-health-service-overseas)

No. 4: [**NHS Failings in Wales**](http://www.dailymail.co.uk/home/article-2882972/Clarifications-corrections.html)

*Daily Mail*

Code Clause Breach: 1

Date of Correction: 21/12/14

[Date of Publication](http://www.dailymail.co.uk/home/article-2882972/Clarifications-corrections.html) 8/8/14

Delay : 19 weeks

Note: Subsidiary part of wider investigation.

No. 5: [**European Court of Human Rights**](http://www.dailymail.co.uk/home/article-2882972/Clarifications-corrections.html)

*Daily Mail*

Code Clause Breach: 1

Date of Correction: 21/12/14

[Date of Publication](http://tinyurl.com/o69s32u) 3/10/14

Delay : 11 weeks

Note: Ran letter as a correction. Earlier correction published on Link to original story included in correction online

No. 6: [**UKIP Ayling**](http://www.dailymail.co.uk/home/article-2882229/Corrections-clarifications.html)

*Mail on Sunday*

Code Clause Breach: 1

Date of Correction: 21/12/14

[Date of Publication](http://www.dailymail.co.uk/news/article-2872946/Ukip-game-rate-blacks-Muslims-win-100-golf-umbrella-Farage-race-row-rate-immigrant-survey.html) 14/12/14

Delay : 1 week

Note: Original error not main part of story

No. 7: **WBA shirt wrong strip**

*Mail on Sunday*

Code Clause Breach: 1

Date of Correction: 21/12/14

Date of Publication 14/12/14

Delay : 1 week

Note: picture mixup

No. 8: [**New jobs taken by foreign workers**](http://www.dailymail.co.uk/home/article-2879813/Clarifications-corrections.html)

*Daily Mail*

Code Clause Breach: 1

Date of Correction: 18/12/14

Date of Publication 14/8/14

Delay : 18 weeks

Note: Major investigation undermined by correction. Article withdrawn.

No. 9: [**Listellany/John Prescott**](http://www.dailymail.co.uk/home/article-2878452/Clarifications-corrections.html)**/John Prescott**

*Daily Mail*

Code Clause Breach: 1

Date of Correction: 18/12/14

Date of Publication: NA

Delay : NA

Note: article withdrawn

No 10: [**Prince of Wales Christmas Presents**](http://www.dailymail.co.uk/home/article-2873894/Clarifications-corrections.html)

*Daily Mail*

Code Clause Breach: 1

Date of Correction: 14/12/14

Date of Publication: 12/12/14

Delay : under 1 week

Note: Unchecked agency report

No. 11: [**Alexander Economou**](http://www.dailymail.co.uk/home/article-2873058/Corrections-clarifications.html)

*Mail on Sunday*

Code Clause Breach: 1

Date of Correction: 14/12/14

Date of Publication 30/11/14

Delay : 2 weeks

Note: Defamatory

No. 12: [**Robert Plant/ Led Zeppilin**](http://www.dailymail.co.uk/home/article-2862598/Clarifications-corrections.html)

*Mail online*

Code Clause Breach: 1

Date of Correction: 6/12/14

Date of Publication 9/11/14

Delay : 4 weeks

Note: Defamatory ; damages

No. 13: [**Leeds United**](http://www.dailymail.co.uk/home/article-2861563/Clarifications-corrections.html)

*Daily Mail*

Code Clause Breach: 1

Date of Correction: 5/12/14

Date of Publication Nov 14

Delay : less than 4 weeks

No. 14: [**Miliband/UKIP**](http://www.dailymail.co.uk/home/article-2858376/Clarifications-corrections.html)

*Daily Mail*

Code Clause Breach: 1

Date of Correction: 3/12/14

Date of Publication 1/12/14

Delay : none

Note: Ashcroft poll error

**NOVEMBER 2014**

No. 1: [**Immigration/ Barbara Roche**](http://www.dailymail.co.uk/home/article-2849697/Clarifications-corrections.html)

*Daily Mail*

Code Clause Breach: 1

Date of Correction: 26/11/14

Date of Publication September 2014

Delay : 8 weeks

Note:

No. 2: [**Immigration/mangled statistics**](http://www.dailymail.co.uk/home/article-2841723/Clarifications-corrections.html)

*Daily Mail*

Code Clause Breach: 1

Date of Correction:20/11/14

[Date of Publication 19/11/14](http://www.dailymail.co.uk/news/article-2841686/The-truth-East-European-migration-One-30-Latvians-living-Britain-one-60-Poles-statistics-don-t-latest-influx.html)

Delay : less than one week

Note:

No. 3: **European Court/ Grayling**

*Daily Mail*

Code Clause Breach: 1

Date of Correction: 14/11/14

[Date of Publication](http://tinyurl.com/o69s32u) 3/10/14

Delay : 6 weeks

Note: letter also ran as correction on 21 December

No. 4: [**Melbourne Apartment Prices**](http://www.dailymail.co.uk/home/article-2828594/Corrections-clarifications.html)

*Daily Mail Australia*

Code Clause Breach: 1

Date of Correction: 10/11/14

Date of Publication 29/9/14

Delay : 6 weeks

**Control Data for 2013**

[Source: RESOLUTIONS files at the PCC]

*Daily Mail/Mail on Sunday/ Mail on line.*

**DECEMBER 2013**

10 major editors’ code breaches recorded and recompense/correction offered during each of the two months. Slowest delay in publishing correction 36 weeks

Note: The figures for the average time taken under the PCC has to be adjusted downwards to take account of the lag under the old system between the newspaper publication of a correction and the PCC report. Average delay in publishing correction where data available 13.5 weeks. This has been adjusted to 10.5 weeks to take

No. 1: [**Mr Robin Crorie**](http://www.pcc.org.uk/case/resolved.html?article=ODc1Ng==)

*The Mail on Sunday*

Code Clause Breach : 1

[Published Sunday 28 Sept:](http://www.dailymail.co.uk/news/article-2436791/Former-policewoman-Andrea-Waldeck-crystal-meth-Indonesia-tried-stop-family-finding-faced-death-sentence.html)

Date of Correction: 19/12/2013

Delay: 12 weeks

No. 2: [**Mr Ash Choudry**](http://www.pcc.org.uk/case/resolved.html?article=ODc0Nw==)

*Daily Mail*

Code Clause Breach : 1

[Published 28 September](http://www.dailymail.co.uk/news/article-2434803/Jubel-Miah-terrorised-wife-wearing-veil-said-wanted-to-college.html)

Date of Correction: 12/12/2013

Delay: 12 Weeks

No. 3: [**Rape Crisis**](http://www.pcc.org.uk/case/resolved.html?article=ODc0NA==)

*Daily Mail*

Code Clause Breach : 1

[Published 11 September](http://www.dailymail.co.uk/femail/article-2417412/Michael-Le-Vell-WHEN-men-pre-conviction-anonymity-rape-trials.html)

Date of Correction: 12/12/2013

Delay: 13 weeks

No. 4: [**Ms Zoe Harcombe**](http://www.pcc.org.uk/case/resolved.html?article=ODc0MA==)

*Daily Mail*

Code Clause Breach : 1

[Published 11 October](http://www.dailymail.co.uk/health/article-2455431/Statins-cut-toll-strokes-40-cent-16-years.html)

Date of Correction: 06/12/2013

Delay: 8 weeks

No. 5: [**Mr David Bennett**](http://www.pcc.org.uk/case/resolved.html?article=ODczNw==)

*Daily Mail*

Code Clause Breach : 1, 2, 3, 4

[Published 1 April](http://www.telegraph.co.uk/news/politics/9965891/Benefits-reform-welfare-victim-who-dared-Iain-Duncan-Smith-to-live-on-53-is-a-gambler.html)

Date of Correction: 06/12/2013

Delay: 36 weeks

No. 6: [**Mrs Jessica Sims**](http://www.pcc.org.uk/case/resolved.html?article=ODc2MQ==)

*Daily Mail*

Code Clause Breach : 6

Date of Correction: 19/12/2013

Delay: NA

No. 7: [**A man**](http://www.pcc.org.uk/case/resolved.html?article=ODc1OQ==)

*Daily Mail*

Code Clause Breach : 3

Date of Correction: 19/12/2013

Delay :NA

No. 8: [**Ms Lorraine Kordecki**](http://www.pcc.org.uk/case/resolved.html?article=ODc1Nw==)

*Daily Mail*

Code Clause Breach : 1

Date of Correction: 19/12/2013

Delay: 1 week

No. 9: [**Laura Clegg**](http://www.pcc.org.uk/case/resolved.html?article=ODc0Mg==)

*Daily Mail*

Code Clause Breach : 1, 3

Date of Correction: 06/12/2013

Delay :NA

No.10: [**A woman**](http://www.pcc.org.uk/case/resolved.html?article=ODc0MQ==)

*The Mail on Sunday*

Code Clause Breach : 1, 3

Date of Correction: 06/12/2013

Delay :NA

**NOVEMBER 2013**

No. 1: [**A woman**](http://www.pcc.org.uk/case/resolved.html?article=ODcyMA==)

*Daily Mail*

Code Clause Breach : 1

[Published 8 October](http://ukhumanrightsblog.com/2013/11/12/too-little-too-late-as-daily-mail-corrects-bogus-human-rights-splash/) (now quietly removed from online database)

Date of Correction: 22/11/2013

Delay: 6 weeks

No. 2: [**Mr Shaun McInerney**](http://www.pcc.org.uk/case/resolved.html?article=ODcyNQ==)

*Daily Mail*

Code Clause Breach : 3, 5

[Published 10 JUly](http://tinyurl.com/okwxr3s)

Date of Correction: 21/11/2013

Delay 19 weeks

No. 3: [**Dee Vyas**](http://www.pcc.org.uk/case/resolved.html?article=ODcyMw==)

*Daily Mail*

Code Clause Breach : 1

Date of Correction: 21/11/2013

No. 4: [**Mr Sean McGrath**](http://www.pcc.org.uk/case/resolved.html?article=ODcxNw==)

*Daily Mail*

Code Clause Breach : 1

Date of Correction: 21/11/2013

No. 5: [**Mr Peter Maddison**](http://www.pcc.org.uk/case/resolved.html?article=ODcwNg==)

*The Mail on Sunday*

Code Clause Breach : 1

Date of Correction: 14/11/2013

No. 6: [**Mr Anthony Stansfeld, Police and Crime Commissioner for Thames Valley**](http://www.pcc.org.uk/case/resolved.html?article=ODY4NA==)

*The Mail on Sunday*

Code Clause Breach : 1

Date of Correction: 07/11/2013

No.7: [**Mrs Julia Litt**](http://www.pcc.org.uk/case/resolved.html?article=ODY5NA==)

*The Mail on Sunday*

Code Clause Breach : 1

Date of Correction: 06/11/2013

No. 8: [**Mr Adam John Spears**](http://www.pcc.org.uk/case/resolved.html?article=ODY5MQ==)

*The Mail on Sunday*

Code Clause Breach : 1

Date of Correction: 06/11/20/13

No. 9: [**Mrs Anne Darwin**](http://www.pcc.org.uk/case/resolved.html?article=ODY4OA==)

*Daily Mail*

Code Clause Breach : 1, 3

Date of Correction: 06/11/2013

No. 10: [**Mr Rohan Agalawatta**](http://www.pcc.org.uk/case/resolved.html?article=ODY4Ng==)

*Daily Mail*

Code Clause Breach : 1

Date of Correction: 06/11/2013

1. Jempson M, (Edi*) Freedom and Responsibility of the Press*: *Report of Special Parliamentary Hearings*, Crantock Communications/Pearson 1993 [↑](#footnote-ref-1)
2. Now Baron Soley, Clive Soley was then a Labour MP [↑](#footnote-ref-2)
3. See for example:

   *Pity the Poor Citizen Complainant (20130 to Leveson Inquiry*

   <http://webarchive.nationalarchives.gov.uk/20140122145147/http://www.levesoninquiry.org.uk/wp-content/uploads/2012/03/Submission-by-Media-Wise-Trust.pdf>

   *Getting it Right for Now* (2010) Contribution to PCC governance review

   <http://www.mediawise.org.uk/wp-content/uploads/2011/05/Getting-It-Right-For-Now.pdf>

   *Stop the Rot* (2003) to CMS Select Cttee Inquiry into Privacy and Media Intrusion

   <http://www.mediawise.org.uk/wp-content/uploads/2011/05/Stop-the-Rot-pdf.pdf>

   *Press Complaints Commission Procedures* (1999) Briefing paper

   <http://www.mediawise.org.uk/wp-content/uploads/2011/05/PCC-Procedures.pdf> [↑](#footnote-ref-3)
4. See <www.mediaact.eu>. [↑](#footnote-ref-4)
5. From Lecture No.5: *A Question of Trust*, Onora O’Neil, Reith Lectures 2002: *Licence to Deceive* [↑](#footnote-ref-5)
6. Cookson R & Jempson M (2004) *Satisfaction Guaranteed? Press complaints systems under scrutiny* MediaWise ISBN 0-9547620-1-0 [↑](#footnote-ref-6)
7. A Fair System of Regulation

   <http://webarchive.nationalarchives.gov.uk/20140122145147/http://www.levesoninquiry.org.uk/wp-content/uploads/2012/06/Submission-by-MediaWise1.pdf> [↑](#footnote-ref-7)
8. Fengler, Eberwein, Mazzoleni, Porlezza, Russ-Mohl, (eds.) 2014 *Journalists and Media Accountability: An International Study of News People in the Digital Age* Peter Lang New York ISBN 978-1-4331-2281-1 [↑](#footnote-ref-8)
9. Jempson M, (Ed*) Freedom and Responsibility of the Press*: *Report of Special Parliamentary Hearings*, Crantock Communications/Pearson 1993 [↑](#footnote-ref-9)
10. Now Baron Soley, Clive Soley was then a Labour MP [↑](#footnote-ref-10)
11. <http://mediastandardstrust.org/mst-news/ipso-an-assessment-by-the-media-standards-trust/> [↑](#footnote-ref-11)
12. <http://pressrecognitionpanel.org.uk/word/> [↑](#footnote-ref-12)
13. *Report into the Culture, Practices and Ethics of the Press* Published 29 November 2012.

    <http://www.official-documents.gov.uk/document/hc1213/hc07/0780/0780.asp> [↑](#footnote-ref-13)
14. <http://www.pressgazette.co.uk/chair-ipsos-funding-body-blasts-new-press-regulator-failing-set-whistleblowers-hotline-four-months> [↑](#footnote-ref-14)