

IPSO MUST SHOW WHAT IT IS MADE OF

Culture Secretary Matt Hancock confirmed on 1 March 2018 that the government has decided not to proceed with Part 2 of the Leveson Report, and will repeal section 40 of the Crime and Courts Act 2013 at the earliest opportunity. Later in the month an attempt in the House of Lords to introduce controls through the back door via amendments to the Data Protection Bill was defeated in the House of Commons; clauses 168 and 169 required publishers to pay both sides of legal actions brought against them in data protection cases. With Leveson officially laid to rest, the current position is that 95 per cent of national newspapers are regulated by the Independent Press Standards Organisation (IPSO) while IMPRESS, the approved regulator recognised under the Royal Charter on press regulation, has few members and is ignored by the mainstream printed media. An attempt by the News Media Association (NMA) to challenge the decision by the Press Recognition Panel (PRP) to recognise IMPRESS was rejected by the High Court in October 2017.

In his Parliamentary statement on the consultation response to Leveson, Mr Hancock noted that IPSO had introduced a new system of low cost-arbitration and had processed more than 40,000 complaints in its first three years of operation, ordering “multiple front page corrections or clarifications” in the process. He acknowledged the existence of IMPRESS but did not elaborate on the organisation’s achievements or its future role. Mr Hancock’s message was that the media landscape today is markedly different from that which Sir Brian Leveson examined in 2011. Newspaper circulation has fallen by about 30 per cent; digital circulation is rising, but publishers are finding it much harder to generate revenue online; social media continues to grow and is largely unregulated; and high quality-journalism is threatened by issues such as clickbait, fake news, malicious disinformation and online abuse. In short, life has moved on and the framework of press regulation proposed by Leveson is regarded by those in power as largely irrelevant and indeed potentially harmful to press freedom. The government is preoccupied with other matters, particularly Brexit, and is content for IPSO to assume the role of de facto press regulator with IMPRESS drifting along in its wake.

So far so good, but anyone who believed that journalism had totally reformed itself since the phone hacking scandals affecting various titles and the closure of the *News of the World* received a rude shock with the publication of the independent Kerslake Report into the preparedness for, and emergency response to, the terrorist attack at the Manchester Arena on 22 May 2017. The report, released on 27 March 2018, focuses mainly on the performance of the emergency services in coping with the consequences of an explosion detonated by a suicide bomber at a concert by the American singer Ariana Grande which killed 22 people – many of them children – and injured over 100. However, the report also considers the role played by the

Articles

| | |
|---|-----------|
| A proposal for a Global Ombudsman Service | 2 |
| Institute News | 10 |
| Articles (cont’d) | |
| The transnational crime of human trafficking: taking the Canadian human security approach | 20 |
| Legal form and independence of specialist regulators: the case of the Oil and Gas Authority | 25 |

media, and the Kerslake panel was “shocked and dismayed” by the accounts of families of those involved with their experiences with some reporters. Actions complained of included a foot in the door by a reporter at the home of a family; a child being stopped on the way to school; and a note offering £2,000 for information included in a tin of biscuits given to hospital staff. There were at least two examples of impersonation, with one journalist claiming to be a bereavement nurse in the course of a telephone call while another purported to be from the police. Facebook and other social media accounts were accessed and photographs used without permission. People felt “hounded” and “bombarded”, and it was clear that the behaviour of some of the media covering the attack fell well short of the standards required by the IPSO Editors’ Code of Practice (notably the clauses dealing with privacy, harassment, and intrusion into grief or shock).

The overall picture was not entirely bleak, with the *Manchester Evening News* receiving praise for raising £1 million in 24 hours for the emergency appeal. Efforts were made by some media organisations to report facts accurately and limit the number of contacts made to individual families; the BBC, for example, established a central newsgathering team and created a “round robin” group to set limits on who could approach people. Some families acknowledged the supportive role played by their local newspapers.

In its response to Kerslake, IPSO has said that it will be “looking at what more we can do to support victims, families and the agencies that work with them, as well as making sure that IPSO-regulated publishers are aware of their obligations and responsibilities under the Editors’ Code of Practice.” Members of the public involved with the Manchester Arena explosion who have levelled specific complaints against journalists will expect IPSO to investigate the conduct of people and organisations involved where breaches of the Code can be shown to have taken place. IPSO’s mission statement includes the statement that “we hold newspapers and magazines to account for their actions”. It is time for IPSO to do so.

Julian Harris

Deputy General Editor, *Amicus Curiae*