

## The PressBoF Charter compared to the Victim's & Cross-Party Royal Charter

### 1. Arbitration is optional

- In the Associated Newspapers / News International / Telegraph Charter (aka the PressBof Royal Charter) there is no requirement to provide an arbitration scheme, one of the central recommendations of the Leveson regulatory recommendations (Schedule 3, para 22)

### 2. PressBoF runs the show

The Press Board of Finance (dominated by Associated/News International/Telegraph Group) is written into the Charter and has a great deal of power

- The Charter is granted to PressBof: (Petition and Preamble and Art 1)
- Members of PressBof make up the initial Recognition Panel (Art1.2)
- PressBof/Industry Funding Body (and trade bodies) have a veto on amendments to Charter (Art 9.2)
- PressBof/Industry Funding Body (and trade bodies) have a veto on dissolving the Charter (Art 10.2)
- PressBof funds the Recognition Panel on from year to year, rather than a long-term basis: (Art 11)

### 3. No power to direct equal place and prominence apologies/corrections

The regulator has no power to **direct** corrections or apologies. Instead the regulator only has the power to "require a remedy". The regulator will, like the current PCC, be in the position of negotiating what sort of remedial action is suitable and have no power to specify the nature of the remedy or how or where a correction or apology should be published (Schedule 3, paras15 & 16)

### 4. Editors are in almost total control of the Code of Practice

This is to the exclusion of working journalists, and significantly reducing the role of the public and independent appointees or independently-appointed people (Schedule 3, para 7)

### 5. There is no guarantee investigations will be funded or effective

They are not required to be 'simple and credible'. There is no requirement for a ring-fenced investigations fund. The recognition panel cannot use its judgment to assess the effectiveness of investigations. (Schedule 3, paras 18 & deletion of 19A)

## **6. The appointments process of the Recognition Panel is far less independent of the industry**

- The Commissioner for Public Appointments no longer has control of process or appointment (deletions in Schedule 1, para 2.1 and para 4.2).
- The Chair appoints the other members instead of this being done by Commissioner for Public Appointments (Schedule 1, para 2.2).
- One member of the (4 person) appointments committee has to be agreed with the PressBof/Industry Funding Body and will be a “representative of the press” (Schedule 1, para 2.3).
- Members of the recognition panel serve only 2 years not 5 years - considerably increasing turnover and ability to influence appointments (Schedule 1, para 5.2)
- Former editors can be appointed to the recognition panel (Schedule1, para 3.3 (a))

## **7. Politicians are let back in everywhere**

- Any and all politicians (including serving MPs) can play a role on the staff of the Recognition Panel including its director, as the total bar has been removed (see Article 7.3).
- The bar on Party political peers and MEPs - from the Appointments Committee and the Board of the Recognition Panel – has been removed (see Schedule1, paras 2.4 & 3.3)
- The bar on Party political peers, MEPs, and elected members of the devolved parliaments/assemblies - from the Board of the Regulator - has been removed (see Schedule 3, para 5)

## **8. Curtailment of judgement of the Recognition Panel**

- The Recognition Panel cannot use its judgment to see whether the regulator is independent and effective, it is bound strictly to the tick-box approach recognition criteria (Schedule 2:, para1)

## **9. Whistle-blowing hotline is still not a definite recognition requirement**

- Although the final draft now purports to include a “requirement” (Schedule 3 Para 8A) to have a whistle-blowing hotline, this would appear to be misleading. While Schedule 2 para1 says that the recognition criteria in Schedule 3 must be met, this is qualified in the Press Industry Charter by the explicit rejection of this requirement, and other Leveson recommendations, as recognition criteria in Schedule 2, para 4 of the PressBoF version.
- There remains not even a superficial requirement for the regulator to provide guidance on the public interest, or general advice to the public about the Code and privacy issues (Deletion of Schedule 3, paras 8A-8C in 18th March Charter).

## **10. Extra barriers for bringing complaints**

- It will be very difficult indeed for representative groups to complain (Schedule 3, para11(b)). A representative group complaint has to be a ‘significant’ code breach, there has to be ‘substantial’ public interest, and it has to qualify for ‘formal’ consideration.
- This is a higher hurdle even than PCC

- It is not needed because bars on “opinion-based”, “lobbying” or “unjustified” complaints are already excluded in both Charters (Schedule 3 para 11)

### **11. Lack of Independence of the Chair of the “independent self-regulator”**

The Chair of the “independent self-regulator” could even – it seems – even be

- a serving editor as per Schedule 3 para 5(d),
- a serving MP (or any politician) as per Schedule 3 para 5(e) or
- someone who cannot in the view of the panel act fairly and impartially (Schedule 3 para 5(f)).

This is due to the :

- deletion of Schedule 3, para 5 (f) entirely – a requirement that Chair and board members are able to act fairly and impartially,
- deletion of Schedule 3 para 5 (d) and (e) from the criteria relating to the Chair in para 2,
- together with the caveat at the end of para 1 that industry involvement in making appointments to the board in line with para 5 is not a breach of para 1.
- The lack of clarity on whether para 4 safeguards applies to the appointment of the Chair
- And the only “check” on such an obvious breach of the Leveson requirements would be the Recognition Panel. However if the self-regulator is put to the Recognition Panel as soon as it is created, the Panel would be ... PressBoF itself

### **12. Power to exclude publishers by lack of differential subscription rules**

- The self-regulator will be able to exclude some publishers by virtue of not being required to provide differential membership terms based on different characteristics of the publishers (deletion of words in Schedule 3, para 23)

What about the veto on the members of the board of the regulator – said to have been dropped by the industry?

- The allegedly conceded “industry veto” on appointments the self-regulator never appeared in the Press Charter in the first place.
- It was instead an “intention” of the industry (who draw up the detailed rules beyond any Charter framework) to require the decision of the appointments committee in Schedule 3 paras 4 & 5, on nominations to the board, to be by “qualified majority voting” such that the “press representative (s)” had a veto. Now, instead, it will be by *consensus* - which may be no better if that merely means *unanimity*.
- In any event the lack of independence of the self-regulator remains –see (7) and 11) below, as well as the nobbling of the “independent” Recognition Panel – see (2), (6) and (7) below.
- It would be appropriate for the press industry to publish its draft Articles of Association and Standing Orders so people can see what other anti-Leveson plans are hidden therein.