Q1 Chair: Good morning. This is a one-off session of the Committee where we are looking at dealing with complaints against the press. Before we come on to the two potential press regulators, I would like to welcome Mrs Hannah Weller, who is the founder of Protect: The Campaign for Children’s Privacy. Perhaps it would be helpful if you could just begin by setting out the events that led to your founding the campaign.

Hannah Weller: First, thank you for having me and listening to me today. In October 2012 my family and I were on holiday in LA and my husband took three of our children out for the afternoon shopping. They noticed a man following them around taking photographs of them and my husband asked the photographer to stop. He carried on doing it and got quite aggressive and even threatened to fight my husband in front of the children, which was obviously an unpleasant experience for everyone involved. The most distressing thing was that a few days later we realised that seven photographs of my children had been published in The Mail Online, which is one of the world’s most visited websites, as I am sure you all know. As a mother, I was completely shocked and worried for my children that their privacy had been violated in this way and that their images had been exposed online for all the world to see.

We went through a lengthy process of sending legal letters to the publishers and it ended up with us going to trial. During the course of the trial there was lots of existing case law, regulations and guidance, and the Human Rights Act was spoken about, and the right to privacy. It just shocked me that, even though there is already so much guidance there, it is down to the discretion of
the editors whether they decide to publish these photographs. I just felt that we were not getting enough protection from the Government for our children and their right to privacy. They already have a right to privacy, which was being violated by the tabloid media and it is regularly for other families as well.

I felt that we should not have to go through this lengthy, costly, worrying process to secure their right to privacy and the judge himself mirrored my thoughts during the case when he said that there was a lack of clarity. He criticised the lack of clarity in current law as to basically how he was to make his decision; that there was an argument on both sides so that it was difficult. The fact that it is down to the interpretation of the law by the judge on the day just put us in a very worrying position. Luckily we won, but I decided to launch the campaign to ask the Government to look into clarifying existing legislation so that families like mine do not have to go through this process in the future and their children’s rights are properly enshrined in law.

**Q2 Chair:** Thank you. As far as you know this was a freelance photographer, not an employee of *The Mail on Sunday*?

**Hannah Weller:** Yes, it was.

**Chair:** So he would have been touting these photographs around to whoever would have bought them?

**Hannah Weller:** Yes.

**Q3 Chair:** Equally, it was an opportunist event? He had not followed you on holiday to get—

**Hannah Weller:** Not that I know.

**Chair:** He had just seen your husband—

**Hannah Weller:** I think he had spotted my husband, yes.

**Chair:** —and said, “Gosh, there’s a famous person with his children. I’m going to take their photograph”.

**Hannah Weller:** Yes, and then followed them around. Even when he was asked to stop my husband noticed him hours later hiding behind a lamppost and behind some bushes continuing to take photographs. Do not get me wrong. My husband would never complain. It is not a pleasant part of his job, but he would not complain if somebody was just photographing him, but when the children are involved that is a completely different issue and I think every parent would feel uncomfortable about their children being exposed in that way without their consent.

**Q4 Chair:** You did not make a complaint to the Press Complaints Commission.

**Hannah Weller:** No.
Q5 Chair: Why not?

Hannah Weller: When my children are potentially being harmed by the behaviour of the press I feel that it is a bigger issue than regulation. At the time I did not have any faith in the Press Complaints Commission or that they would do anything about it or that their response would be effective. I felt it was a matter for the law. I felt they had broken the law and, therefore, it was natural for us to approach our lawyers as opposed to a regulator.

Q6 Chair: Would you have taken the same view today with IPSO having now been set up?

Hannah Weller: Personally, yes, I would.

Q7 Chair: You would still have pursued it through the courts?

Hannah Weller: Yes, my first port of call would have been my lawyers because I feel that it is a legal issue. I do not think it is just a case for regulation and, in my opinion, if regulation was effective, this would not have happened and it would not continue to happen now if the regulation worked in itself.

Q8 Chair: Do you think the situation remains as bad as it was when this occurred or has there been any improvement?

Hannah Weller: I still see photographs of children unpixelated in the press, children spotted out with their families in private time. I know personally of people I have approached in the capacity of my campaign who have told me stories of their children’s photographs being in the media without their permission and they also go to their lawyers and have their lawyers write letters to the newspapers asking them to remove the images.

Q9 Steve Rotheram: Given the problems in Parliament over the last few days over undue influence, I am not sure whether I should declare an interest in a hairstyle. You have received a bit of stick in certain sections of the media over the campaign. Indeed, the vice president of the NUJ criticised your proposals about parental control, arguing that photos of children singing in concerts and meeting Father Christmas could not be published. I know you have used the public interest defence in regard to those claims, but would you like to expand a little further on what you perceive as being the need for changes in the legislation?

Hannah Weller: I think the key in the circumstances is consent and public interest and also identification of the child. If it is just a crowd shot of a park or something with children playing and they are not the main focus of the image or they are not identified, there is no direct risk posed to that child and, therefore, that would be exempt. Also if a strong public interest could be demonstrated, that would be exempt. However, consent is key. If the publisher can seek consent from the parents, then fine, go ahead. If not, all we are asking is that they pixilate the face.
This does not infringe on any publishers’ or photographers’ rights to publish any article or any photograph of children but if they cannot seek consent we are asking that they pixilate the face of the child they do not have consent for, which I do not feel is that much of an ask. I do not think it infringes the press’ right to say what they want to say or publish whatever they want to publish. It is just about being responsible and protecting children from unwanted media exposure.

Q10 Steve Rotheram: Pixilating the faces of children who the press have not received parental consent to use that image would—

Hannah Weller: Where they are identified, yes.

Steve Rotheram: Yes. That would go some way to counter the claims that have been made that it would be too onerous for the press to try to get consent.

Hannah Weller: I am sorry. Could you repeat that last bit?

Steve Rotheram: Because of the onerous nature of trying to collect consents, the press have used that and said that is why they would not use those images. What you are suggesting is that they could pixilate the images of the children where they have not gained consent.

Hannah Weller: Yes, absolutely. I understand that it does not make the job any easier for editors or for photographers to have to gain consent but it is a responsibility. It does not have to be easy, but it is a responsibility and I think it is our responsibility as adults to protect our children, who are the most vulnerable members of society and who do not necessarily have a say about whether they, as children, are exposed in the media and what knock-on effect that might have on them as children or as adults. They might decide when they are adults they want to lead a very private life, but that decision may have already been taken away from them when they have been exposed in the media during their childhood.

Q11 Steve Rotheram: As the parent of three children myself, I think the safety of your kids is the number one priority in any parent’s life but, in regard to some of the iconic images, again some of the claims have been that, for instance, we all can see in our mind’s eye the young girl running away from the American napalm attack and obviously there is no consent there. Some of the press have said, for instance, those images would not be able to be used. What would you say to that?

Hannah Weller: I think there is a misunderstanding of the details of my campaign and my specific asks. In circumstances like that, I think it would be agreed that would be a public interest exception. It is important for people to see the plights of people around the world and so there is a public interest exception but also I do not think, in that particular circumstance, the child was identified by name.
Q12  Steve Rotheram: As you know newspapers can be fined, certainly under the new regulations with IPSO, is there any need then to change legislation?

Hannah Weller: In my experience, just as a family and me just being a mum and caring about my children, going up against a massive tabloid organisation like that was scary and I got the impression that they had very deep pockets and they, in a way, felt that they were above the law or above regulation and were happy to pay the fines. Our case was quite clear. We had a very strong case, yet they continued to pursue it at great cost to them and they are now appealing the case at potentially further cost to them. I do not feel that fines, unless they were absolutely catastrophically massive fines, would serve as a strong enough deterrent.

If there was clear legislation to point to and to clarify the issue for everyone, not just for the families who at this moment in time are not completely aware of whether they have an expectation of privacy, but for the publishers who also are not that clear about whether they have a right to publish these photographs. This was highlighted in our case. I think if there was clear legislation this ambiguity would be cleared up and it would be more defined about whether they were allowed to do it or the fact that they were not allowed.

Q13  Steve Rotheram: Finally from myself, what do you say to claims that this is just to help celebrities and middle class people who can afford to go to court to try to get recompense?

Hannah Weller: The fact that it is so costly to go to court is one of the reasons why I have launched this campaign, because I do not think protection of your children’s privacy should be just the right or the privilege of wealthy people. We are lucky that we were in a position to take on that challenge but many people are not and it is not just something that affects children of the rich and famous. Anything as unpredictable as becoming the victim of a crime or if a member of a family becomes, for whatever reason, subject to media attention, their children can get dragged into that. That can happen to any family. Any family could find themselves the victim of crime or subject to media attention and so I think there should be a law that protects all children and their rights, which they already have. They are born with a right to privacy and it is just not being adhered to by the press or by certain parts of the press at the moment.

Q14  Paul Farrelly: I looked through clause 6, which is on children and photographs, of the Editors’ Code—I am a former journalist—and it is unclear when it comes to taking photographs of children but clause 3 on privacy is quite clear. It says, “Everyone is entitled to respect for his or her private and family life”. That should be a slam dunk, but clearly in so many cases it is not. One thing that Leveson said in his principles—principle 36—was that a new regulator should carry out a thorough review of the Editors’ Code, but the old code just seems to have been inherited. You talked about law, but do you think it is time for the regulator to do what Leveson asked it to do in looking at the code of practice?
**Hannah Weller:** Looking at the code of practice, and the clauses that are relevant to my campaign and my family’s predicament, they are exactly the same, word for word, as the last one and they are quite clear, as you said. I think if this was adhered to there would not be a problem and I would not be here today. If any of the other guidelines and the Human Rights Act and the European Convention on the Rights of the Child and all these things were adhered to, there would not be a problem at all.

**Q15 Paul Farrelly:** So often in the past one of the problems was that the code was fine but the maxim was, “Never let the code get in the way of a good story”. You do not feel that anything has changed?

**Hannah Weller:** I do not personally think anything has changed, no. This is just my opinion. I am sure everybody here will have more detailed things to say on it, but I feel like IPSO is just the PCC all over again.

**Q16 Paul Farrelly:** Again, nothing changes. You do not see it as credible or independent enough?

**Hannah Weller:** No, I do not have any more faith in the current regulator than I had in the Press Complaints Commission.

**Q17 Chair:** Given that they have not done anything very much yet, why have you reached that conclusion?

**Hannah Weller:** Again, I am not an expert on this and so I do not want to get too much into the details, but I know that there are still some of the same members of staff. I know they still inhabit the same office. It just does not sit right with me. I do not think there has been a big overhaul. I do not think that this is a vastly different organisation from what it was before. I see that there are changes, I see that there are new promises and I see that it may be different, but I personally do not have faith that it has changed.

Just from my point of view with my campaign and with children being exposed without consent, I still see this happening. I have seen this happening in the last six months. Not my own personal experience, but I have spoken to people who are still experiencing the same thing and so that in itself shows to me in the capacity of my campaign that this is no different from how it was before.

**Q18 Paul Farrelly:** I have been done over by the *Mail* a few times.

**Hannah Weller:** Join the club.

**Paul Farrelly:** I know from being on the other side of the fence how time-consuming and expensive libel actions are, so I would not even consider it. I would not even consider spending 12 weeks of my life complaining to the *Mail* about what it wrote about me and I am sure you probably felt the same. But one of the changes that Sir Alan Moses, the new chair of IPSO, is on the record as wanting is for the new regulator, imperfect though it may be, to be able to handle and receive complaints directly without people having to go
round in circles with the newspaper or publication concerned. Do you think that would be a good step?

**Hannah Weller:** It all comes down to whether it works and whether the general public have faith in it. I guess it would take a few circumstances where a complaint has been made and it has been dealt with effectively and then the knock-on effect being that whatever the problem is does not happen any more, but I am not seeing that now. I do not know how long it is going to take for that to happen, if it ever does.

I still come back to the point that, specifically with my campaign, I am dealing with children. I am dealing with vulnerable children and teenagers and people who deserve special protection. As a parent, if you feel that something is being done to your children that is potentially harmful or against their rights, you should not have to just go to the press regulator, especially if you do not have faith in them; you know, especially if you do not feel they are truly independent or they do not have other interests at heart. For me, my first port of call would be a lawyer or the police or somebody—I think it is a bigger issue than regulation. Protecting your children is such an emotive and strong issue that it goes above regulation.

**Q19 Paul Farrelly:** Just a final question. If you put aside for a moment the publication that offended and distressed you, we have had the PCC, which was a busted flush; we have had Leveson, a vast inquiry; we have had the Royal Charter and now we have IPSO. Yet throughout all this, the person who has always chaired the Editors’ Code Committee still chairs it, Paul Dacre, and he is the top man of the newspaper that has offended mostly under the old system and, according to the IPSO statistics, continues to offend mostly under the new system. How do you feel about that in terms of the credibility of the new regulator?

**Hannah Weller:** Like I said earlier, I personally feel that it is just the same old thing. It has just changed its outfit, changed its name, and it is just behaving in the same way. It is also worth noting that even if, in this short-term period post Leveson and post the introduction of IPSO, there was an improvement in press standards, who is to say that when the heat is off in a year’s time or in five years’ time that it is not just going to go back to the old ways? I do not think it is independent enough and I do not think there is faith in it. I do not think the general public have faith in it. I certainly do not.

**Q20 Mr Leech:** Do you think every case should be treated exactly the same? What about those circumstances where some celebrities volunteer to go in newspapers or publications with their children, possibly for financial gain or possibly not? In those circumstances, is it not fair game for someone to be photographing those children who have already been photographed elsewhere?

**Hannah Weller:** First, I think the key is consent. If a parent takes the decision to expose their children in the media, that is their decision, as it is our right as parents to make all the decisions for our children and their safety. I do not think it should be the decision of editors. When a family decides to do that, that is a different thing. Yes, cases would have to be looked at
individually, as they already are. Just because a family may decide to do a
glossy magazine spread and have their children photographed in a controlled
environment at home where they feel safe and everybody knows what is
going on, I do not think that should automatically give the press the right the
following day to chase the children down the street or photograph them in the
park or on their way to school or things like that.

**Q21 Conor Burns:** Everyone would have an enormous degree of
sympathy with the description of what your children experienced when out with
your husband and I suppose in those circumstances your cynicism about the
new regulator is understandable. However, given that it is claiming to be a fresh
start and given that it has not yet actively been tested, do you not think that
people in your circumstances—I do not want to use the word “duty”, that is too
strong—have a responsibility to test to see whether you are correct that the new
regulator is as toothless, as supine, as you fear it is?

**Hannah Weller:** How long a chance will it get? It has already been
established and it is already a working regulator and these cases that I am
talking about of paparazzi shots of children unpixelated being published, that
is still happening. If the day that IPSO became the new regulator there was a
massive change and none of these things were happening, the children were
not being photographed any more, then I would have faith in it. I did not
decide before IPSO was started that I would not have faith in it. I had great
hopes that things would change, but in my opinion and in my research I can
see that it has not.

But I go back to the point that I do not know that, even if there was a change
now, it might be relaxed in a little while or whatever. There are many issues
to talk about, which I am sure we have spoken about today, but my concern
is about children's privacy and I do not think we should have to rely on a
regulator that may or may not work or may or may not have our best
interests at heart or may or may not have their best interests at heart. We
should have the assurance of law and legislation to protect our children in this
way, in the same way as many issues connected to children.

Many issues that affect children are legislated on because they are important
and they are vulnerable. They need protecting. They need strong protection
and they need our Government to protect them, not just a regulator that may
or may not work.

**Q22 Conor Burns:** I am not trying in any way to diminish the validity of
the argument you are making around the law. I am just wondering whether, if
you and others were able to sit there and not say, ”I feel that the new regulator
is a toothless organisation”, but, ”I know from my experience by putting a
complaint to it that it was no different from the previous regime”, that would be
more powerful, would it not?

**Hannah Weller:** Do you mean if we complained and nothing had happened?

**Conor Burns:** Yes. The former Secretary of State is chuntering to my right.
You are saying it is a useless body, but it is a new body and it has not been
tested and it requires people to come forward and put live complaints to it for us to see whether there is any significant difference or whether you are right.

**Hannah Weller:** But it is a Catch 22, isn’t it? If people do not have faith in it they are not necessarily going to use it in the first place. I know I certainly would not and so I would not give IPSO the opportunity to prove itself in that way, but I think the fact that these things are happening, that these pictures are still being published, shows at least that it does not have enough weight to dissuade the press from doing it in the first place. One can only hope that if a complaint was made it would be dealt with effectively, but that would need a certain amount of faith in the first place for people to make the complaint.

**Q23 Conor Burns:** Finally, on the point that my colleague just made about those in the public eye who use their children and not in the way that you replied to him, sort of a glossy shoot in Hello or OK, but those who do the reality TV programmes week after week after week, year after year after year using their children. Do you think to some degree they blur the line for themselves about what is the public sphere and what is the private sphere?

**Hannah Weller:** As I said, consent is key and it is down to the parents to decide whether their children are in the media spotlight or not. I also think there will be grey areas, as there are with any law. There will be circumstances where it is difficult to decide at first glance whether or not they have an expectation of privacy. I do not feel that anything a parent does negates a child’s right to privacy. A child has a right to privacy, regardless of what the parents do and I think it is the parent’s right to decide whether their children are in the media or they are exposed online or whatever. I do not think that gives the press the right to say, “Oh well, they have forgone their children’s rights”. I do not think you can forgo your children’s rights to privacy and, just as it is a parent’s responsibility to decide these things for their children, it is the press’ responsibility to respect the law and to respect all children’s right to privacy as stated in their code.

**Chair:** I think you have articulated your case very well. Thank you for coming this morning.

**Hannah Weller:** Thank you very much for having me.

**Witnesses:** Walter Merricks CBE, Chair Designate, The IMPRESS Project, and Jonathan Heawood, Founding Director, The IMPRESS Project, gave evidence.

**Q24 Chair:** For our next session this morning I welcome Walter Merricks, the Chair Designate, and Jonathan Heawood, Founding Director of The IMPRESS Project.
Tracey Crouch: You both appeared before the Committee a year ago now, January 2014, and I wonder if you could start by setting out what has happened since then.

Walter Merricks: I was not involved a year ago, but it was just a man and a mobile, Jonathan and his home effectively. As far as I am concerned, I was appointed via an independent appointments committee. Getting together that independent appointments committee took quite some time. I was identified by that committee and then I was involved in the appointment of the other members of my board. All those members of the board are independent people. Many of them are distinguished people and I think we have assembled a board that is compliant with the provision of the Royal Charter. It meets all the criteria that I think a properly-constituted independent body does. We have already had two meetings of my board. We have in train, ready to go, a lot of the infrastructure and materials to form ourselves into a proper organisation. We are not there yet.

Q25 Tracey Crouch: Can you give some sort of indication of timescale as to when you expect yourself to be in a position to be established as an organisation?

Walter Merricks: First, we have to adopt articles of association to make ourselves a company. We have a draft of that going. I hope we will be able to do that in the next month or so. Then we have to adopt a number of other materials: the complaints handling provisions, the arbitration rules. We have all those in draft, so they are all ready to be available to go.

Q26 Tracey Crouch: Are we talking three months, six months, a year?

Walter Merricks: By the summer we should certainly be in a good position.

Q27 Tracey Crouch: Could I just ask an "in principle" question? Do you see yourself as a rival to IPSO or just an alternative?

Walter Merricks: I see ourselves as filling a gap in the market. You have heard Mrs Weller already talking about some of her reasons. For one reason or another, a number of publishers have not joined IPSO and a number of them are national newspapers.

Q28 Tracey Crouch: But they have not joined you either.

Walter Merricks: They are not in a position to do that yet.

Q29 Tracey Crouch: Do you suspect they will? Are you getting early indications that they might?

Walter Merricks: Not necessarily. We have not had the kinds of discussions and we have not laid out an arrangement under which they could join yet, but there are not just those national newspapers. A very large number of small publishers have not joined IPSO. Therefore, I think it is unsatisfactory that there should be publishers against whom members of the public cannot take a
complaint to an independent organisation. Obviously the PCC was there before to allow people to take complaints to a body. It was regarded as unsatisfactory and it is important now that there should be an independent body.

**Q30 Tracey Crouch:** You do not see yourself as competing for the same subscribers or publishers to IPSO. You see yourself as collecting a completely separate group of—

**Walter Merricks:** It is obviously possible that publishers will change their allegiances as the market develops.

**Q31 Tracey Crouch:** Could you see yourself as perhaps being the regulator of choice for perhaps local or regional media? Do you see that as an option for IMPRESS going forward?

**Walter Merricks:** We are there for any publisher that wants to join us when we are open for business.

**Q32 Tracey Crouch:** You do see yourself as a competitor, therefore, to IPSO?

**Walter Merricks:** We are there to serve whoever wants to join us as publishers.

**Q33 Tracey Crouch:** Just returning very briefly and finally to the issue around the three organisations that have not joined IPSO: The FT, The Guardian and The Independent. I briefly asked the question about their intentions. Have you received any kind of notice of intent or had any conversations with them about potentially coming on board with IMPRESS? Jonathan, I see you are nodding your head.

**Jonathan Heawood:** The short answer is yes. As Walter has explained, for much of that last year he was not directly involved and the project, which we discussed this time last year, was at that stage a project. It was a set of proposals and those proposals are now almost in the shape of an actual regulator that will make an actual proposition to companies whether they want to join or not. Certainly in that initial stage I had conversations with all those publishers and they were very open conversations in which there was a real possibility that down the line it was a real choice for them.

**Q34 Tracey Crouch:** I think you view yourselves, and others view you, as probably the most Leveson-compliant. Do you think that is the reason why publishers are perhaps not immediately coming on board and seeing yourselves as the regulator of choice in this competitive market, as has been described by Sir Walter? Many of them obviously were very hostile to the Leveson recommendations and you have set yourself up as the thing that Leveson wanted, so are you surprised?

**Jonathan Heawood:** No, I think our aim has been and remains a genuinely independent and effective regulator and to be effective requires a very high
degree of independence from any publishers that one is regulating. The publishers that I have spoken to most—as you suggested, there is real interest at a local or even a hyperlocal level. I think there is lots of academic research now showing that hyperlocals are increasingly filling the gaps left by local and regional papers and there are several hundred of these organisations out there in the country now pursuing investigative journalism, public interest journalism.

What motivates many of them is a sense of wanting to restore the status of their profession. These are professional journalists either at an early stage or a late stage in their careers who see their profession held in low esteem and who have a very different attitude towards the recommendations that Leveson made in his report and see that as a potential way forward. I think there is a very positive approach to Leveson as well as, you are quite right in saying, concerns at some levels of the industry.

**Q35 Tracey Crouch:** We have just heard from Hannah Weller about some of the grey areas and the lack of clarity around some of the issues. Surely having two regulators is just going to confuse matters more than anything else at the moment.

**Jonathan Heawood:** We do not think so because in the first instance, as I am sure Sir Alan Moses will say, complainants are expected to go to the editor in question. All that would happen is that you would look at the print or the website edition of the title that had in some way, in your view, breached the code and there should be very clear instructions there as to who you call or who you e-mail to make a complaint. It is only if and when that avenue is exhausted or, for some reason, you feel like your complaint is so urgent that it should go straight to the regulator. Then again there should be very clear instructions on the relevant title as to where you take your complaint. In fact, on a day-to-day level there is no scope for confusion.

**Q36 Mr Bradshaw:** I am guessing you would not have taken on these roles if you were not confident that there could be a Leveson-compliant regulator and that you could be it. I do not mind who answers that.

**Jonathan Heawood:** I think that is fair to say.

**Walter Merricks:** Yes.

**Q37 Mr Bradshaw:** It would be helpful to the Committee and also to those watching elsewhere if you could just remind us briefly of the very clear and powerful incentives that are already built into legislation that make the formation of a Leveson-compliant regulator, in my view, very likely. I am an optimist in these matters. Perhaps you would remind us.

**Walter Merricks:** First, I think the criteria for compatibility with the Royal Charter are very sound ones for any kind of regulator and I have been involved with regulation in many other sectors. I was the financial ombudsman for many years, so I have regulated that sector. I have been involved with the regulators of the telecoms industry, the energy industry, the
legal profession and the surveyors’ profession; so I have been involved in a variety of different sectors. The Royal Charter sets out basic principles for how any independent regulator should be constructed and then how it should be reviewed and that is common in other sectors. It is not completely different from what goes on elsewhere.

The charter then enables a body to be brought into existence. It enables the press recognition panel, a completely independent body, to certify that the regulator is genuine; it is not just a Mickey Mouse operation that is not up to doing the job. It is absolutely right that a regulator that is a self-brought-into-being regulator should be certified by somebody who is in a position to say, “This is not just a Mickey Mouse operation that is not capable of doing anything, that does not deserve any credibility”.

That then allows an independent body to be certified as capable of doing the job and I think that is a very sound set of ways of allowing something to be brought into being that is going to have public credibility.

**Q38 Mr Bradshaw:** Just remind us of the very powerful financial incentives that come into play as soon as the independent recognition body recognises a regulator.

**Jonathan Heawood:** Some of the incentives come into play regardless of whether there is a recognised regulator. As we understand it, one year after the point at which the recognition panel has formed, in other words around 3 or 4 November 2015, the exemplary damages provisions will come into force. That means that if a relevant publisher is found to have defamed or breached someone’s privacy and to have behaved with outrageous disregard for that person’s rights, in other words not a run-of-the-mill libel or breach of privacy but a egregious example, the court may now consider whether to award exemplary damages if that publisher is not a member of a recognised regulator at the relevant time. That is part of the equation and that happens regardless of whether or not there is a recognised regulator.

The second part, which we believe only comes into force if and when there is a recognised regulator, is the costs provisions so that publishers who are part of a recognised, independent, effective regulator can pursue hard-hitting stories that may bring them into the domain of a libel claim or potentially a privacy claim, but they can pursue those stories where they are customarily nowadays chilled from doing so because of the potentially ruinous costs of defending a libel action. They can do so in the confidence that if that case did get to court the court would be expected to award costs the other way. In other words, they would not be expected to pay the claimant’s costs, which, as you know, is the complete reverse of the current position where all publishers are exposed to that hazard. There are potentially very powerful reasons to belong to a recognised regulator.

**Q39 Mr Bradshaw:** There are very powerful incentives that protect the public but also protect publications from powerful vexatious complaints, the Maxwells of this world.
**Jonathan Heawood:** Precisely, on the basis that the independent and effective regulator, among its complaints-handling services, will also offer an arbitration service that will be completely impartial, completely fair and effective, inquisitorial, which means if someone does want to sue a recognised publisher as part of that framework they should be able to go to arbitration. If what they are interested in is getting justice quickly and straightforwardly that should be very appealing. On the other hand, if what they are interested in is bullying or vexing a publisher and they insist on taking them to court, they should carry the cost for that. That seems to be the underpinning of the proposal.

**Q40 Mr Bradshaw:** Part of what triggered these incentives is, as you say, you are seeking recognition from the independent recognition panel, so are you going to do that?

**Walter Merricks:** We have not decided yet, partly because my board is only a board designate and does not yet have corporate capacity to do that, but we also want to listen to people. I am particularly interested in hearing from anybody who would want to urge us not to apply for recognition. Subject to that, we will take a decision about whether we go forward to apply for recognition.

**Q41 Mr Bradshaw:** You must be aware that there is widespread support from the witness we have just heard and Parliament, from the public, from the victims that we heard of during the Leveson inquiry, for there to be a recognised Leveson-compliant regulator. Why on earth would you not be more enthusiastic about fulfilling that role?

**Walter Merricks:** I am well aware that many politicians would want us to be recognised. After all, it was many politicians who got together and created the Royal Charter, but we are not here to satisfy politicians. We are independent of politicians, so we shall make our own mind up as to whether to apply for recognition. I think there is great soundness in the framework but whether we apply is something we shall make our own minds up about.

**Q42 Mr Bradshaw:** Do you accept, if you apply and get recognition or even if you do not, given what Mr Heawood just said, that it is very likely that publications are going to find it is significantly in their commercial interests to join up with you as a regulator?

**Walter Merricks:** They will have to make their own minds up. I am not a publisher. I have never been one. Those who run publications and have to judge the commercial advantages and disadvantages will have to think about that and decide for themselves. We shall put the proposition forward for them to join us and then we shall see what choice they make.

**Q43 Mr Bradshaw:** Are you at all disappointed that you have not received more support from those national publications that have steered clear of IPSO?
**Walter Merricks:** It is always nice to be applauded as soon as you turn up on the scene, but we have to take things slowly and I think any publisher, frankly, would want to see the colour of our operation before deciding to join it. No, I am not hugely disappointed.

**Q44 Mr Bradshaw:** Do you believe that there is any truth in the suggestion that their reluctance is partly to do with a fear of senior executive and editorial staff having their lives trashed by what I call the recalcitrant press?

**Jonathan Heawood:** I do not think we can comment on that. I do not think we were privy to the internal workings of those publishers’ minds.

**Walter Merricks:** I have no idea.

**Q45 Mr Bradshaw:** You say you want to work constructively with IPSO. How do you view the decision by the Regulatory Funding Company to copyright the Editors’ Code? That surely amounts to a hostile act, does it not, against potential regulators?

**Jonathan Heawood:** I think it is important firstly to note that the Regulatory Funding Company is not exactly the same as IPSO. So the conversations that we have had with IPSO, and IPSO have gone on record—Sir Alan Moses and Matt Tee, who you are about to hear from—in front of the Lords Communications Committee, saying that in their view there is nothing to stop IMPRESS from using the Editors’ Code. But then, as you will also have gathered that Paul Vickers, who chairs the Regulatory Funding Company, then went in front of the Lords Communications Committee and asserted copyright in the code and suggested that we should write and ask permission. That is completely contrary to what Leveson anticipated in the scenario that there might be more than one regulator. He says very clearly it is possible there will be more than one regulator. The press is fracturing and developing in various interesting ways and different sections of the industry may have different interests in regulation. He says that in that scenario there should clearly be co-operation between the regulators, and that that is clearly in the public interest. I think that is very strongly our view.

It is also worth noting that the Royal Charter, not only the final agreed version of the Royal Charter but what was called the PressBoF Charter promoted by the RFC’s predecessor body, anticipates that the Editors’ Code of Practice will be the initial standards code of a regulator or regulators. Within that wider framework I think we have taken the view that the Editors’ Code is the appropriate starting point for our standards code and we have written to Mr Vickers to let him know that it is our intention to use that code.

**Q46 Mr Bradshaw:** Good luck. Isn’t what you have just said exactly what Ms Weller was saying earlier, that this Regulatory Funding Company is exactly the same as PressBoF? It controls IPSO, IPSO has no independence from it. We will come on to ask Sir Alan in a moment about his exchange in front of the Lords Committee, but he was flatly contradicted by Paul Vickers. This is the evidence, if ever we needed it, that this is just the Press Complaints Commission mark 2.
Jonathan Heawood: Just to go back to the earlier point, there are many publishers that are not content with IPSO, national, local, hyperlocal, online, the magazine industry and our view is that we believe we can offer an independent and effective form of regulation that will hold itself very publicly accountable, be very closely scrutinised and if that is of interest to those publishers then we believe, as Walter says, that we are filling a gap in the market.

Q47 Chair: Just before I bring in Paul, can I come back to the question that has been raised? It puzzles me. You have been through really quite a lengthy exercise: the Appointments Commission, identifying Mr Merricks as the Chairman Designate, appointing your board members. If you were not going to apply for recognition, why on earth did you do it because the one thing you can offer publications is the potential protection from these exemplary damages, which they will get only if they apply for recognition? If you do not apply for recognition, I cannot see why you have gone through this and why you think anybody would come along and join you.

Walter Merricks: First, I think we would stand in our own right as a regulator whether we apply for recognition or not. We would do the job that a regulator would do in handling complaints and providing—

Chair: But you would not be able to offer the protection that the law allows if you received recognition.

Walter Merricks: You are right, nor could we be recognised by the Press Recognition Panel and given that seal of approval. So that would be a disadvantage, but my board has had two meetings so far since it was appointed. When we are in a position to make a decision we will make that decision, but I first wanted to make sure that our board was at one, that it had sufficient time to jell, to discuss these matters, before formally making any decision. As I said I am taking this time to hear from anybody else who wants to urge us not to apply.

Q48 Chair: Jonathan, when we heard from you last time the reason you gave was because you had some concern about triggering the sanctions that are available under the law. Do you still have that concern and is that what is holding you back?

Jonathan Heawood: As Walter has said, my feelings throughout the process were to ensure that we had a board that was fully independent and able to come to its own decision. I did not want a board to walk into a room where pieces of the furniture had already been arranged and could not be moved around for them, so my views are a consideration. My views reflect those of other stakeholders, but I think the board will make a decision based on the long-term viability of IMPRESS and the wider framework.

Q49 Chair: Not out of concern about the consequences of your applying for those publications that choose not to join you?
Jonathan Heawood: If the board came to an informed view that those consequences were somehow totally disproportionate or would sabotage IMPRESS’s long-term aims of promoting press freedom and high standards of journalism I imagine that would be a factor. I think that would be the starting point. I am speaking for Walter here.

Walter Merricks: I am very keen to listen to anybody who wants to say that we should not apply for recognition.

Q50 Mr Bradshaw: Has anyone told you that you shouldn’t?
Walter Merricks: Not so far, but I am all ears.

Chair: I think there are probably quite a number of people who will tell you not to.

Walter Merricks: Well, I would be interested to hear why they think we shouldn’t.

Q51 Paul Farrelly: I am sure you will come under lots of pressure in the future not to seek recognition, but this is your opportunity and I am afraid that if, having gone through all this, you do not resolve to grasp that opportunity IMPRESS will seem nothing more than a chocolate fireguard in this area, so I hope you do grasp it.

I just wanted to ask about the composition of your code committee. I must say when I saw in my notes before the briefing that you were going to use the code, it occurred to me to wonder what spanners the other side would put in the works, and then later it was said that they tried to apply for copyright. It is just more absurd bloody-minded buggeration, so I encourage you just to ignore them, just like they were taking the parliamentary decision on the charter to the courts, and that was thrown out as well.

Could I ask you what steps you have taken to form your own code committee, who would be represented on it, and whether it will seek an early review of the code as Leveson recommended, not least because there have been two recent happenings that suggested it is high time to look at it? One is the campaign that Hannah Weller has talked about, and the other of course is the comments by Peter Oborne regarding The Telegraph, HSBC and the mixing of editorial and commercial interests.

Walter Merricks: First, we have not appointed a code committee yet, but you are right, we are interested in using the Editors’ Code as the starting point for a standards code. If that is going to be the code that all journalists should use as their starting point, and that has been the case, you as a journalist would know that a professional journalist who has been trained in journalism schools has learned that code from way back when, and that is their starting point, so that is going to be our starting point.

Insofar as IPSO is using that code and we are using that code and if there need to be amendments to the code then we would work together, I hope, jointly to develop new provisions for the code. I hope that we would be able to agree should there be requirements for amendments to the code. You are
absolutely right. The issue now that is in the public domain is the question of advertising pressure and whether there should be a separation, or how far newspapers should have published policies about the extent to which they should separate advertising pressure from editorial.

Q52 Paul Farrelly: Jonathan, have you given any thought to the composition of a future code committee?

Jonathan Heawood: There was an early stage, I am sure you remember, in the charter process when the charter specified that the code committee would have one third editors, one third journalists and one third lay members, which seems a reasonable approach. Certainly in my view I would expect the code committee to have some proportion of journalists, editors and others on it, so that it reflects the views of all relevant stakeholders.

Q53 Paul Farrelly: Yes. Clearly in the HSBC case we have a journalistic professional code of practice that goes a little bit beyond what the Editors’ Code says, so it would seemingly make sense. This happens in Germany already, that working journalists should be included in a code that affects their working life and the standards that they operate under.

Jonathan Heawood: Right, and this may be one of those areas in which the interests of journalists and the interests of proprietors do not exactly sit neatly aligned with each other. So if the code is there to protect the public interest in press freedom and decent standards of journalism that most journalists would want to uphold and the code does not have anything to say on this particular subject, it seems like an urgent argument for looking at the code and doing so in a way where the final decision that you reach can come on to credibility, because no one can say, “Well, that decision was reached by a group of publishers who have one set of interests rather than a group of journalists or representatives of the public who may have a very different set of interests”.

Chair: I think that is all we have. Thank you very much.

Jonathan Heawood: Thank you.

Witnesses: Sir Alan Moses, Chairman of IPSO, and Matt Tee, Chief Executive of IPSO, gave evidence.

Q54 Chair: For our third session this morning, I welcome Sir Alan Moses, the Chairman, and Matt Tee, the Chief Executive, of IPSO.

Tracey Crouch: Can I start by thanking Mr Tee for the advice that he gave me and my constituent on a recent matter? I really appreciated that.

You have been listening this morning to some of the issues that have been raised, particularly the evidence that we heard from Mrs Weller about her views on IPSO and how it is no different from the Press Complaints Commission. I just wondered if you would take this opportunity to say to the Committee why you
think there is a difference and why you think that perhaps IPSO may be more effective and independent in its oversight of the press.

**Sir Alan Moses**: First, I did hear Ms Weller’s evidence. I was enormously—how should I put it?—impressed by it and I sympathised with her as a mother. What she is after is a black line rule and the question is whether you really can have, in this field, a black line rule in every case.

To answer your question, we are determined to be, for the first time, a regulator. The PCC was not a regulator, it was a complaints handler and we wish to be an independent regulator. The press, even the press that Mr Farrelly has been speaking of, whatever your views about them—and they are not here answering for themselves and I am not going to appear here today as their champion—have said they wanted an independent regulator. We are going to hold them to that and we believe we can achieve that. That requires us not only adjudicating on those complaints that the press themselves do not resolve with the complainant to the satisfaction of the complainant, but investigating where a complaint is either withdrawn or has never taken place in matters of public concern, and in those cases where there have been deliberate or repeated breaches of the code, to have what is called a standards investigation and, where they are deliberate, to fine them. These are different functions all designed to police and monitor the standards set out in the Editors’ Code, to which the press have said that they will be bound, including the preamble about maintaining the highest professional standards.

Whether we can allay the very understandable suspicions that people like Ms Weller and those who are interested in this subject for very good reason feel, time will tell. But I am very well aware that there is not a lot of time to prove ourselves.

**Q55 Tracey Crouch**: Are you disappointed that the perception is still that you have no teeth and that you are not going to be any different, that victims of abuse from the press might as well go via lawyers because you cannot or will not do anything about it?

**Sir Alan Moses**: No, I am not disappointed, nor am I surprised. It just strengthens my determination to show that we can do so. Why should they think anything else when post Leveson there is an enormous delay while nothing happens and everybody argues and shouts at each other on the one side, saying, “There you are, you will not do what Lord Justice Leveson recommended” and the other side all either rubbing them or saying, “You are all the censorship lobby”?

There is no intelligent debate and discussion as to how, for the very first time in the history of the press, to make regulation work. All they can see is IPSO being set up with a series of rules imposed upon them, because IPSO was not part of making the rules. We have seen the contrast with IMPRESS, who are spending their time thinking about rules before they started up, so we were not involved in that. Then, finally in September we start, I am there and then there is a board appointed, a complaints committee appointed and Matt Tee appointed, and so it goes on. To them, of course, it is disappointing but what can I say other than that? I have spoken to Ms Weller outside. We are having complaints about children. It is very difficult to resolve on a black line rule and
I am glad that Mr Farrelly has identified what no lawyer has yet identified, and that is a complete answer in black and white to what respect for privacy means. No court has ever been able to achieve that, but you did say earlier that it was perfectly plain. I wish it was so plain. It all requires matters of judgment, so the lawyers think.

Paul Farrelly: Perhaps I have a different standard of ethics than others.

Sir Alan Moses: I am sure you do. Anyway, I am sorry that is a very long answer.

Matt Tee: Can I just follow up on the answer to that question? It seems to me one of the issues is that we have been up and running for four months now, and there are some parts of what we do that we have not yet publicised enough. If we take the issue for example of children, and Ms Weller's case, one of the things that we can do that I do not think is well enough known, is that if a parent requests that their children not be photographed by the press we can issue an advisory notice to editors to say that that is the case. We have had cases of parents coming to us at birth asking for that to be the case, and by and large those advisory notices are observed by the press, so I think there are things that we can do that the public are perhaps not that aware of yet.

Q56 Tracey Crouch: One of the things that Lord Justice Leveson's inquiry did was shine a spotlight on perhaps some of the bad practices in the press. Do you perceive that there has been any change of behaviour in the ethics of the press since the inquiry, or is it still exactly the same, doing what they want to do, not particularly worried about complaints or regulations?

Sir Alan Moses: It would be a very foolish regulator who said, “Oh, no, they are all now behaving themselves” because you can bet your bottom dollar that within five minutes there would be some demonstration that that was not so. What I can say is that I believe they are taking complaints far more seriously than previously because the evidence—and there have been some very good studies by Mr Watson in one of the monitoring bodies—shows the complaints are being dealt with far more speedily than they were before but as we have heard over the weekend, and we have heard last week, there are still enormous issues about press ethics that arise daily. So I am sorry to dodge the answer, because I fear that if I were to say, “Oh, yes, things are going much better” I will be within minutes proved wrong.

What I am determined to see is that they take their obligations under the code seriously. Resolution of complaints far more speedily than before does seem to be happening.

Q57 Tracey Crouch: When you accepted the position of IPSO Chairman did you have any misgivings about the kind of system that you were expected to operate?

Sir Alan Moses: Any?

Tracey Crouch: Okay. Lots?
**Sir Alan Moses**: Lots of misgivings, yes. Eventually, after expressing those misgivings and having discussions as to how there would be greater flexibility than people believed, I put my bargepole to one side and, when I was interviewed, as I warned I would do, I was given the opportunity to set out those misgivings that very much centred on the sort of questions that Mr Bradshaw and Mr Farrelly have been raising, about difficulties of having standards imposed when they ought to be as much the regulator as the regulated. Even more important in the immediate future are the questions of procedure that ought to be the procedures of the regulator and not of the regulated. There they were, in this extraordinarily complicated book where you need five different versions set out in front of you. They are merely the procedural rules that govern how IPSO monitors and polices the standards, not the code itself. It seems to me—and the principles that we published in September, to which the board have signed up, say this—that how we make our decisions, how we reach resolution and how we monitor and police should be our, the regulators, concern, not that of the regulated. That is the task on which, in the face of enormous scepticism as to whether it is going to work, we have embarked, with far greater success than people believe.

**Q58 Tracey Crouch**: IMPRESS were saying that they are still considering the issue of recognition. Can you confirm that you have now completely ruled out recognition under the Royal Charter?

**Sir Alan Moses**: I have not ruled out any such thing. What has happened is that the scheme arrangement, that is that which the press have signed up to, has as part of its rules their right to withdraw from the whole scheme should the regulator apply for recognition. They have taken—and by “they”, I do not just mean the press that has signed up, but the press that has not, and you heard Mr Rusbridger, or will have read his evidence before the Lords—what I have called a theological objection to the charter. It is to them that you must address the questions of why they have done so, but the moment I announce I am going to seek recognition, the whole thing comes to an end, an automatic trigger under clause 11 of the scheme arrangement. Because I do believe that we are at the moment with our staff providing a daily service to members of the public like Ms Weller there is no point in me bringing the thing to an end tomorrow.

**Q59 Tracey Crouch**: So you think seeking recognition under the Royal Charter would be a huge disadvantage to IPSO and its—

**Sir Alan Moses**: It would be no disadvantage to IPSO. The whole point of the scheme is to have self-regulation, in other words the press perceiving that in order to establish the credibility that they have lost they must be regulated by a set of rules, and that the regulator must be regulated depends—as Lord Justice Leveson foresaw and as the charter indicates—on a series of incentives, of which Mr Bradshaw has spoken. Indeed, I have spoken with him in the past about this.

What you have to do, and I am sorry this sounds dictatorial, but what has to be done, let me put it in the passive, is show that those incentives work, to show the press that they cannot continue to operate without the benefit of those
incentives. The fact of the matter, and I am making no value judgment, is that neither those that have signed up nor those that have not yet signed up see that there is an incentive for them to join a regulator, that it is self-regulated by the recognition body.

Once you are able to demonstrate that the incentives do work, and if I could just qualify something that Mr Bradshaw said earlier, even Mr Tomlinson Queen’s Counsel, has said that the exemplary damages is not going to work because it is going to be applied in circumstances where there would be exemplary damages anyway. Once you are able to show that the costs incentive works and that the press themselves see that they cannot continue to operate in a system whereby even if they win and show that the plaintiff or the claimant is a liar and a thief they are going to have to pay their costs—and I query whether that is ever going to work, but let us assume for a moment it will—they may change their minds. It is to them that you must impose and address the incentives. IPSO is merely trying to provide the service for the first time ever of a regulator to which the press have signed up. There has never been a contract before. There is now.

Q60 Chair: Surely it is not a question of you choosing to apply for recognition, because if you do, we know what the answer is. It is no. You are not Leveson-compliant, and therefore you would not get recognition.

Sir Alan Moses: Absolutely not at the moment.

Q61 Chair: So you would need to make fundamental changes to the structure of IPSO in order to get recognition if you wanted it.

Sir Alan Moses: I am not sure I accept “fundamental”. We would need to make radical changes, and there would have to be—

Paul Farrelly: What is the difference?

Sir Alan Moses: There is no difference. It is just me. I withdraw the change, and I apologise for seeking to distinguish it.

Q62 Chair: In order to make radical changes you would essentially need the agreement of your funding body?

Sir Alan Moses: Yes. I would rather put it in the way that we would need to persuade them of the rightness of the need for the changes. When you talk about the funding body I entirely agree that it calls itself the Regulated Funding Company. It is a fundamental mistake they made in calling themselves that. I do think you do need, because then you are going to have the accusation it is just PressBoF by another term, a representative body, otherwise I would be spending all my time speaking to all the different publishers that have signed up. There are now 75, and you do need a representative body. I wish it was called a different name.

Q63 Paul Farrelly: I want to come on to The Telegraph in a few moments, but on the point of being a regulator, not a complaints handling body, what I have seen reported so far of people asking you, IPSO, what you are going to do about The Telegraph, the comment has come out, “Well, it is not covered
by the code and no one has made a complaint”. It sounds exactly to me like the Press Complaints Commission.

Sir Alan Moses: I do not know who has said that. I certainly did not say it. I have been rather strict about not saying anything yet. I do not know whether you want me to deal with The Telegraph point but it is a good example of a fundamental issue about preservation of the freedom of editorial and journalistic judgment without which no newspaper can have credibility. You will have heard, as I have, Sir Harold Evans speaking on the “Today” programme—you were probably busy because it was as late as 7.20, but whenever it was—and also read The Guardian, on the importance of credibility. It is a very useful opportunity for doing it through the Committee. What we have decided is that we need to acquire information about the facts, not just from Mr Oborne and from The Telegraph—there is one assertion on one side, denial on the other, without any condescension to the detail—but from others. The really important question is surely how you carry that forward into some meaningful rule within a code that would underline the importance of the separation between commercialism and editorial judgment and journalism.

It is very difficult. I would just caution about devising a rule that says you are in breach of it if you fail to publish something. How far does it go? What IPSO is doing, and is going to do, is draw that into a discussion—to talk about it, in order to take it forward with its five new members of the Editorial Code Committee. At the moment, there is no rule in any code or any proposed code that says, “You, newspaper, are in breach of it for failing to publish something” and we know also of all the other pressures—political pressures and other pressures quite apart from direct pressures from an advertiser—that are also very important to keep separate from editorial judgment.

Paul Farrelly: Are you doing that?

Sir Alan Moses: Yes.

Matt Tee: Just before we go on, on the point about the code and us being a regulator, the first answer to the point that nobody has made a complaint about it, we were asked a direct question by a journalist of whether anyone had complained and that was the answer. So nobody has complained and that is why that was in that piece.

On the bit about the Editors’ Code, and being a regulator, it does seem to me it is right and proper that in order to regulate we have a set of standards to regulate against, and that is the Editors’ Code. If the Editors’ Code, as Alan has said, does not cover this instance, then the question for us is not: should we invent a way of regulating that takes us outside the code? I think the right question is: are changes to the code necessary?

Q64 Paul Farrelly: I will come on to that in a moment. We will cover The Telegraph situation because I want to ask a few more questions about that. We have the list of your complaints, but how many instances have you identified proactively yourselves of breaches of the code and asked newspapers to do something about it without having received a complaint so far? How many times?

Matt Tee: I think we have done it twice so far.¹
Paul Farrelly: Twice? Can you tell us what instances?

Matt Tee: Yes, The Sunday Mirror Brooks Newmark case, the paisley pyjamas case, and an issue with a newspaper about a headline that raised questions of whether there was discrimination in the use of some words, and we raised that with the newspaper in the same way.

Paul Farrelly: Okay. I have a few more questions about the regulatory funding.

Sir Alan Moses: Can I just add one point to that? We are moving premises tomorrow and starting with a new premises that will have space to employ people to do the extra functions that we have identified that we need to do, for example in relation to standards and monitoring. We do not even have the people there to do that yet. We are recruiting them, we have advertised, and we are going to do that. That will help in relation to launching the sort of inquiries to which you have referred.

Q65 Mr Bradshaw: I am not quite sure from some of these questions whether you are investigating Peter Oborne’s allegations about The Telegraph and HSBC.

Sir Alan Moses: We are not investigating yet. We are going to invite information about that and the broader issues, but we have not launched that. We have not launched an investigation and the real question is how through a regulatory medium can you preserve this separation? It is an enormous issue. I am afraid it is not new. It has been very graphically illustrated in the last week without us knowing all the facts. I simply have not heard, for example, The Telegraph side of the story.

Q66 Chair: You do see it as potentially within your remit to get into these sorts of questions, because it is a long way away from all the matters previously you have dealt with.

Sir Alan Moses: Absolutely. What I do see in the future, and I am sure that Walter and others would also endorse this, is a really useful function for a regulator as a forum for open discussion of how greater strength could be given to the separation, greater support for drawing those lines, so there might be room and there perhaps ought to be room for IPSO to be a resource in that way as a forum for discussion of those matters that have never been resolved, and, dare I say, may never be resolved.

Q67 Mr Bradshaw: Can I bring you back to Mr Paul Vickers? Am I right in thinking that he is Chairman of your Regulatory Funding Company?

Sir Alan Moses: Yes. It is not my Regulatory Funding Company, it is theirs.

Mr Bradshaw: Yes. It is a Regulatory Funding Company that funds IPSO, and in what way is it separate in that regard? It funds you, you get your money

1 Matt Tee later clarified that IPSO have proactively inquired about two potential breaches, but have not yet adjudicated on any demonstrated breaches on proactive inquiries.
from it. He also sat on the widely discredited predecessor organisation PressBoF, am I correct?

Sir Alan Moses: Yes.

Mr Bradshaw: Yes, he did, because he gave evidence at Leveson explaining that.

Chair: Just on a point of information, I understood he was standing down. Is that correct?

Mr Bradshaw: He stood down from his job at Trinity Mirror, which I am coming on to, Mr Chairman.

Chair: I understood he was standing down from his chairmanship of the regulatory body.

Sir Alan Moses: Then you have news that I do not.

Mr Bradshaw: I think he might be standing down after this session, if we are lucky. Can I quote to you evidence that Mr Vickers gave to our Chairman, Mr Whittingdale, in front of this Committee on 6 December 2013? He was asked about potential phone hacking practice within the Mirror group and he said, “I think I should probably preface my answer by saying some of our current journalists have recently been arrested on charges that relate to phone hacking. We have done huge investigations and to date we have not found any proof that phone hacking took place”. Do you consider that a credible statement, given what we know now?

Sir Alan Moses: I cannot speak for him, nor am I prepared to defend him.

Q68 Mr Bradshaw: You are not prepared to defend the chairman of the organisation that funds your organisation?

Sir Alan Moses: Absolutely. You must put those questions to him and he must be given an opportunity to answer that cross-examination. I am not here to defend him or to challenge him. I am here to ensure that the press who have signed up listen to my arguments for the changes I want in the way we run our affairs. I can tell you that we have had a number of meetings and they are doing so. I really do not think, Mr Bradshaw, you can use me as some punch ball to bounce off your accusations against Paul Vickers.

Mr Bradshaw: Do you not think it—

Sir Alan Moses: I simply am not in a position to answer them, nor would it be proper for me to do so. He must answer for himself.

Q69 Mr Bradshaw: Are you not concerned in terms of the credibility of your organisation that he is the chairman of the body that funds—

Sir Alan Moses: I did not appoint him and my credibility and the credibility of the organisation of which I am chair will depend upon the conscientiousness and achievement of those objectives we have set out.
Q70  **Mr Bradshaw:** Does this not go exactly to the heart of whether you are really independent or not? Can I tell you what Mr Vickers said he did in front of the Leveson inquiry?

**Sir Alan Moses:** You have just asked me about whether it goes to the heart of it. Do you want me to answer that question?

**Mr Bradshaw:** No, I am going to come back to that in a moment, if I may.

**Sir Alan Moses:** Perhaps I could answer it. I do not believe it does go to the heart of it. He is but one member of the Regulatory Funding Company. The meetings that I have had with them I assure you have been entirely open. They have listened very carefully to the arguments that we have submitted both in writing and orally about the changes we want and I am optimistic that we are going to achieve them, whatever the personality. We have no say in the appointment of the Chair of the Regulatory Funding Company. Whatever you call it, we would never have a say in the appointment of the membership of those who represent and appear on behalf of the press that sign up to our scheme.

Q71  **Mr Bradshaw:** You may be interested to discover that the huge investigation to which Mr Vickers referred to consisted of his writing to senior editorial executives in the Trinity Mirror group and giving them one week to respond to allegations of phone hacking. That was it. With your lawyer’s hat on, do you consider that to be a huge investigation?

**Sir Alan Moses:** I have read that before. I knew that.

Q72  **Mr Bradshaw:** It does not trouble you that this man is chairing the body that funds you?

**Sir Alan Moses:** I think I have already answered that.

Q73  **Mr Bradshaw:** Okay. Do you have any idea why Mr Vickers no longer works for Trinity Mirror, why he left last month?

**Sir Alan Moses:** No.

**Mr Bradshaw:** Have you asked him the question?

**Sir Alan Moses:** Yes.²

**Mr Bradshaw:** What did he say?

**Sir Alan Moses:** I have not asked him, no.

**Mr Bradshaw:** Have you asked anybody the question?

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² IPSO would like to make clear that this pertains to the fact that they have asked the Regulatory Funding Committee about Paul Vickers status as Chairman after he left Trinity Mirror.
Sir Alan Moses: We asked Trinity Mirror what the position was and we do not know.

Q74 Mr Bradshaw: You do not think it could be related to the fact that the Trinity Mirror group has admitted now to widespread phone hacking?
Sir Alan Moses: You would have to ask them. I am not prepared to speculate.

Q75 Mr Bradshaw: This is the man who chairs the organisation that controls your organisation.
Sir Alan Moses: He does not control our organisation.

Mr Bradshaw: We will get on to that in a moment.

Sir Alan Moses: Well, let us get on to it, because it simply will not do to assert that without asking questions, under the guise of attacking Mr Vickers who should surely, by you—I mean, I notice you have not asked him here today. He should be given an opportunity of answering this for himself. I am not here to defend him and it is deeply unfair to expect me to do so.

Q76 Mr Bradshaw: So who is right in the House of Lords evidence, you or Mr Vickers, as to who has the power to change IPSO’s rules and regulations?
Sir Alan Moses: I do not know whether, Mr Bradshaw, you read my letter to the Chairman of the Lords Committee. There were cross-purposes that were never corrected in answer to the question of Lord Razzall. He asked questions about the Editors’ Code. What I was talking about were the changes to the procedural rules and regulations, and when Lord Razzall asked Mr Vickers about changes to the Editors’ Code Mr Vickers did not correct him and say, “I think you mean rules and regulations”. He just said, “I know of no changes to the code”, but I agree with you that in his answers he appeared to take a far more truculent view about my proposals than has been apparent in our private discussions.

What I am seeking to achieve is changes to the rules that we at IPSO in our independent judgment think are necessary to operate effectively. While I am resisting your questions about Mr Vickers in the way that I have, I am only doing so because I am concerned to do nothing that gets in the way of achieving that goal. In the middle of negotiations if I am to be publicly rude about somebody with whom I am negotiating it does not require a lot of imagination to see that I am inhibiting what I am trying to achieve. That is why I am fencing in this way, for which I apologise.

Q77 Mr Bradshaw: I am not inviting you to be publicly rude. I am just inviting you to explain to the Committee and the wider public who has the power. You have said, and you have just repeated it here today, that you want to change the rules, and that you think the rules are inadequate.
Sir Alan Moses: Yes.
Mr Bradshaw: Mr Vickers came back at that Committee and said, “When Sir Alan says he is going to put a red line through a whole load of things he can’t” so can you, or can’t you?

Sir Alan Moses: I cannot do it unanimously. I have to persuade them at this stage of the need to do so. I am so sorry.

Q78 Mr Bradshaw: So you have to persuade Mr Vickers and the fellow members of the Regulatory Funding Company?

Sir Alan Moses: No, no, and all those they represent.

Q79 Mr Bradshaw: Did you take a view of the Regulatory Funding Company’s decision to seek copyright for the Editors’ Code?

Sir Alan Moses: Yes, I have also publicly stated it at the Lords Committee, which you probably read.

Q80 Mr Bradshaw: Perhaps you would like to repeat it in front of the Commons Committee? We are rather possessive about this evidence.

Sir Alan Moses: Am I not even allowed to refer to it? Anyway, I thought it was absurd and I maintain it was absurd, and Walter and John have heard me say it to their faces when we talked about these matters and they know it as well. I think you used words I am not allowed to use.

Paul Farrelly: Bloody-minded buggeration.

Sir Alan Moses: Is he allowed?

Q81 Mr Bradshaw: I am nearly finished, Mr Chairman. Are you confident that your board and your complaints committee satisfy the requirements of independence of those members who are on your website described as independent members?

Sir Alan Moses: Yes, I am.

Q82 Mr Bradshaw: You have done due diligence on all of the so-called independent members, have you?

Sir Alan Moses: I do not know why you indicate in inverted commas. Can I just say that whatever their background, and I know the past history of one of them is a matter of concern, particularly up in Liverpool, and all I can speak of is how they behave once they have become directors with their obligations to the board. They have signed up to the principles, to which I have already referred, of independence, and I watch their behaviour. All I can say is that in their judgments in individual cases of complaints they are doing what they were chosen to do, namely to exercise independent judgment, both as matters of policy so far as the board is concerned and as matters of complaints so far as the complaints are concerned.
Q83 Mr Bradshaw: IPSO’s own rules state that the independent members must have no connections with the newspaper and magazine industry. You are satisfied that your independent members fulfil that criterion?

Sir Alan Moses: As far as I am aware, yes.

Q84 Mr Bradshaw: I will send you a copy of a dossier that lists at least three independent members of your board and of the complaints committee with clear connections to some of the newspapers who are the worst offenders. I am not going to name them but I would like you to respond in writing when you receive the dossier.

Sir Alan Moses: Certainly, thank you.

Q85 Steve Rotheram: Sir Alan mentioned something that is really pertinent to this line of questioning that Ben Bradshaw is pursuing, and he has talked about the credibility of IPSO, and Hannah Weller spoke about the confidence that the public need to have in IPSO. How can anybody have confidence in a board of five people when one of them, William Newman, is the very man who was the ombudsman—I will not even mention the name of the rag—who had numerous letters sent to him about the factual inaccuracies of the reporting in 1989 of Hillsborough and responded not only in a nasty, I think a flippant, way in regard to the concerns that were raised, but said in his defence of the scurrilous reporting that that rag was a truth seeker with a public interest responsibility. This is a man now who is a guardian of the press standards. How can those two things be the same?

Sir Alan Moses: I do not know where you got five from. It is 12. The board is 12. He is one of 12. He is under obligations of utmost good faith to our board. He has signed up to those rules of independence. He is there, chosen by the appointments panel headed by Hayden Phillips back in May as someone with knowledge of the tabloid press and he comes with that knowledge. I am hesitant to use the cliché of gamekeeper turned poacher or vice versa but nevertheless he has to play his part of one among the other 11, and all I can say to you, Mr Rotheram, is that the only newspaper I spoke to on my appointment, be it national or local, was the Liverpool Echo. I spoke about the work that they had done championing those with the deepest and justified grievance against what had happened in the newspapers, and in particular that newspaper, quite deliberately. If anybody thinks that under my chairmanship there are going to be any fellow travellers, either in the complaints committee or on the board, they have another think coming. It is all very well for me to say that. All I can say is that I have to be able to establish that and it has not been established yet.

Q86 Steve Rotheram: But, Sir Alan, you have not addressed the two things that I asked you. One is about credibility and one is about the confidence of the public. This is a man who was identified by name in an independent panel report for defending the indefensible. There are going to be people who send in cases to your body for investigation. What confidence would they have knowing that this is a man who did what he did in 1989?
Sir Alan Moses: They will have to see the way we investigate and the way we reach judgment about it.

Q87 Steve Rotheram: Do you not think it was a poor decision to appoint somebody like that to an independent body that has from day one now, as far as I am concerned, been discredited?

Sir Alan Moses: If it is from day one discredited before we have ever done anything—

Steve Rotheram: Because of his appointment.

Sir Alan Moses: Because of his appointment. Well then there is nothing I can say to dissuade you from that view.

Q88 Steve Rotheram: No, but you have still not answered the question. Do you think that in any way this can give confidence to the public about IPSO?

Sir Alan Moses: The only way of giving confidence in IPSO is the way that we reach our decisions and the way that we conduct ourselves. Exactly. That is what I am saying.

Q89 Mr Leech: Jonathan Heawood said in the previous session that he had not wanted to create a situation where the pieces of furniture could not be moved around. You described IPSO’s rules and regulations as awful, opaque and sometimes self-contradictory. Do you feel as though when you came to the job that the table and chairs were nailed to the floor?

Sir Alan Moses: No, otherwise I would not have accepted it. I feel that there is scope for moving them around but you have underlined the very reason for my disquiet when I took the job.

Q90 Mr Leech: In terms of the powers you have, being in charge of the regulator, do you feel you have sufficient powers to make those changes?

Sir Alan Moses: As Mr Bradshaw has rightly pointed out and as I think the Chairman pointed out, we cannot do so unilaterally.

Q91 Mr Leech: What happens if you are not able to change the rules and regulations that you want to?

Sir Alan Moses: I am optimistic that we will be able to because the negotiations are going well. But we have exercised our independent judgment as to what they need and we are not prepared to go on in circumstances where we cannot be independently effective.

Matt Tee: The thing I would say, Mr Leech, is that it seems to me understandable when people are trying to get groups of the press to sign up to a new organisation that people say, “I am not going to sign up until I know what the rules are”. It is part of the issue that IMPRESS are dealing with at the moment I think, that people will not come on board until they know what the rules are but you want the people who are going to run the organisation
to have a say in the rules. I think Alan and I both took the job on the understanding that we would be able to negotiate changes to the rules. That is what we are doing and the funding company are entering into that with goodwill and in good faith.

**Q92 Mr Leech:** Let us assume the worst case scenario and you cannot persuade them to allow you to change the rules. What do you do?

**Sir Alan Moses:** I think the worst case scenario is one that at the moment I am not prepared to contemplate, but I should have thought the answer was obvious.

**Q93 Mr Leech:** So if you are not able to get the change in powers that you feel are necessary you would resign?

**Sir Alan Moses:** The bottom line is that if we are not able to act with rules that ensure our ability to make independent decision and judgment and have independent procedures, we cannot go on. But we are in the middle of negotiation. It would be absolutely ludicrous for us to say, “If we do not get this we are off”.

**Q94 Mr Leech:** How long are you giving it?

**Sir Alan Moses:** We are not prepared to give a date to it but it is obviously urgent, they know it is urgent and what is more they accept that it is urgent. We have had meetings in principle and lawyers with our people are at the moment discussing the wording, so it is rather further forward than anybody feared. We were constantly told when we started, “You will not be able to change anything. What on earth do you think you are doing? These are people who will simply not listen”. Our experience hitherto has been absolutely to the contrary.

**Q95 Mr Leech:** To the Lords Committee you said that transparency was your watchword.

**Sir Alan Moses:** I hope I did not say that. It sounds like a terrible cliché.

**Q96 Mr Leech:** Are you happy that the procedure that led to your appointment complied with the Nolan principles of appointments and, if so, for the sake of transparency, would you be willing to ask the Committee of Standards in Public Life to have a look at it and publish a view?

**Sir Alan Moses:** I have absolutely no inhibition about asking them to do so.

**Q97 Mr Leech:** Do you think anyone who appointed you might have regretted it now, given that you appear to be taking a very independent view?

**Sir Alan Moses:** But I told them I was going to. No, I do not think so. I had an interview that was much more stringent than this one. They were much tougher and they knew from the outset because Sir Hayden said, “Look, before we start asking questions”—I am not sure I am allowed to say any of
this but—”do you want to express what you expressed to me privately about your severe misgivings about this?” I did, and that is how it started.

Q98 Mr Leech: Following on in terms of transparency, do you think that IPSO’s publishing of information about complaints is more transparent than its predecessor?

Matt Tee: Not yet would be the straightforward answer to that. We have begun publishing adjudications. We have begun publishing cases where we do not find a complaint founded. We will over time, and this is a technology issue not an issue about transparency, once our database is more capable, once our website is more capable we will begin to publish a lot more information about complaints, about the nature of the complaints we are receiving. Some of the statistics that we have given the Committee, for example, there is additional detail behind that and we will be quite transparent about those in terms of numbers.

Sir Alan Moses: Could I just add, because I think it is important, Mr Leech? We are going to publish all our decisions. Some of them are going to be starred. In other words, those that have greater precedential value than others, but all of them will be there. I do not know why there are these technical glitches. It is a website that we inherited. It is not working the way it should because it is not automatically recording and the staff have been writing it down as well as it going up automatically.

Q99 Mr Leech: But at the end of last year, on 23 December, you issued your first five rulings but it was also accompanied with a press release saying that you had received 3,000 complaints in the first three months. It does not look very transparent if you are telling the world about five cases out of 3,000.

Matt Tee: Let me say two things on that. First, one of the things we have looked at since is our use of the word “complaints”. You will see on the figures we have given the Committee, for example, that we now describe the initial inquiries from the public as inquiries from the public rather than complaints because we have discovered we log every inquiry we get from the public. Some of those are not real complaints. Some of those are, for example, people getting in touch on the website on a Sunday saying they have not had the colour supplement in their newspaper, so those sorts of things that are not real complaints against the press. We have received now around 1,000 substantial complaints that we have investigated. We will begin to set out, as we have done for the Committee, the reasons why those complaints do not reach adjudication if they do not. For example, a proportion of complaints are not pursued to the end of adjudication by the complainant. For one reason or another they decide to discontinue the complaint. Some of those complaints are resolved with the newspaper without it coming for adjudication to IPSO.

Q100 Mr Leech: Would you not accept, though, that by publishing the data you did in December it does not really put IPSO in a great light and it does not look as though you are being very transparent? It looks as though you are being less transparent than the PCC was.
**Matt Tee:** I am sorry if it gave that impression. In December, because the complaints committee had met on two occasions, we had some full adjudications. We had both complainants and newspapers asking us to publish those so that they could begin to understand how the IPSO complaints committee was approaching complaints and to begin to build a body of case law. As I say, we will soon begin publishing a more granular version of the complaints statistics that will give people exposure to the level of transparency you are talking about, which we think is important.

**Q101 Mr Leech:** One last question. There has been some criticism from some quarters that you are treating national publications differently from local publications in terms of the outcome of complaints. In the case of Littler versus *The Sunday Express* and Hutchings versus *The Wiltshire Times* there appears to be a certain lack of transparency in how different decisions were reached on those two cases, where you took a tougher line on the local publication than you did on the national publication. Perhaps because the national publication provides a significant amount of funding towards your organisation.

**Matt Tee:** Nobody has raised that issue with us and I am grateful to you for raising it because it is the sort of thing we should look at. I am very happy to look at it and if you would like, I will write to the Committee with some reflections on it. What I would say is it is entirely possible in the early days that some of our rulings are not as consistent as they will be in the future when the complaints committee has more experience of this. I will be interested to look at the differences in these cases. I can say that I would absolutely refute any suggestion that the possible financial contribution of any newspaper group plays any part in the way we consider complaints.

**Sir Alan Moses:** I think if you said to any member of the complaints committee—if you spoke to Mr Watts, who is here today, the ex-headmaster of one of the largest comprehensives in East Anglia, or Lara Fielden who gave very important assistance and help to the Leveson Inquiry or David Jessel, founder of the Criminal Complaints Review Commission—that you thought that they were reaching decisions influenced by the nature of the person complaining, they would regard that as the most monstrous of suggestions, as indeed would I as chairman of the complaints committee. The idea that we are affected by anything other than our judgment about the merits of whether there has been a breach of the code or not is complete balderdash.

**Q102 Mr Leech:** That was a very robust defence. Thank you for that. On that basis, would you be prepared to ensure that you are looking at how the different publications are being treated by doing an analysis of the complaints made against national publications as opposed to local publications?

**Sir Alan Moses:** It sounds a very good idea.

**Matt Tee:** It is a very good idea and I would add that one of the things that we will do before the summer is commission an external review of IPSO. We think it is very important that there is an independent external view of how IPSO has carried out its role and that might be the sort of analysis that review
might also carry out independently of IPSO, but I think it would be a very good idea if IPSO was also monitoring that internally.

Q103 Mr Leech: Would that be published?
Matt Tee: I would be happy to publish it.

Q104 Angie Bray: How much goodwill do you think you have behind you to succeed?
Sir Alan Moses: We do not deserve any goodwill until we have got going and are able to demonstrate that we do deserve it. There are those who are so appalled at the fact that there was this huge delay after Leveson and that an organisation did not come into being straight after Leveson that you could say immediately complied with what Lord Justice Leveson recommended, apart from Ofcom, which, of course, nobody seemed to want. Apart from that, there are those who—how shall I put this politely?—it would be part of their agenda to see us fail. They do not want us to succeed because they regard us as traitors to the cause of the gospel of—if I am not mixing my metaphors, I am certainly mixing my Testaments—Lord Justice Leveson.

Others—members of the public—speak daily to members of my staff. If you could listen to Mel on the telephone speaking patiently daily to members of the public ringing up to complain about all sorts of things, you would acquire enormous goodwill for the service that we are providing at the moment. The point is that while these debates go on, some of them theoretical, some of them highly practical, we are there running and providing a service.

Q105 Angie Bray: You are saying that those who would have much preferred to see Leveson in its entirety are almost wishing you not to do well.
Sir Alan Moses: You must ask them and speak to them.

Q106 Angie Bray: But is that the impression you get?
Sir Alan Moses: Not with those here that I speak to. I speak to Dr Harris, I speak to Joan Smith, I speak to Martin Moore of the Media Standards Trust. They give me enormous, helpful advice, as do Walter Merricks and Jonathan Heawood. Publicly there may be a dispute, privately I want to go on talking to them and I know that I will get help from them. But obviously, as Nietzsche said, enemies need enemies in order to survive, and there are those whom I am very conscious I will never, ever be able to persuade because we are not doing what they feel should have happened straight away and indeed what most of us here would wish had happened: that straight away after Leveson there was then in being a regulator discussing the minutiae of the rules, discussing the standards and then getting started. What has happened is that there was then that extraordinary delay and everybody became entrenched and started arguing and, I am afraid, shouting at each other.
Q107 Angie Bray: Were you surprised to hear this morning our first witness, Hannah Weller, saying she did not have much confidence in your organisation?

Sir Alan Moses: Not at all. As I think I said earlier to another of your members, I well understand her suspicion and the misery of having to go through all that process of litigation in order to establish what any mother would want to establish, and protect her children from paparazzi. I am not surprised at all, no.

Q108 Angie Bray: You heard the questions from my colleague, Steve Rotheram, about the fact that you will have to build up some credibility and you said, “Well, the proof will be in the eating”. How long do you have to establish some credibility so that the public can feel the whole future of the press is in good hands now and can make the right decisions?

Sir Alan Moses: Not long at all. It is incredibly urgent. All I can say is that I started on 8 September; Matt started at the end of September. We then had to set out, and surely this is sensible, what we say were the functions needed. Not just complaints handling but standards, external affairs. One of the problems with transparency and telling people what we are doing is that we do not even have a department to say what we are doing. We now have the funds whereby we are satisfied we are going to be able to do that. We are moving to new premises tomorrow and the day after, and then we will recruit those people and they will start doing what we believe a regulator needs to do. But if you say when, I hope the day before yesterday because people who have waited since the end of the Leveson Report have waited far too long.

Q109 Conor Burns: Can I just take you back to a question that you answered a little earlier where you seemed to indicate, Sir Alan, the recent coverage in The Telegraph might be something that your body could look at?

Sir Alan Moses: I think we should look at it, but why I am being slightly hesitant is that we have not had the board meeting at which we need to discuss it, nor do we have the information that we ought to be getting in. We hope that Peter Oborne will give us material and information. We hope other journalists will and we hope The Telegraph themselves will, because after all we have not heard from them what their account by way of denial is.

Q110 Conor Burns: I am not asking you in any way to prejudice what you might choose to do it. But would you be doing that on the basis that you as a body think that is something you should look at or would you be considering doing that because you have had multiple complaints that would trigger you to do that?

Sir Alan Moses: No, it is the former. We have not had multiple complaints. Then there is the question of the extent to which the regulator should be a forum for discussion of this without being able to identify a rule that says we are investigating this to see whether you are in breach of it or not. Then we have the difficulty, and I am not saying it is insuperable, of how you draft a regulatory rule that makes sense about a failure of a newspaper to publish what ought to be published.
Q111 Conor Burns: I am intrigued by this line because you are indicating in that train of thought that you see your body as having the ability to initiate its own lines of inquiry, its own probes into different things within the industry rather than being merely a reactive body.

Sir Alan Moses: I think it is really important that we should develop that capability.

Matt Tee: I would make a distinction between us entering into an inquiry or a dialogue about an issue of importance like this one, as opposed to us undertaking a regulatory investigation that might lead to us taking some sort of sanction. At the moment nobody has complained to us about The Telegraph piece and it is quite difficult to see potentially which clause of the code it might raise issues under. So, I think it is entirely legitimate that we have a conversation about this thing that has clearly raised matters of public concern without necessarily saying this is a regulatory investigation. We might raise questions about it and question whether the code should be changed in order to bring it into our remit but I think it would be wrong as a regulator not to be able to enter into discussion with our members and others about areas where concerns are raised.

Q112 Conor Burns: Absolutely. So if I may, Sir Alan, I will take you back to the evidence you gave to the Lords Committee. I do this from a perspective, as everyone on this Committee knows, of someone who has argued that we want—I certainly want—to see independent self-regulation of the press, rather than statutory regulation of the press. So I come from a perspective of wishing you very well in bringing this to fruition. You told the Lords Committee, “From the outset one of our main tasks has been to identify the rules and regulations that we say need amending or cutting out to demonstrate an effective and robust simplicity and directness. That is how we will demonstrate our independence and only time will tell whether we can successfully persuade and convince others”.

Can I take you right back to the beginning of today’s evidence session? We heard very powerful and compelling evidence from Hannah Weller that she had no confidence in you. You were in the room and I put it to her that had she complained to you that would have given you the opportunity as a new body to demonstrate whether she was right or wrong. Having said about The Telegraph on an issue potentially where there are no complaints that it was something you could look at, this is a lady who has gone to law, over what she feels is unfair practice by newspapers and those associated with them. Could you not, without a complaint, pick up her case?

Sir Alan Moses: We are certainly very conscious of her campaign and her wish for a black line rule that says absolutely no publication of children’s photographs. Then, I am not quite sure, whether except with consent, which is pretty much how I read rule 6 of the Editors’ Code Committee. We have had cases already, for example, A levels, a photograph of a celebrating young lady. Everybody else’s children all seem to get five stars with their A levels and a photograph. The headmaster says, “Delighted”. The girl gives her name and address, the photographer puts it in the local press and then a complaint
afterwards. In other words, with every sports race, every receipt of examination results, do you have to go to the parent as well as to the school?

**Q113 Conor Burns:** But with respect, what I was asking was on the particulars of her case, which was the intrusion into her family, her children when they were out. That is a separate thing, if I may say so, from the broader campaign. She said it was not that she did not want to complain, she thought there was no point. She thought that your new body was no different and would have no different outcomes—

**Sir Alan Moses:** If she had complained we would then have considered the complaint and if the photographs were taken without consent in circumstances where she had a reasonable expectation of privacy, which the judge, Mr Justice Dingemans found, in circumstances where they have gone out shopping, we would have upheld the complaint.

**Q114 Conor Burns:** Just forget the specifics of her case, what would be different? What would you say today is different for someone who lacked confidence in your predecessor regime about your regime that they should have confidence in coming to you?

**Sir Alan Moses:** First, for the first time ever, the members of the press have signed up to an agreement enforceable in court to be bound by these rules and to be bound by the Editors’ Code. There was no contract, there were no rules before with the PCC, and no requirement on the part of the publication under the contract to publish the correction in the terms dictated by IPSO in the place dictated by IPSO. None of those compulsory powers previously existed. Insofar as redress is concerned for breach of privacy, we are very conscious of the need to avoid the sort of processes that Mrs Weller had to go through, going to court at vast expense, in order to vindicate her rights. What is needed is a compulsory system of arbitration or ombudsman, some form of redress, which avoids the need for having to go to court, and that is something that IPSO is determined to set in place. What has to happen is a compulsory scheme. It is no good having a scheme where you put in place arbitration that allows a newspaper to decide whether to submit to it because then you have the vice identified by Lord Justice Leveson of a powerful, well-funded newspaper being able to buy them off or frighten them off.

**Q115 Conor Burns:** In answer to Lord Dubs in the House of Lords, you accepted that not being able to amend the Editors’ Code put you in a weaker position than you would like to be in, and that it was your ambition to get to a position where you, as the body, could change that. How key is that a requirement for people like Mrs Weller and others to have greater confidence in you as a body?

**Sir Alan Moses:** I would imagine, speaking on her behalf, absolutely key. When I—

**Q116 Conor Burns:** How important is it to you to get to that point?
**Sir Alan Moses**: Absolutely. It is very important. If I could pick up what Jonathan Heawood said earlier, the question of the constituencies within the Editors’ Code Committee—it is a point that Joan Smith for Hacked Off made to me powerfully very early on when I went to speak to them and they were good enough to talk to me—was the importance of journalism and journalists being on the Editors’ Code Committee so that you had these different groups, editors, lay people and journalists, with nobody having overall power. There has been a start, and I accept it is only a start, whereby I and Matt are now both on the Editors’ Code Committee with three others who have now been appointed by our Appointments Panel.

**Q117 Conor Burns**: Excellent. Just to close, you may be interested to know that Alan Rusbridger is a great fan of your collar. He has been tweeting about your stylistic appearance.

**Sir Alan Moses**: Has he? That is very unkind of him. Has it gone completely haywire?

**Conor Burns**: No. It is very flamboyant.

**Chair**: It has probably gone viral around the world.

**Sir Alan Moses**: It is worth reading what Mr Rusbridger said to the Lords about joining us, if we are satisfied that we have got the changes that we want, and the problem that he felt with the charter. If I were Mr Merricks and Mr Heawood, I could well understand their reluctance to say, at least now, “We will sign up for recognition” because the real worry might be not a single national newspaper would join them. This is a worry. I have already made my point about incentives.

**Chair**: We have covered that.

**Q118 Paul Farrelly**: Ben mentioned the position of Paul Vickers, Sir Alan. We pursued phone hacking because Les Hinton at News International told us there had been investigations when there had not been, so he had misled us. It appears from the recent record that Paul Vickers is the Les Hinton, if not the Tom Crone, of Trinity Mirror, but as you say, that is not for you to comment on.

When he did appear in front of the Lords Committee a week after you—I think Ben raised this as well—when your “red lines” comment was put to him, he came back rather aggressively in a way that was really, to paraphrase it, “Sir Alan, you can come back and see us, Sonny, when you have been around long enough to wear long trousers”.

**Sir Alan Moses**: Yes.

**Paul Farrelly**: The tenor of that sort of comment is self-defeating, don’t you think? It does not give a great impression to the outside public that IPSO is going to be independent.

**Sir Alan Moses**: It is self-defeating for him. I can only speak as I find, and he is one member of the RFC. We have had now three meetings with the RFC. We have had also a fourth meeting to debate about which words you use. If you use a word like “public concern”, what does it really mean? Which is, for
example, in our draft. All I can say to you is that they are going really well, so that the impression—and I entirely shared that with you—that he gave publicly in answer to the other Committee has been belied by the behaviour of the emollient, helpful discussions that we have had. I know it is easy to say that, but I can just assure you that this is what is going on now, and I am optimistic.

Q119 Paul Farrelly: I wanted to come on to the question of the meetings with the Regulatory Funding Company. There was one due at the end of January after those comments were made by Paul Vickers. Was that the last one that has taken place?

Sir Alan Moses: No, no. We have had two more since then, that one in which I studiously avoided commenting on some of his comments about me that he made publicly, so I bit my tongue so that we were able to proceed amicably. We then had another meeting in which all the Regulatory Funding Company were there and I was able to address them and set out orally the reasons that I have already put in writing as to why I want the changes, and they have the specific draft of the changes that we want. Then, after that third meeting with those they had nominated—lawyers—to discuss with IPSO people the wording.

Q120 Paul Farrelly: Can you just outline very briefly for us what changes you want?

Sir Alan Moses: Yes.

Paul Farrelly: Three have come up in public. You may say there are more. The question of the investigation rules, arbitration, the question of people making direct complaints to IPSO. A fourth has been raised here now, where you are seeking ownership of the Editors’ Code and to change the makeup of the committee.

Sir Alan Moses: Can I just quibble with a word? Not ownership. I am seeking a change of constituency that would give nobody ownership. What I would pick up on, a point I think you made earlier, is the need for flexibility. It is a point Mrs Weller made. The need for being able to go speedily back to the public and look at those points where they were changed. Sorry.

Q121 Paul Farrelly: Can you just outline the main changes you want?

Sir Alan Moses: Certainly, yes. The main changes, first, overall, they need to be much shorter and much clearer and much simpler. They are a nightmare to understand. So far as complaints are concerned, keeping the timing tight so that it is really a very speedy resolution, and the moment that any newspaper or complainant feels that they are getting nowhere, that they come to us and we resolve and adjudicate, so there is an awful lot about mediation I simply do not understand. It is going to be a decision, and that of course is what is happening now.

Then there is the case that I think you have already referred to, where a complaint is either never launched, or where a complaint has been withdrawn or settled, where we believe there are matters of public concern that require
inquiry, and we have been asking questions about that. The example of The Sunday Mirror is a very good one, where we say that we need *ex facie*, that is explicit rules, to deal with that.

Then there is the question of the standards investigation, by which I mean those sorts of investigations that can lead to a fine, where we find the wording of the circumstances in which we are entitled to investigate it and whether there would be a fine or not opaque, and where we want it much clearer. That, as the most serious step, should be in cases of deliberate or repeated breaches. This is where the “red line”—I wish I had never used that phrase—changes that we want would cut out what, as the Media Standards Trust pointed out, were the apparent, over-and-over, opportunities to block and delay and take time out while objections are made as to the right to investigate. Let us get on with it.

**Q122 Paul Farrelly:** Arbitration?

**Sir Alan Moses:** Arbitration we regard as a vital piece of the regulator’s function, overseeing. I have said this before and I will say it again: whether arbitration or some form of mediation or ombudsman is the right course, I am still not convinced. I have had discussions with Jonathan Heawood about his arbitration scheme. We are in discussions with Early Resolution as to a scheme they have come to us with, but the vital thing that has not yet been grappled with—not even grappled with *The Guardian’s* proposal for their arbitration—is how you compel the publication to go to arbitration in advance, with some of the difficulties, for example, in Scotland, where you have to be careful that it is a truly voluntary arbitration, otherwise it has no teeth under the Arbitration Act.

**Q123 Paul Farrelly:** Just to wrap on the RFC, in a comment in an interview on your first day on the job back in September, you told *The Independent* the investigation’s budget was “hopeless”. What has changed? What is it now?

**Sir Alan Moses:** I am not sure whether I was quite accurately reported on that. What I said was that the whole budget, as I had seen it then, was hopeless. In fact, we have now got and settled a budget that does meet the requirements as Matt identified them for the different functions.

**Q124 Paul Farrelly:** What is it now?

**Matt Tee:** The overall budget?

**Paul Farrelly:** Yes.

**Matt Tee:** It is £2.4 million for this year. We agreed £500,000, what we have called a transition budget, which is for one-off start-up costs like the cost of getting the new office and fitting it out, those sorts of things.

**Q125 Paul Farrelly:** On top of that, is it?
**Matt Tee:** On top of that, yes. What we have agreed with the RFC, at least in principle, is that later this year we will begin negotiations on a three to four-year budget.

**Q126 Paul Farrelly:** Yes. Do you have a budget for investigations?

**Matt Tee:** What we have in the budget, what we have agreed with the RFC, is £100,000 with which to launch an investigation. There is no financial block to us launching an investigation. The reason that we do not have a fixed budget for investigations is it seemed to us to make no sense to have £1 million sitting in a bank account somewhere that we might or might not need, but there is a clear understanding between us and the Regulatory Funding Company that, were we to launch a standards investigation and meet the criteria laid out in the regulations, it would be funded.

**Q127 Paul Farrelly:** Sir Alan, is that not still pretty much what it was last September, which you described as “hopeless”?

**Sir Alan Moses:** No. That is why I think it was the whole of the budget.

**Q128 Paul Farrelly:** Well, the whole of the budget?

**Sir Alan Moses:** The whole of the budget was what I thought was hopeless. I think I was wrong about that because what was being proposed was not much less than what we ended up deciding that we wanted.

So far as investigations are concerned, it is a difficult question of whether you can have a body of money that is going to sit there when you do not know how much you are going to need. If we launched an investigation and we decided, for example, we wanted some forensic auditor to look into something, we would demand it and they would be in breach of the contract not to provide the funds for it.

**Q129 Paul Farrelly:** Just to finish the question, how much more is your budget now, compared with the overall budget that you described last September, when you started, as “hopeless”?

**Matt Tee:** I do not think the budget last October was ever actually stated. There were rumours and figures flying around. Our budget now—

**Q130 Paul Farrelly:** So it was a hopeless rumour?

**Sir Alan Moses:** No, no. I think it was more a hopeless chairman in his first week, shooting at—

**Q131 Paul Farrelly:** No, no. What has changed? Come on. What has changed?

**Sir Alan Moses:** No, no. What has changed was—

**Q132 Paul Farrelly:** What has changed in terms of the budget?
**Sir Alan Moses**: The figures that I was looking at were the figures of what the PCC had been operating on, rather rundown, as I subsequently discovered, in the last two years, of about £1.9 million. We now have, including our transition costs, the £2.4 million plus £500,000, just short of £3 million.

**Q133 Paul Farrelly**: I am only asking this question to be even-handed because I asked it of Lord Hunt. We were a bit surprised by the answer. How much of that budget is your salary, Sir Alan?

**Sir Alan Moses**: £30,000 less than his.

**Paul Farrelly**: £30,000 less. We can do the calculation.

**Sir Alan Moses**: He got £180,000 and, to my deep resentment, I am getting £150,000.

**Q134 Steve Rotheram**: How can you live on that?

**Sir Alan Moses**: You should not be asking me that question. No, I must not say what I was going to.

**Q135 Paul Farrelly**: The percentage is—

**Sir Alan Moses**: Could I just answer that, Mr Rotheram? What am I to say in answer to that? I am doing this job because I believe it worthwhile, in the face of—I think he is signing his letters now—deep, deep suspicion, because I believe it is worth doing, and I am going to try to do it. I had no need. I was in the fortunate position of, when I stopped being a judge, not having to work again, and certainly not looking for any other work. I had lots of things I wanted to do unpaid and charities that I now work for, that I want to go on working for, and not earn a penny more except the judicial generous pension. I was in that very happy position. Of course I am as greedy as the next man and I have accepted this salary. I am sorry, it is a very long answer, but I do not know what to answer, but it is a criticism well made.

**Q136 Paul Farrelly**: I just wanted to come briefly to the code. You have inherited it word-for-word from the PCC.

**Sir Alan Moses**: Yes.

**Paul Farrelly**: There have been a couple of instances we have talked about today that may merit just having a look at the code in a way that Leveson said the new body should.

**Sir Alan Moses**: It is more than merit. I think it is absolutely essential. It has to have that flexibility. We have already seen examples in relation to children, and there are others in relation to children in the court system—for example, the reporting of names—that need to be looked at again. The whole question of intrusion on grief—

**Matt Tee**: Mr Farrelly, in that there has been any delay in reconsidering the code, it has been because one of the changes that was made to the code post
Leveson was to include three lay members of the public, who had to be appointed by the IPSO Appointments Panel, and that has now taken place.

Q137 Paul Farrelly: But it is for the code committee itself to determine whether the code should be reviewed.

Sir Alan Moses: Absolutely.

Paul Farrelly: Not for the board of IPSO.

Sir Alan Moses: It is not for the board of IPSO, which was a point made to us before in the Lords Committee in the past, and you have to ask the question in time of how you can have a regulator that does not have a very significant say in the standards by which the regulated are going to be governed.

Q138 Paul Farrelly: With regard to The Telegraph, if you were to take one possible approach at IPSO to state that you were going to have a one-day hearing internally, it could be, where you are going to invite Peter Oborne or other Telegraph journalists, and Murdoch MacLennan as well, irrespective of his position on the Regulatory Funding Company, that would show that you were taking it seriously.

Sir Alan Moses: Yes.

Paul Farrelly: It would add to your credibility. It also might be a forum at which you might be urged and the code committee might be urged to take a look at the code and the composition of the code committee, bearing in mind the difference between the code and some aspects of the professional standards conduct that is adopted by journalists.

Matt Tee: I think we could certainly do that, Mr Farrelly. My slight hesitation about doing it would be that we would be doing it without having any sanction at the end. Given that it would not come under our current regulatory functions, I would not want to create an impression for the public or interested parties that somehow this was IPSO calling in The Telegraph and others that was going to lead to a £1 million fine, because it would not in that situation be a standards investigation. It might well lead, as you say, to a potential change to the code.

Q139 Paul Farrelly: We have talked about Paul Vickers but I should put to you the same question as I put to Hannah Weller. We have been through all this: the PCC, Leveson, the charter, now IPSO. Throughout all that, Paul Dacre, another Paul, is still Chair of the Editors’ Code Committee. It looks like nothing has changed. It looks like you are another new copper on the beat surrounded by the same old suspects.

Sir Alan Moses: There are now five people who have never been on the code committee before who are now on it. I have to go to the code committee and represent our point of view. I am not here to defend any particular newspaper or speak on behalf of them. I have to go to the code committee and meet Mr Dacre. Mr Farrelly, which newspaper was the most effective reporter about
Guantanamo Bay and about the CIA reports on rendition? Which carried it with greatest power on the front and middle pages? *The Daily Mail.*

**Q140 Paul Farrelly:** You do not feel uncomfortable at all that the person who has been chair of the code committee, at a time when the charge has been, "Never let the code stand in the way of a good story", is still in post?

**Sir Alan Moses:** When it comes to discomfort, I feel that all the time. Of course I do. It would be inhuman not to. These are people with enormous power—and I speak of the press generally—not only to do good, but to bully, to be cruel, to destroy. Of course I, as a regulator, starting out, trying to prove my independence, feel enormous discomfort and fear.

**Q141 Paul Farrelly:** I think people, seeing your combative performance here, will take some comfort from that today. I have one last question.

**Sir Alan Moses:** I hope it was not combative.

**Paul Farrelly:** Combative, not incompetent.

**Sir Alan Moses:** Really?

**Q142 Paul Farrelly:** You have accepted this job, Sir Alan, with a regulator that really fails the Leveson test in terms of independence, for a start. Why do you think you are a better judge of what will serve the public interest best than what Lord Justice Leveson, your former colleague, recommended, who chaired a year-long investigation, a public inquiry, at Parliament’s behest? Why do you think you are a better judge?

**Sir Alan Moses:** I do not think that for one moment. My respect and indeed my friendship for Lord Justice Leveson are enormous. The fact is that when it finished, what I and I think most of us here would have wished happen did not happen. Something had to be done to provide a service to go on while these debates continued and while these rows and the shouting continued, and I believe I can do that fairly and independently, or at least that is what I am going to try to do in the interim.

**Q143 Paul Farrelly:** This is an interim arrangement, as far as you are concerned?

**Sir Alan Moses:** No. If it succeeds, it will be a permanent arrangement. It is interim at the moment because we have to wait to see whether the words I speak can be put into effect.

**Mr Sutcliffe (in the Chair):** Are we done, colleagues? Sir Alan and Mr Tee, thank you very much for your evidence this morning. I declare this session closed. Thank you.