

## Side-by-side: Leveson Recognition Criteria vs 12 February Draft Charter (changes in red, deletions struck through)

\*Based on summary of recommendations not full Leveson report

Section	Rec#	Leveson Recognition Criteria	February 12th Draft Charter
Independence: Appointments	1	An independent self regulatory body should be governed by an independent Board. In order to ensure the independence of the body, the Chair and members of the Board must be appointed in a genuinely open, transparent and independent way, without any influence from industry or Government	An independent self regulatory body should be governed by an independent Board. In order to ensure the independence of the body, the Chair and members of the Board must be appointed in a genuinely open, transparent and independent way, without any <b>direction</b> from industry or <b>influence from</b> Government
	2	The appointment of the Chair of the Board should be made by an appointment panel. The selection of that panel must itself be conducted in an appropriately independent way and must, itself, be independent of the industry and of Government.	<b>The Chair of the Board can only be appointed if nominated by</b> an appointment panel. The selection of that panel must itself be conducted in an appropriately independent way and must, itself, be independent of the industry and of Government.
	3	The appointment panel: (a) should be appointed in an independent, fair and open way; (b) should contain a substantial majority of members who are demonstrably independent of the press; (c) should include at least one person with a current understanding and experience of the press; (d) should include no more than one current editor of a publication that could be a member of the body.	The appointment panel: (a) should be appointed in an independent, fair and open way; (b) should contain a substantial majority of members who are demonstrably independent of the press; (c) should include at least one person with a current understanding and experience of the press; (d) should include no more than one current editor of a publication that could be a member of the body.
	4	The appointment of the Board should also be an independent process, and the composition of the Board should include people with relevant expertise. The requirement for independence means that there should be no serving editors on the Board.	<b>The nomination process for</b> the appointment of the Board should also be an independent process, and the composition of the Board should include people with relevant expertise. The requirement for independence means that there should be no serving editors on the Board.
	5	The members of the Board should be appointed by the same appointment panel that appoints the Chair, together with the Chair (once appointed), and should:  (a) be appointed by a fair and open process; (b) comprise a majority of people who are independent of the press; (c) include a sufficient number of people with experience of the industry who may include former editors and senior or academic journalists; (d) not include any serving editor; and (e) not include any serving member of the House of Commons or any member of the Government.	The members of the Board should appointed <b>only following nomination</b> by the same appointment panel that <b>nominates</b> the Chair, together with the Chair (once appointed), and should: (a) be <b>nominated</b> by a process which is fair and open; (b) comprise a majority of people who are independent of the press; (c) include a sufficient number of people with experience of the industry who may include former editors and senior or academic journalists; (d) not include any serving editor; and (e) not include any serving member of the House of Commons or any member of the Government.
Independence: funding	6	Funding for the system should be settled in agreement between the industry and the Board, taking into account the cost of fulfilling the obligations of the regulator and the commercial pressures on the industry. There should be an indicative budget which the Board certifies is adequate for the purpose. Funding settlements should cover a four or five year period and should be <b>negotiated well in advance</b> .	Funding for the system should be settled in agreement between the industry and the Board, taking into account the cost of fulfilling the obligations of the regulator and the commercial pressures on the industry. There should be an indicative budget which the Board certifies is adequate for the purpose. Funding settlements should cover a four or five year period and should be <b>negotiated well in advance</b> .
Functions: Standards Code and Governance Requirements	7	The standards code must ultimately be the responsibility of, and adopted by, the Board, advised by a Code Committee which may comprise both independent members of the Board and serving editors.	The standards code must ultimately be <del>the responsibility of, and</del> adopted by, the Board, <b>and written by</b> a Code Committee <b>which is comprised of both independent members</b> and serving editors.

	<b>8</b>	The code must take into account the importance of freedom of speech, the interests of the public (including the public interest in detecting or exposing crime or serious impropriety, protecting public health and safety and preventing the public from being seriously misled) and the rights of individuals. Specifically, it must cover standards of:  (a) conduct, especially in relation to the treatment of other people in the process of obtaining material; (b) appropriate respect for privacy where there is no sufficient public interest justification for breach and (c) accuracy, and the need to avoid misrepresentation.	The code must take into account the importance of freedom of speech, the interests of the public (including <b>but not limited to</b> the public interest in detecting or exposing crime or serious impropriety, protecting public health and safety and preventing the public from being seriously misled), <b>the need for journalists to protect confidential sources of information</b> and the rights of individuals. Specifically, it must cover standards of:  (a) conduct, especially in relation to the treatment of other people in the process of obtaining material; (b) appropriate respect for privacy where there is no sufficient public interest justification for breach and (c) accuracy, and the need to avoid misrepresentation.
	<b>9</b>	The Board should require, of those who subscribe, appropriate internal governance processes, transparency on what governance processes they have in place, and notice of any failures in compliance, together with details of steps taken to deal with failures in compliance.	The Board should require, of those who subscribe, appropriate internal governance processes, transparency on what governance processes they have in place, and notice of any failures in compliance, together with details of steps taken to deal with failures in compliance.
Functions: complaints	<b>10</b>	The Board should require all those who subscribe to have an adequate and speedy complaint handling mechanism; it should encourage those who wish to complain to do so through that mechanism and should not receive complaints directly unless or until the internal complaints system has been engaged without the complaint being resolved in an appropriate time.	The Board should require all those who subscribe to have an adequate and speedy complaint handling mechanism; it should encourage those who wish to complain to do so through that mechanism and should not receive complaints directly unless or until the internal complaints system has been engaged without the complaint being resolved in an appropriate time.
	<b>11</b>	The Board should have the power to hear and decide on complaints about breach of the standards code by those who subscribe. The Board should have the power (but not necessarily in all cases depending on the circumstances the duty) to hear complaints whoever they come from, whether personally and directly affected by the alleged breach, or a representative group affected by the alleged breach, or a third party seeking to ensure accuracy of published information. In the case of third party complaints the views of the party most closely involved should be taken into account.	The Board should have the power to hear and decide on complaints about breach of the standards code by those who subscribe. The Board should have the power (but not necessarily in all cases depending on the circumstances the duty) to hear complaints: <b>(a) from anyone personally and directly affected by the alleged breach of the standards code; or (b) where an alleged breach of the code is significant and there is substantial public interest in the Board giving formal consideration to the complaint from a representative group affected by the alleged breach; or (c) from a third party seeking to ensure accuracy of published information.</b> In the case of third party complaints the views of the party most closely involved should be taken into account.
	<b>12</b>	Decisions on complaints should be the ultimate responsibility of the Board, advised by complaints handling officials to whom appropriate delegations may be made.	Decisions on complaints should be the ultimate responsibility of the Board, advised by complaints handling officials to whom appropriate delegations may be made.
	<b>13</b>	Serving editors should not be members of any Committee advising the Board on complaints and any such Committee should have a composition broadly reflecting that of the main Board, with a majority of people who are independent of the press.	Serving editors should not be members of any Committee advising the Board on complaints and any such Committee should have a composition broadly reflecting that of the main Board, with a majority of people who are independent of the press.
	<b>14</b>	It should continue to be the case that complainants are able to bring complaints free of charge.	It should continue to be the case that complainants are able to bring complaints free of charge.
Function: Powers, Remedies and Sanctions	<b>15</b>	In relation to complaints, the Board should have the power to direct appropriate remedial action for breach of standards and the publication of corrections and apologies. Although remedies are essentially about correcting the record for individuals, the power to require a correction and an apology must apply equally in relation to individual standards breaches (which the Board has accepted) and to groups of people (or matters of fact) where there is no single identifiable individual who has been affected.	In relation to complaints, the Board should have the power, <b>where appropriate, to require remedial action for breach of standards when a negotiated outcome between a complainant and a subscriber has failed.</b> Although remedies are essentially about correcting the record for individuals, the power to require a <b>remedy</b> must apply equally in relation to: <b>(a) individual standards breaches and (b) groups of people as defined in criterion 11</b> where there is no single identifiable individual who has been affected <b>and (c) matters of fact</b> where there is no single identifiable individual who has been affected.
	<b>16</b>	The power to direct the nature, extent and placement of apologies should lie with the Board.	<b>In the event of no agreement between a complainant and a subscriber, the power to require</b> the nature, extent and placement of a <b>remedy</b> should lie with the Board

	17	The Board should not have the power to prevent publication of any material, by anyone, at any time although (in its discretion) it should be able to offer a service of advice to editors of subscribing publications relating to code compliance which editors, in their discretion, can deploy in civil proceedings arising out of publication.	The Board should not have the power to prevent publication of any material, by anyone, at any time although (in its discretion) it should be able to offer a service of advice to editors of subscribing publications relating to code compliance which editors, in their discretion, can deploy in civil proceedings arising out of publication.
	18	The Board, being an independent self-regulatory body, should have authority to examine issues on its own initiative and have sufficient powers to carry out investigations both into suspected serious or systemic breaches of the code and failures to comply with directions of the Board. Those who subscribe must be required to cooperate with any such investigation.	The Board, being an independent self-regulatory body, should have authority to examine issues on its own initiative and have sufficient powers to carry out investigations both into suspected serious or systemic breaches of the code and failures to comply with directions of the Board. Those who subscribe must be required to cooperate with any such investigation.
	19	The Board should have the power to impose appropriate and proportionate sanctions, (including financial sanctions up to 1% of turnover with a maximum of £1m), on any subscriber found to be responsible for serious or systemic breaches of the standards code or governance requirements of the body. The sanctions that should be available should include power to require publication of corrections, if the breaches relate to accuracy, or apologies if the breaches relate to other provisions of the code.	The Board should have the power to impose appropriate and proportionate sanctions, (including, but not limited to, financial sanctions up to 1% of turnover of the publication concerned with a maximum of £1,000,000), on any subscriber found to be responsible for serious or systemic breaches of the standards code or governance requirements of the body. The sanctions that should be available should include power to require publication of corrections, if the breaches relate to accuracy, or other remedial action if the breaches relate to other provisions of the code.
	20	The Board should have both the power and a duty to ensure that all breaches of the standards code that it considers are recorded as such and that proper data is kept that records the extent to which complaints have been made and their outcome; this information should be made available to the public in a way that allows understanding of the compliance record of each title.	The Board should have both the power and a duty to ensure that all breaches of the standards code that it considers are recorded as such and that proper data is kept that records the extent to which complaints have been made and their outcome; this information should be made available to the public in a way that allows understanding of the compliance record of each title.
Functions: Reporting	21	The Board should publish an Annual Report identifying: (a) the body's subscribers, identifying any significant changes in subscriber numbers;  (b) the number of complaints it has handled and the outcomes reached, both in aggregate for all subscribers and individually in relation to each subscriber;  (c) a summary of any investigations carried out and the result of them; (d) a report on the adequacy and effectiveness of compliance processes and procedures adopted by subscribers; and (e) information about the extent to which the arbitration service had been used.	The Board should publish an Annual Report identifying: (a) the body's subscribers, identifying any significant changes in subscriber numbers;  (b) the number of articles in respect of which it has handled substantive complaints and the outcomes reached, both in aggregate for all subscribers and individually in relation to each subscriber (c) a summary of any investigations carried out and the result of them; (d) a report on the adequacy and effectiveness of compliance processes and procedures adopted by subscribers; and (e) information about the extent to which the arbitration service had been used.
Functions: Arbitration Service	22	The Board should provide an arbitral process in relation to civil legal claims against subscribers, drawing on independent legal experts of high reputation and ability on a cost-only basis to the subscribing member. The process should be fair, quick and inexpensive, inquisitorial and free for complainants to use (save for a power to make an adverse order for the costs of the arbitrator if proceedings are frivolous or vexatious). The arbitrator must have the power to hold hearings where necessary but, equally, to dispense with them where it is not necessary. The process must have a system to allow frivolous or vexatious claims to be struck out at an early stage	The Board should provide an arbitral process in relation to civil legal claims against subscribers, drawing on independent legal experts of high reputation and ability on a cost-only basis to the subscribing member. The process should be fair and quick, inquisitorial and inexpensive for complainants to use (save for a power to make an adverse order for the costs of the arbitrator if proceedings are frivolous or vexatious). The arbitrator must have the power to hold hearings where necessary but, equally, to dispense with them where it is not necessary. The process must have a system to allow frivolous or vexatious claims to be struck out at an early stage
Encouraging membership	23	A new system of regulation should not be considered sufficiently effective if it does not cover all significant news publishers	-
	24	The membership of a regulatory body should be open to all publishers on fair, reasonable and non-discriminatory terms, including making membership potentially available on different terms for different types of publisher	The membership of a regulatory body should be open to all publishers on fair, reasonable and non-discriminatory terms, <del>including making membership potentially available on different terms for different types of publisher</del>
Recommendations for a self-regulatory body: Internal Governance	34	In addition to Recommendation 10 above, a new regulatory body should consider requiring:  (a) that newspapers publish compliance reports in their own pages to ensure that their readers have easy access to the information; and	The Board of the Recognition Panel, in determining an application by a Regulator for recognition, may but need not, take into account any of recommendations 34 to 47 in the Summary of Recommendations of the Leveson Report. Where the Recognition Panel is satisfied that a Regulator meets the recognition criteria it shall not refuse to

		(b) as proposed by Lord Black, that a named senior individual within each title should have responsibility for compliance and standards.	grant recognition to that Regulator by reason of a failure to comply with any of recommendations 34 to 47.
Recommendations for a self-regulatory body: Incentives to membership	35	A new regulatory body should consider establishing a kite mark for use by members to establish a recognised brand of trusted journalism.	
Recommendations for a self-regulatory body: The Code	36	A regulatory body should consider engaging in an early thorough review of the Code (on which the public should be engaged and consulted) with the aim of developing a clearer statement of the standards expected of editors and journalists.	
Recommendations for a self-regulatory body: Powers and sanctions	37	A regulatory body should be prepared to allow a complaint to be brought prior to commencing legal proceedings if so advised. Challenges to that approach (and applications to stay) can be decided on the merits.	
	38	In conjunction with Recommendation 11 above, consideration should also be given to Code amendments which, while fully protecting freedom of speech and the freedom of the press, would equip that body with the power to intervene in cases of allegedly discriminatory reporting, and in so doing reflect the spirit of equalities legislation.	
	39	A new regulatory body should establish a ring-fenced enforcement fund, into which receipts from fines could be paid, for the purpose of funding investigations.	
Recommendations for a self-regulatory body: Protecting the public	40	A new regulatory body should continue to provide advice to the public in relation to issues concerning the press and the Code along with a service to warn the press, and other relevant parties such as broadcasters and press photographers, when an individual has made it clear that they do not welcome press intrusion.	
	41	A new regulatory body should make it clear that newspapers will be held strictly accountable, under their standards code, for any material that they publish, including photographs (however sourced).	
Recommendations for a self-regulatory body: The public interest	42	A regulatory body should provide guidance on the interpretation of the public interest that justifies what would otherwise constitute a breach of the Code. This must be framed in the context of the different provisions of the Code relating to the public interest, so as to make it easier to justify what might otherwise be considered as contrary to standards of propriety.	
	43	A new regulatory body should consider being explicit that where a public interest justification is to be relied upon, a record should be available of the factors weighing against and in favour of publication, along with a record of the reasons for the conclusion reached.	
	44	A new regulatory body should consider whether it might provide an advisory service to editors in relation to consideration of the public interest in taking particular actions.	
Recommendations for a self-regulatory body: Access to information	45	A new regulatory body should consider encouraging the press to be as transparent as possible in relation to the sources used for stories, including providing any information that would help readers to assess the reliability of information from a source and providing easy access, such as web links, to publicly available sources of information such as scientific studies or poll results. This should include putting the names of photographers alongside images. This is not in any way intended to undermine the existing provisions on protecting journalists' sources, only to encourage transparency where it is both possible and appropriate to do so.	
Recommendations for a self-regulatory body: Protecting journalists	46	A regulatory body should establish a whistleblowing hotline for those who feel that they are being asked to do things which are contrary to the code.	
	47	The industry generally and a regulatory body in particular should consider requiring its members to include in the employment or service contracts with journalists a clause to the effect that no disciplinary action would be taken against a journalist as a result of a refusal to act in a manner which is contrary to the code of practice.	