

Side-by-side: Leveson Recognition Criteria vs 18 March Royal Charter (changes in red, deletions struck through)

*Based on summary of recommendations not full Leveson report

<u>Section</u>	<u>Rec#</u>	<u>Leveson Recommendation</u>	<u>18 March Charter</u>
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 influence from industry or Government. <i>For the avoidance of doubt, the industry's activities in establishing a self-regulatory body, and its participation in making appointments to the Board in accordance with criteria 2 to 5; or its financing of the self-regulatory body, shall not constitute influence by the industry in breach of this criterion.</i>
	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.	The Chair of the Board (who is subject to the restrictions of criterion 5(d), (e) and (f)) can only be appointed if nominated 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.
	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.	The nomination process for the appointment of the Board should also be an independent process, and the composition of the Board should include people with relevant expertise. <i>The appointment panel may only nominate as many people as there are vacancies on the Board (including the Chair), and the Board shall accept all nominations.</i> 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;	The members of the Board should be appointed <i>only following nomination</i> by the same appointment panel that appoints <i>nominates</i> the Chair, together with the Chair (once appointed), and should: a) be nominated by a process which is fair and open; b) comprise a majority of people who are independent of the press;

		<p>(c) include a sufficient number of people with experience of the industry who may include former editors and senior or academic journalists;</p> <p>(d) not include any serving editor; and</p> <p>(e) not include any serving member of the House of Commons or any member of the Government.</p>	<p>c) include a sufficient number of people with experience of the industry who may include former editors and senior or academic journalists;</p> <p>d) not include any serving editor;</p> <p>e) not include any serving member of the House of Commons, the Scottish Parliament, the Northern Ireland Assembly, the National Assembly for Wales, the European Parliament or the House of Lords (but only if, in the case of the House of Lords, the member holds or has held within the previous 5 years an official affiliation with a political party) or a Minister of the Crown, a Scottish Minister, a Northern Ireland Executive Minister or a Welsh Government Minister; and</p> <p>f) in the view of the appointment panel, be a person who can act fairly and impartially in the decision-making of the Board.</p>
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 negotiated well in advance.	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 negotiated well in advance.
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 which is the responsibility of the Code Committee, must be approved by the Board or remitted to the Code Committee with reasons. The Code Committee will be appointed by the Board, in accordance with best practices for public appointments, and comprised of equal proportions of independent members, serving journalists (being national or regional journalists, or, where relevant to the membership of the self-regulatory body, local or on-line journalists) and serving editors. There will be a biennial public consultation by the Code Committee, the results of which must be considered openly with the Board.
	8	<p>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:</p> <p>(a) conduct, especially in relation to the treatment of other people in the process of obtaining material;</p> <p>(b) appropriate respect for privacy where there is no sufficient public interest justification for breach and</p> <p>(c) accuracy, and the need to avoid misrepresentation.</p>	<p>The code must take into account the importance of freedom of speech, the interests of the public (including but not limited to the public interest in detecting or exposing crime or serious impropriety, protecting public health and safety and preventing the public from being seriously misled), the need for journalists to protect confidential sources of information, and the rights of individuals. Specifically, it must cover standards of:</p> <p>a) conduct, especially in relation to the treatment of other people in the process of obtaining material;</p> <p>b) appropriate respect for privacy where there is no sufficient public interest justification for breach; and</p> <p>c) accuracy, and the need to avoid misrepresentation.</p>

	8A	(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.	A self-regulatory body should provide advice to the public in relation to issues concerning the press and the standards 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.
	8B	(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).	A self-regulatory body should make it clear that subscribers will be held strictly accountable under the standards code for any material that they publish, including photographs, however sourced. This criterion does not include advertising content.
	8C	(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.	A self-regulatory body should provide non-binding guidance on the interpretation of the public interest that justifies what would otherwise constitute a breach of the standards 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.
	8D	(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.	A self-regulatory body should establish a whistleblowing hotline for those who feel that they are being asked to do things which are contrary to the standards code.
	9	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 (for dealing with complaints and compliance with the standards code), 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	10	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.
	11	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 will need to have the discretion not to look into complaints if they feel that the complaint is without justification, is an attempt to argue a point of opinion rather than a standards code breach, or is simply an attempt to lobby. 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: a) from anyone personally and directly affected by the alleged breach of the standards code, or

		<p>b) where there is an alleged breach of the code and there is public interest in the Board giving consideration to the complaint from a representative group affected by the alleged breach, or</p> <p>c) from a third party seeking to ensure accuracy of published information.</p> <p>In the case of third party complaints the views of the party most closely involved should be taken into account.</p>
	12	<p>Decisions on complaints should be the ultimate responsibility of the Board, advised by complaints handling officials to whom appropriate delegations may be made.</p>
	12A	<p>(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.</p>
	13	<p>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.</p>
	14	<p>It should continue to be the case that complainants are able to bring complaints free of charge.</p>
Function: Powers, Remedies and Sanctions	15	<p>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.</p>
	16	<p>The power to direct the nature, extent and placement of apologies should lie with the Board.</p>

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The Board should be prepared to allow a complaint to be brought prior to legal proceedings being commenced **if so advised**. Challenges to that approach (and applications to stay) can be decided on the merits.

Serving editors should not be members of any Committee advising the Board on complaints **and should not play any role in determining the outcome of an individual complaint**. 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.

It should continue to be the case that complainants are able to bring complaints free of charge.

In relation to complaints, **where a negotiated outcome between a complainant and a subscriber (pursuant to criterion 10) has failed**, 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 **direct require** a correction and an apology must apply equally in relation to:

- a. individual standards breaches **(which the Board has accepted)**; and
- b. groups of people **as defined in criterion 11** where there is no single identifiable individual who has been affected; and
- c. matters of fact where there is no single identifiable individual who has been affected

In the event of no agreement between a complainant and a subscriber (pursuant to criterion 10), the power to direct the nature, extent and placement of **corrections and** apologies 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. The investigations process must be simple and credible and 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 attributable to 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 Board should have sufficient powers to require appropriate information from subscribers in order to ascertain the turnover that is attributable to a publication irrespective of any particular accounting arrangements of the publication or subscriber. 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.
	19A	(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.	The Board should establish a ring-fenced enforcement fund, into which receipts from financial sanctions could be paid, for the purpose of funding investigations.
	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;	The Board should publish an Annual Report identifying: a) the body's subscribers, identifying any significant changes in subscriber numbers; b) the number of: (i) complaints it has handled, making clear how many of them are multiple complaints, (ii) articles in respect of which it has considered complaints to be without merit, and (iii) articles in respect of which it has considered complaints to be with merit, 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.	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 has 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 for 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 which: a) complies with the Arbitration Act 1996 ("the Act"); b) provides suitable powers for the arbitrator to ensure the process operates fairly and quickly, and on an inquisitorial basis (so far as possible); c) contains transparent arrangements for claims to be struck out, for legitimate reasons (including on frivolous or vexatious grounds); d) directs appropriate pre-publication matters to the courts; e) operates under the principle that arbitration should be free for complainants to use; f) ensures that the parties should each bear their own costs, subject to a successful complainant's costs being recoverable (having regard to section 601 of the Act and any applicable caps on recoverable costs); and g) overall, is inexpensive for all parties.
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, including making membership potentially available on different terms for different types of publisher.