An analysis of IPSO rulings across the year 2020
Professor Paul Wragg & Dr Tom Chivers

NATIONAL NEWSPAPERS
SIGN UP TO INDEPENDENT REGULATION*

*This is not true. Like dozens of newspaper stories published every year, it is false.

The size of this correction is seven times smaller than the inaccurate headline. That's equal to the average difference in length between false and other standards-breaching stories which appear in national newspapers, and the corrections ordered by the press-controlled complaints-handler IPSO in the year 2020.
In IPSO’s 2020 Annual Report, the politician Lord Faulks, the complaints-handler’s Chairman, lauded its presence as a ‘source of accountability, independence and fair regulation’.

The former Government Minister added,

‘Covid-19 impacted IPSO and its regulated publishers... but it also demonstrated the importance of regulated, accountable news amongst a sea of disinformation’.

‘IPSO’s role is to protect the public, but it is also acutely aware of the balance that must been struck been this and freedom of expression’.

But an analysis of rulings from that year, set out in this report, reveals the truth: of a hopelessly slow-moving complaints-handler, which has helped to hide the extent of wrongdoing by its members and which is entirely unfit for purpose.

IPSO purports to follow five principles:
Independence, Transparent, Fair, Bold and Accessible.

We scrutinised all IPSO complaints decisions published in the calendar year 2020, and reviewed its own processes, constitution, and reporting statistics. The results are both shocking and give the lie to IPSO’s claims.

AUTHORED BY PROFESSOR PAUL WRAGG, BASED ON RESEARCH BY DR TOM CHIVERS
AN ANALYSIS OF IPSO RULINGS FROM THE YEAR 2020:

SUMMARY OF FINDINGS

<table>
<thead>
<tr>
<th>164</th>
<th>Average days for IPSO to rule on a complaint</th>
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<tbody>
<tr>
<td>0.3%</td>
<td>Complaints upheld in full</td>
</tr>
<tr>
<td>1571</td>
<td>Complaints abandoned</td>
</tr>
<tr>
<td>0</td>
<td>Arbitration outcomes</td>
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<tr>
<td>0</td>
<td>Front-page corrections requested by IPSO</td>
</tr>
<tr>
<td>7x</td>
<td>Average length of code-breaching articles vs average length of corrections ordered by IPSO</td>
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<tr>
<td>66%</td>
<td>Of the committee which decides the standards code are newspaper editors; only 20% are independent</td>
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<tr>
<td>0</td>
<td>Standards investigations (not just for 2020; ever)</td>
</tr>
<tr>
<td>£0</td>
<td>Levied in fines against newspapers (not just for 2020; ever)</td>
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"Independent" INDUSTRY-CONTROLLED

The Press Recognition Panel (the body which audits press regulators for independence and effectiveness) has referred to IPSO as a ‘trade complaint handling body with no independent oversight’.

IPSO’s funding is ultimately controlled by a company called the Regulatory Funding Company (RFC). IPSO’s own review, commissioned into itself in 2016, confirmed that all nine directors of the RFC held senior management positions at the major publishers. It remains the case that the RFC’s directors are all media executives.

IPSO has no power to control, change, or determine the provisions of the standards code they are tasked with enforcing, the "Editors’ Code of Practice". That is the responsibility of the Editors’ Code of Practice Committee. The industry-controlled RFC is responsible for convening this committee. Committee membership is dominated by the ten industry representatives, compared to the five non-editor members (two of which are IPSO office-holders). The committee is chaired by an editor.

IPSO cannot demand changes to the Editors” Code. Changes are decided by the industry, through the Code Committee.

Industry appointments to the IPSO board must be reviewed by the RFC.

Appointments to IPSO’s complaints committee must be reviewed by the RFC.

IPSO’s governing regulations cannot be amended without the approval of the RFC.

The RFC’s membership includes Lord Black of Brentwood, a partisan politician and Telegraph executive, who has consistently decried the Royal Charter on Self-Regulation of the Press as a threat to press freedom, because of the claimed risk of political influence.

The Charter itself prohibits appointment to a regulator of any current serving politician or any member of the House of Lords who holds or has held in the previous five years an official affiliation with a political party.

Yet not only does Lord Black himself now have a role in controlling the complaints-handler IPSO, through his position on the RFC, but Lord Faulks was appointed as the chair of IPSO in August 2019. His term as Justice Minister ended in July 2016. His longstanding formal affiliation with the Conservative Party ended, officially, in July 2019. He was appointed to run IPSO without any quibble from Lord Black or his fellow press barons.
In its own 2020 Annual Report, IPSO states that it received 30,126 complaints and enquiries. 29,377 of these were never investigated. This amounts to almost 98%.

Of 24,270 of these, IPSO says only that they were not in the body's remit, or raised "no possible breach". Complaints by third parties, out of time, relating to taste, or against a non-member of IPSO are allocated to a separate category and do not account for these 24,270. There is no specific basis for all these rejections, which were dismissed without consideration under its own Complaints Committee.

Some of the 24,270 complaints are likely to be complaints about the same articles. But IPSO does not publish a transparent breakdown. Meanwhile, a huge number of complaints were abandoned by the complainant. This is a serious indictment of IPSO's attritional complaints process, which loses the confidence of complainants.

<table>
<thead>
<tr>
<th>Percentage</th>
<th>Description</th>
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<tbody>
<tr>
<td>94%</td>
<td>Of complaints are rejected</td>
</tr>
<tr>
<td>0.3%</td>
<td>Of complaints are upheld</td>
</tr>
<tr>
<td>5.3%</td>
<td>Of complaints are abandoned</td>
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</table>

IPSO reserves to itself the unfettered discretion to conceal breaches of the Editors' Code where it deems such publication would be 'inappropriate'.

Once a complaint is initiated, complainants are gagged from publicising even the fact of their complaint. If they do, IPSO is authorised to terminate the complaint immediately.

IPSO does not pursue complaints if a complainant is satisfied with a remedy proposed by the publisher or gives up. As a result, we do not know how many breaches of standards newspapers commit year to year.

No one knows how many breaches of the Editors' Code are committed by newspapers every year. IPSO does not publish this figure.
And when the ruling comes, there is no guarantee it will be rational or fair.

On 28 November 2019, the Daily Star reported the death of a man with the headline reporting that he had been ‘KILLED BY A YORKSHIRE PUD’. The story provided details of the family meal at his daughter’s house and contained photographs of both her father and her home, which were taken from Facebook. It also contained a generic photograph of a roast dinner. The report caused great distress to the family during their period of grieving, and as a result they issued a complaint to IPSO.

After more than two months, IPSO ruled that there had been no breach of any code provisions, including Clause 4, Intrusion into Shock or Grief, which the Editors’ Codebook (the guidance document accompanying the code) says is ‘designed to protect those victims [of shock and grief] at their most vulnerable moments.’

In rejecting the claim outright, IPSO stated that the report concerned a matter of public interest despite the coroner raising no concerns about the death, having ruled it to be a tragic choking accident. IPSO appeared to justify rejecting the complaint of "Intrusion into grief" on the basis that the report covered the events of legal proceedings (a coroner’s inquest), making no criticism of the sensationalist and trivialising headline. The coroner’s findings did not even reference a Yorkshire pudding.

In 2020, it took IPSO on average almost six months to rule on a complaint.

In another case, a contestant on the TV game show Tipping Point complained that an article published by an IPSO-regulated newspaper caused them to receive targeted abuse on social media. After the complainant accepted the paper’s offer to remove the online article, IPSO terminated its investigation without any further action, allowing the member publisher to avoid censure without even a mild rebuke for its actions. This case illustrates the phoniness of IPSO’s purported commitment to holding the press to account.
IPSO has the power to fine members for serious AND systematic breaches of the code.

This power is not Leveson compliant since the Royal Charter says that a regulator could impose sanctions for serious OR systemic breaches.

IPSO has never initiated the process for disciplining any of its members for serious and systematic breaches.

Partly, this can be explained by its suspect complaints reporting process. Complaints in which the complainant accepts an IPSO member’s offer to ‘remedy’ their complaint (in effect admitting malpractice in their reporting) are concluded as ‘No Ruling’. They are not recorded as code breaches, and therefore cannot contribute to evidence of ‘serious and systematic’ breaches.

Because of this loophole, newspapers can evade censure for even the most heinous breach of the code so long as they can placate the complainant, or the complainant is worn down by IPSO’s attritional complaints process and gives up.

A flight attendant complained after the MailOnline obtained, and then published details of, a private ‘Snapchat’ video.

The story said that the video showed the complainant mocking passengers for travelling to Turkey for teeth whitening procedures. This, the complainant said, was both inaccurate and an unjustified invasion of privacy, for which she had suffered significant distress and anxiety due to the abusive user-generated comments underneath the story.

Given that the article published her name, age, and hometown she feared reprisals both to herself and her daughter.

Since the newspaper agreed to take down the article, IPSO terminated its investigation without making a ruling on the various allegations of breaches of the code. The Mail faced no further consequences.
In 2015, IPSO received 12,278 complaints and enquiries. In 2020, it received 30,126 – more than double the number.

Despite this substantial increase, the number of complaints upheld by IPSO barely increased at all, from 60 in 2015 to 77 in 2020.

Of the 144 complaints investigated in 2020 concerning alleged forms of privacy invasion (accounted for in the Editors’ Code across clauses 2-11), only two were upheld in full. That amounts to 1% of these complaints.

A further 25 complaints were partially upheld (in claims where more than one clause was complained of), which amounts to only 17% of these complaints.

Of all complaints IPSO investigated relating to privacy, almost 82% of these were either rejected or concluded without any IPSO ruling whatsoever.

IPSO claims to have the power to stop ‘unwanted approaches by the media’. This is untrue. Its contract with members states that privacy notices, to which IPSO are referring, ‘are non-binding and shall not restrict the freedom to publish’.

IPSO claims to be a ‘tough’ regulator that holds newspapers ‘to account for their actions’. Its chief weapon to do so is the power to impose up to £1m in fines. Yet IPSO never issued a fine. It has not even instigated the process that could lead to fines being issued – despite the fact it claims to have handled 100,000 complaints and enquiries since 2014.

IPSO promised that it would demand ‘upfront corrections and adjudications – whether editors like it or not’. It can dispense with the requirement to publish adjudications/corrections at its absolute discretion. In 2020*, no front-page corrections were requested by IPSO. By word-count, those that were published were seven times smaller than the original article. Decisions taken by IPSO in relation to remedial action are not appealable.

IPSO promised it would establish a whistle-blowers’ hotline. But journalists using the hotline are protected from disciplinary action only if their use of the hotline is ‘appropriate and proportionate’. No explanation is given of how this standard is to be understood. Its obvious ambiguity chills the strength of employment protection afforded to journalists.
IPSO has no obligation to consider let alone investigate complaints.

The evidential burden throughout the complaints process lies with the complainant. Except with matters of inaccuracy, the complainant must not only explain how they are affected by the story but also how, specifically, the story breaches the Editors’ Code of Conduct.

If the complainant is unable to produce a persuasive account, proving, to the satisfaction of the complaints committee, that a breach has occurred the complaint is rejected. This quasi-legal process is a daunting task for the non-specialist, especially when the heavy emotional burden caused by the hurt of the offending story is factored in. It is a soul-destroying process.

IPSO claims that it made arbitration (which is a low-cost method of settling legal disputes) ‘compulsory for national newspapers’ in 2018, ‘meaning anyone with a valid claim against an IPSO-regulated national newspaper can seek to resolve their dispute through the IPSO arbitration scheme’.

Yet, this is not what its membership contract says, for it categorically states that ‘no [member] shall be obliged to participate’ in arbitration.

Whilst the list of participants available on IPSO’s website contains all national newspapers, they are said there to have ‘agreed to participate’.

The Mailonline and Metro.co.uk are explicitly excluded from this list. They have refused to join the scheme. The arbitration scheme rules say only that, for the compulsory scheme, members ‘are compelled to use the Scheme on a case by case basis’. There is no explanation of what this means, or how they are "compelled".

In 2020, IPSO claimed to have received just four completed arbitration claims forms. Only one of these proceeded to arbitration. The outcome of this solitary arbitration is not recorded.
IPSO HAS FAILED

IPSO has failed to live up to its promises. It is not a tough, bold regulator that holds the press to account. It is nothing more than, as the Press Recognition Panel has put it, a trade complaints handling service, with a vested interest in serving its newspaper paymasters rather than the public.

It is sometimes said that upholding the rights of victims of press abuse through regulation is impossible because it would jeopardise press freedom; that independent regulation would chill free speech and damage, if not destroy, the public interest in a healthy press.

But the code of conduct which IPSO is tasked with enforcing is written by journalists themselves. They claim it does protect the public and uphold press freedom. If the Code is indeed sound, there can be no insidious threat to press freedom in IPSO deploying its own powers - of investigation, sanctions, and adjudicating on complaints - fairly and without the bias that clearly privileges powerful newspapers over the general public.

It is nearly 10 years since the Leveson report was published, during which time Hacked Off has documented multiple flagrant breaches of the IPSO code, and the real distress that this continuing press abuse inflicts on the lives of ordinary people. Successive governments have sat on their hands and refused to implement fully the moderate recommendations of that report. Meanwhile the press uses IPSO as its regulatory fig-leaf while remaining wholly unaccountable for the damage it causes.

It is perfectly possible to uphold the rights of press victims and make the press accountable for breaches of its own code without in any way impinging on press freedom or the absolute right of journalists to pursue vigorous, independent and accurate journalism. But it starts, as the Leveson report made abundantly clear, with a competent, effective, and independent regulator.

The findings of this report confirm that IPSO is not it.
REPORT AUTHORED BY PROFESSOR PAUL WRAGG, BASED ON RESEARCH BY DR TOM CHIVERS.

THE SUPPORTING DATA CAN BE [ACCESS HERE](https://www.hackinginquiry.org).

READ MORE AT: [WWW.HACKINGINQUIRY.ORG](https://www.hackinginquiry.org)