

Mirror, mirror on the wall; will this press arbitration scheme do any good at all?

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Once upon a time, a long, long time ago, there was an investigation into press behaviour. Lord Leveson heard from witnesses, tale upon tale of poor press conduct, and ultimately issued a plethora of sensible recommendations for press regulation with a view to ensure that the watchdog and bloodhound of society that is the press, could no longer savage the rights and reputations of the public. A Royal Charter on self-regulation of the press was set up to establish an independent recognition panel, the Press Recognition Panel, as the body to decide whether any press self-regulator meets the recognition criteria recommended in the Leveson report of independence and effectiveness. While to date, there has been no recognised regulator in sight two champions have appeared. IPSO, the Independent Press Standards Organisation, came riding to the rescue of the press like a knight on a white charger, to be applauded by vast swathes of the British press – in fact, all the sizeable publishers save the Guardian, the FT and the Independent. Others have sought a horse of a different colour to back, in IMPRESS, which says that it is 'blazing a trail for a fairer, better kind of press regulation'. But while IMPRESS has sought recognition of the PRP, IPSO has made clear that it does not intend so to do. Perhaps it is more like the evil queen in Snow White, gaining its own deluded recognition by gazing upon itself and liking what it sees. But there is a problem for IPSO, which may have prompted the dalliance with a pilot arbitration scheme. If no regulator can be found worthy of recognition, the PRP may report back to Parliament that Leveson is being ignored. The horror story for certain sections of the press would be the potential imposition of regulation via an existing tough regulator such as Ofcom. Alternatively, if its challenger IMPRESS does become recognised, there's an even starker difference between the party playing by the rules, and the other who won't even submit their work for inspection. Perhaps then, in an attempt to make itself more attractive, IPSO is seeking to associate itself with the more respectable mantle of CEDR, known for its mediation service, to run its new arbitration scheme. Applicants who participate will be bound by its decisions, and accordingly will be deprived of the right to litigate save in exceptional circumstances. There are also costs, capped at £2,800 to pay – is there a cap on damages though? The scheme will deal with the tough legal issues of defamation, privacy, data protection and harassment, rather than the more nebulous concepts contained in the current code of practice overseen by IPSO. But would a list of arbitrators be published to ensure transparency? A year down the line, we should be asking; 'Mirror, Sun and Mail on the newsagent's wall, who is the fairest press regulator of all?'. Will this scheme have made a difference? Or will the public remain misinformed and misled, savaged and abused by the worst excesses of the press, unrebuked by the regulator's hand? My money would be on this not resulting in a happy ending. Amber's views were also quoted in this [article](#) by Matthew Field at Legal Business.

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