

SCHEDULE 1

Impress: The Independent Monitor for the Press CIC Regulatory Scheme

This scheme describes how Impress will exercise the regulatory functions and powers conferred on it under the Articles. The scheme makes reference to other documents and provisions such as the Impress Standards Code, the arbitration scheme and the whistleblowing hotline. Impress may exercise its powers in response to complaints (including complaints that are withdrawn), or to information received via its whistleblowing hotline, or on its own initiative. The functions and powers may be exercised by officials or committees under a scheme of delegation, subject to the ultimate responsibility of the Impress board.

1. Eligibility Criteria

- 1.1. To become an Impress regulated member, a publisher must:
- (i) Be an individual or organisation that is legally liable for the newsgathering activities and material that it publishes.
 - (ii) Be owned and controlled by fit and proper persons.
 - (iii) Publish news-related material either in the UK, the Channel Islands, or the Isle of Man, or internationally in the English language.
 - (iv) Publish under a system of editorial control.
 - (v) Publish news-related material on a regular basis and in compliance with the requirements of the Impress Standards Code.
 - (vi) Agree to comply with the terms and conditions of the Regulatory Scheme.

2. The Code

- 2.1. Impress requires publishers to uphold and adhere to the Impress Standards Code ('The Code'). The Code applies to all newsgathering activities and published content for which members are responsible regardless of the medium or platform of publication.
- 2.2. The Code applies to the official social media accounts of publishers. It does not apply to the social media accounts of individual editors, journalists, or contributors, where those accounts are entirely separate from the publisher's official account and are not under the editorial control of a publisher.

- 2.3. Publishers may include additional requirements in their own editorial guidelines. However, Impress will only accept complaints that engage the Code. All complaints are dealt with on their own merits and are considered on a case-by-case basis. The Guidance to the Code is general and does not anticipate the facts of specific complaints. It does provide some illustrative examples of conduct that may breach the Code. Publishers should understand that nothing within the guidance prejudices the outcome of any investigation carried out by Impress.
- 2.4. If a publisher receives a complaint about user-generated content that is featured on its platform, they should assess the content at the earliest opportunity for illegal, extreme, harmful content or if it otherwise breaches the Code. If necessary, it should be moderated and removed. If the publisher does not take further action, Impress may investigate whether the content, and the publisher's response to a complaint about it, breaches the Code.

3. Internal Governance Requirements for Participating Publishers

- 3.1. Publishers (and those for whose conduct or for whose material they are legally responsible or control) are required to actively cooperate with Impress in the discharge of its regulatory functions. Amongst other requirements, this means that they should provide Impress with all the information and documentation that may be reasonably required to enable Impress to perform its regulatory functions. Publishers are required to comply with directions issued by Impress relating to this regulatory scheme.
- 3.2. Publishers are required to publicise to their employees and contributors the Impress whistleblowing hotline, and not to take any action to the detriment of anyone who uses the hotline or declines to breach the Code (when pressured by someone with editorial control). Publishers are required to provide a specific contractual right for employees to act in this way free from any sanction.
- 3.3. Publishers are required to provide Impress with a statement of the arrangements, policies and personnel they have in place to deal with complaints and ensure compliance with the Code. This includes nominating a senior individual within each title to have responsibility for legal and standards compliance, and a mechanism whereby that person is alerted as to the complaint, the name of the journalist involved and the name of the complainant at an early stage so that, where possible, the individual can pass the complaint to another person in the organisation in case of any conflict of interest. The statement of arrangements should include details of the internal authority structure: where responsibilities for Code compliance lie, to whom notice of any

failure in compliance would be reported (whether complained about or not), together with details of steps to deal with any failures in compliance. Publishers should report compliance failures of which they become aware to Impress.

- 3.4. Publishers are required to consider and take account of advice or warnings provided by Impress when individuals have made it clear privately or publicly that they do not welcome press intrusion.
- 3.5. Publishers are required to display the Impress Trustmark in a prominent position in their publications together with the words “Impress: recognised independent press regulation” and details of how to contact Impress.
- 3.6. Publishers are required to display a general mission statement on their website, which indicates their editorial values to the reader. This statement could include their philosophical, political, or ideological affiliations and how they are financed.
- 3.7. Publishers are required to publicly disclose who is responsible for, and has editorial control over, their published content.
- 3.8. Once Impress is satisfied that a publisher is compliant with the above internal governance requirements, the publisher may enter into an Impress Regulatory Scheme Agreement. The effective date of such Agreement marks the commencement of Impress’s regulatory remit and the publisher’s regulatory obligations. Impress’s regulatory remit in relation to a publisher extends to materials first published and acts occurring after its commencement.

4. Complaints handling by Participating Publishers

- 4.1. Publishers are required to maintain adequate and speedy in-house complaints procedures in relation to editorial standards that are:
 - convenient and easy to use (in particular for those that are vulnerable or have disabilities)
 - transparent, clear free, and allow complaints to be made by any reasonable means
 - well publicised via either a dedicated complaints procedure link or column (if publishing exclusively in print), and located in a clear and prominent position
 - prompt and fair, with decisions based on sufficient investigation of the circumstances, and (where appropriate) offer a suitable remedy

- 4.2. Publishers are required to provide a written or emailed acknowledgement of complaints within seven calendar days of having received a complaint. Within 21 calendar days of receipt of the complaint, they must tell complainants in a final decision letter that they have the right to refer their complaint to Impress, stating the applicable time limits and how to contact Impress.

5. Complaints Handling by Impress

- 5.1. Before accepting a complaint Impress will seek confirmation as to whether the complainant has already complained to the publisher and has either not received a substantive response within 21 calendar days of its communication, or the complainant is dissatisfied with the response.

Time limits

- 5.2. If a complainant is dissatisfied with the outcome of their complaint to a publisher, or the publisher has failed to respond, the complainant may bring their complaint to Impress.
- 5.3. A complainant may bring their complaint to Impress without waiting for the publisher's response if there is a risk of immediate harm to the complainant and the publisher has not taken prompt action to mitigate the harm.
- 5.4. A complainant must bring a complaint to Impress within four months of the first publication or the act complained of, or within four months from when the complainant should reasonably have known that there was cause for complaint and in such case not later than 12 months from the first publication or act complained of.
- 5.5. In exceptional circumstances Impress may extend a time limit to the extent that Impress considers fair.

Acceptance of complaints

- 5.6. Impress will accept complaints from a) anyone personally and directly affected by the alleged breach of the Code, b) where there is an alleged breach of the Code and there is public interest in the consideration of the complaint from a representative group affected by the alleged breach, or c) from a third party seeking to ensure accuracy of published information.

If a high volume of complaints is received about a specific issue or related issues, Impress may amalgamate these complaints and commence an investigation on its own initiative (see 6. Investigations).

5.7. Impress may refuse to accept a complaint if:

- the complaint does not engage a breach of the Code by a participating publisher; or
- the complainant has already complained about the same issue; or
- the complaint is manifestly without justification, is an attempt to argue a point of opinion rather than a Code breach, or is simply an attempt to lobby.

5.8. Impress will not accept complaints or refer to arbitration matters where the cause of a complaint is already subject to litigation. Where a matter is subject to a threat of litigation, and an application is made to Impress to stay or sist, Impress will decide the application by considering how the interests of justice and a speedy resolution would be best served.

5.9. If the complaint is not accepted, Impress will tell both the complainant and the Publisher and explain why.

6. Investigations

6.1. Impress may investigate potential Code breaches or breaches of its internal governance requirements whether in response to a complaint or not. Publishers are required to cooperate with Impress in any investigation, and to produce information and documents that Impress considers necessary.

6.2. Impress may consider launching an investigation on its own initiative if:

- it has concerns about a potentially serious or systematic breach of the Code; or
- there is a significant public interest in initiating an investigation; or
- it receives a high volume of complaints about a similar issue or related issue.

6.3. In the case of a complaint, Impress will:

- send relevant material to both parties and invite representations within reasonable stated deadlines.
- ensure that both parties have an opportunity to state their case.
- send to both parties a proposed adjudication with a time limit for response.
- consider any responses.
- after considering responses, issue an adjudication.

6.4. In the case of an initiated investigation, Impress will:

- determine whether there is a case to answer by gathering evidence, collecting statements from any affected parties, and seeking expert advice where relevant.
- communicate the case to the publisher when a formal investigation is launched, and provide them with an opportunity to respond to the concerns raised within a reasonable deadline.
- publicise the decision to launch an investigation once the regulatory committee has accepted the case and notified the publisher.
- ensure that the publisher has an opportunity to state their case
- send a proposed adjudication to the publisher with a time limit for response.
- consider any response.
- after considering any response, issue an adjudication.

6.5. Impress may require parties to produce any information or document that it considers necessary for the determination of the complaint.

6.6. Information provided by publishers and complainants will ordinarily be shared with the other party, and Impress will not ordinarily take into account any information which one party refuses to share with the other party. Exceptionally, Impress may accept information or documents in confidence (for example so that only an edited version, summary or description is disclosed to the other party) where it considers that the complaint may nevertheless be fairly determined.

6.7. A publisher, or in the case of a complaint both parties, may be required to attend an oral hearing to answer such questions as Impress may have.

- 6.8. At the conclusion of a complaint or investigation, Impress will issue an adjudication, which will take account of requests by a complainant to remain anonymous and to redact any personal information which may cause a further intrusion into privacy or cause harm or considerable distress to the complainant or a third party.
- 6.9. All adjudications will be published on the Impress website (in a redacted form, where necessary) within 7 calendar days of the conclusion of the complaint.
- 6.10. Impress will aim to complete the investigation of complaints within 42 calendar days.

7. Sanctions and Remedies

- 7.1. As a result of an investigation (whether following a complaint or otherwise), if Impress is of the view that a publisher has been responsible for serious or systemic breaches of the Code or governance requirements, it will notify the publisher of its view together with any proposed sanction, in a provisional determination. The notification will invite the publisher to respond to Impress within a period specified.
- 7.2. Impress may impose appropriate and proportionate sanctions including financial sanctions up to 1% of turnover attributable to the publication concerned with a maximum of £1m. Impress may require publishers to supply appropriate information relating to their turnover.
- 7.3. An adjudication may require appropriate remedial action and the publication of corrections and apologies. Impress may direct the nature, extent and placement of corrections and apologies. Impress will require significant inaccuracies to be corrected with due prominence, which will normally be equal prominence.
- 7.4. In considering the imposition of a sanction, Impress will take all relevant circumstances into account, including
 - the extent to which the conduct involved wrong doing/blame, recklessness or dishonesty
 - where relevant, the length of time over which the breaches occurred
 - the number or frequency and duration of the breach(es)
 - any steps taken to put things right and avoid future breaches

- whether the publisher notified Impress of the breach(es) and the extent of its cooperation
 - the need to demonstrate to society and to other publishers that Impress takes firm action in order to protect the public interest and promote regulatory compliance, and
 - the necessity to deter the publisher from future non-compliance.
- 7.5.** After considering any representations received from the publisher in response to a provisional determination, Impress may confirm or modify its view and may issue a final determination.
- 7.6.** A final determination will be published on the Impress website within 7 calendar days of its issue. All other documents and materials collected and shared during the course of investigating a complaint will be kept confidential and must not be published by any party involved in the complaint, except to the extent that disclosure may be required by a legal duty, to pursue or protect a legal right or that such documents may already be in the public domain.
- 7.7.** Receipts from financial sanctions will be held in a ring-fenced enforcement fund for the purpose of funding investigations.

8. Advisory Notice Requests

- 8.1.** Impress will accept requests from individuals who do not welcome press intrusion.
- 8.2.** Impress will consider the reasons why an individual does not welcome press intrusion by reference to the Code.
- 8.3.** Impress may issue an Advisory Notice to its publishers to give warning or advice about unwelcome press intrusion.
- 8.4.** Impress has powers to take into account failure by a publisher to respect an Advisory Notice in any subsequent investigation or adjudication by Impress.
- 8.5.** Impress will consider requests to send Advisory Notices to publishers that it does not regulate, or to request that other regulators issue Advisory Notices.

9. Arbitration

- 9.1.** Impress has an arbitration scheme. Impress may offer access to its arbitration scheme for the determination of civil claims for compensation to complainants (claimants) and publishers where a complainant requests this.
- 9.2.** Impress will only offer access to its arbitration scheme for civil claims between a claimant and a participating publisher for defamation, breach of confidence, misuse of private information, malicious falsehood, harassment or breach of The Data Protection Act. Civil claims relating to pre-publication matters which aim to prevent publication are not covered by the Impress arbitration scheme and will be directed to the courts where it is appropriate to do so.
- 9.3.** An Impress decision to offer access to its arbitration scheme will be based on an administrative assessment of whether a claim is covered by the scheme. For the avoidance of doubt, it will not be based on an assessment of the merits of a claim. When arbitration is offered, publishers will cooperate in the arbitration.
- 9.4.** An arbitration award under the Impress scheme will be published on the Impress website within 7 calendar days of its conclusion.

10. Compliance Records

- 10.1.** Impress requires publishers to maintain, in respect of each title, a written record of all complaints, to include the name and contact details of the complainant; the material or conduct in respect of which the complaint is made; and the alleged Code breach.
- 10.2.** This written record must include any steps taken by the publisher to address the complaint, and the outcome of the complaint. This record must be made available to Impress and to the public (in a redacted form, where necessary).
- 10.3.** Publishers should clearly label all articles that have been amended to correct a significant inaccuracy for as long as they continue to be published (irrespective of an Impress ruling). A significant inaccuracy may be judged by considering whether the story, taken as a whole, was likely to create a false impression. Publishers should also maintain a publicised list of all articles that have been amended to correct a significant inaccuracy on their website over a rolling 12-month period. These requirements do not supersede any directions made by Impress for corrections or apologies resulting from an investigation.

- 10.4.** Impress will publish an annual report to include details of all complaints received by Impress, including multiple complaints; articles in respect of which it has considered complaints to be without merit and those which it has considered to be with merit and the outcomes reached, in aggregate for all participating publishers and individually in relation to each title and each publisher. It will also include numbers of complaints received by publishers and their outcomes.
- 10.5.** Investigation determinations will be published on the Impress website (in a redacted form, where necessary) within 7 calendar days of the conclusion of the investigation.

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